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# House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*May 7, 2009.*

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

Rev. Michael Cummings, Burnt Swamp Association, Pembroke, North Carolina, offered the following prayer:

Blessed God and Father, eternal in majesty and glory, we are humbled to come before You in this moment of prayer. It is You that has made America a great Nation, established it in a glorious heritage of faith and freedom and compassion. We are privileged by Your presence among us.

Restore us to love and loyalty to You first. Give us the unambiguous view of Your desire that we might embrace it.

And may it please You to grant our esteemed leaders, these in whom America believes, throughout this Chamber, may they have wisdom and moral insight for complex decisionmaking in these uncertain days. May mutual respect abound among them. Bless them with agreement and solidarity in their quest for the well-being of all people. Lead us all to do what is right in Your eyes.

And may we together with these our leaders, honor You throughout this day and days without end. In the name of Christ, amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. BACA) come forward and lead the House in the Pledge of Allegiance.

Mr. BACA 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.

## WELCOMING REV. MICHAEL CUMMINGS

The SPEAKER pro tempore. Without objection, the gentleman from North Carolina is recognized for 1 minute.

There was no objection.

Mr. MCINTYRE. Madam Speaker, I have the high honor today of introducing the gentleman that just spoke as our guest chaplain, the Reverend Dr. Michael Cummings of Pembroke, North Carolina. And what an honor it is to have him open Congress on this National Day of Prayer.

Born and reared in rural Robeson County, which is also my home county, Dr. Cummings has spent a lifetime sharing the positive and powerful word of God with many. And through his ministry, Mike Cummings has made a difference in changing hearts and building a better community.

He is a graduate of Campbell University, Southeastern Theological Seminary, and a recipient of an Honorary Doctor of Divinity degree from Campbell. He has served multiple churches in southeastern North Carolina and is an instructor also at the Southern Baptist Seminary Extension Program, and now is director of missions at Burt Swamp Baptist.

Madam Speaker, truly the Nation today has had the opportunity to hear eloquent words and the keen insight of not only one of Robeson County's most respected citizens, but also a gentleman who has led the State Baptist convention. Through his words, he has left his mark here in the U.S. House, just as he has left his mark on North Carolina and our beloved home and county.

We are thrilled today also to have his family join us. We are thrilled today to have him lead us on this National Day of Prayer.

I hope also that all Members of Congress will join us for the National Day of Prayer events that are occurring as we speak in the Cannon Caucus Room today until noon.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five further requests for 1-minute speeches on each side of the aisle.

## MAKING IMMIGRATION REFORM A PRIORITY

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, this Sunday, many of us will be celebrating Mother's Day with our mothers, wives, daughters and all the wonderful women in our lives.

As we celebrate Mother's Day, let us not forget that there are thousands of children who will not be celebrating this day with their mothers. We must fix our broken immigration system that does not work, that fails our families, that leaves our children to fend for themselves.



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Every day there are thousands of heartbreaking stories of how families are torn apart due to the broken system. We must pass comprehensive immigration reform that doesn't tear children from their parents and respects all families. We must remember that immigration reform is not just about statistics and numbers, it is about families.

I urge my colleagues, the House leadership and President Obama to make immigration a priority and to work with the CHC towards comprehensive immigration reform.

I wish all mothers a happy Mother's Day this Sunday.

## ETHANOL AND THE EPA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in 1994, the EPA enacted a regulation requiring additives derived from renewable sources for our Nation's fuel supplies. This policy caused problems as corn ethanol pushed up food prices and turned out to be far less beneficial for the environment than originally thought, with some studies even concluding ethanol may be worse for the environment than gasoline.

Now, over a decade later, the EPA has ruled that Congress tasked it with regulating greenhouse gases when it passed the Clean Air Act. Without action by Congress, regulations are soon to follow. This fact is being held over our heads by some who claim it is better to let Congress regulate emissions than unelected bureaucrats. This is a false choice. The act was never intended to regulate carbon, and we can pass legislation to make that clear.

Congress should stop unelected, unaccountable bureaucrats from hurting our economy further through draconian emissions regulations without doing harm itself. There is a better way.

## SUPPORT THE MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

(Mr. WILSON of Ohio asked and was given permission to address the House for 1 minute.)

Mr. WILSON of Ohio. Madam Speaker, I rise today in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

My State of Ohio is one of the hardest hit States by foreclosures, so I know how important it is for us to pass this bill. Ohio is projected to lose 87,000 homes to foreclosure just this year. That means that more than 291,000 homes over the next 4 years will be lost. Ohio's economy will be affected by over $10.7 billion.

H.R. 1728 will help Ohio and America begin to heal. This legislation has been a long time coming. The bill will provide much-needed relief to hard-working families. It will stop bad subprime loans from being made in the first place by making sure that consumers get mortgages that they can repay. It will strengthen consumer protection against reckless and abusive lending practices.

I would like to thank Congressmen FRANK and KANJORSKI and also Congresswoman WATERS for their hard work and perseverance on this issue.

## AMERICAN CONSERVATION AND CLEAN ENERGY INDEPENDENCE ACT

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, our Nation needs an energy renaissance. We must develop a wide range of energy sources with a shared goal of reducing emissions and leaving our planet cleaner. We must have clean coal, efficient renewable energy, clean nuclear energy, and responsible use of fossil fuels.

It is time for an energy renaissance that uses American resources to create American jobs and stop spending hundreds of billions of dollars each year to OPEC. We know that building this bridge to America's clean energy future will require the largest commitment this Nation has ever seen. It is expensive, it is necessary, and it is time.

Over the past few months, I worked with my colleague, Representative ABERCROMBIE, and other Democrats and Republicans, with no members of leadership or special interests involved with us, but wrote a plan for American energy independence focusing on exploration, conservation and innovation to build this bridge to America's clean energy future. We introduced H.R. 2227, the American Conservation and Clean Energy Independence Act, which uses American resources to cut our dependence on foreign oil, clean up our air, land and water, dramatically improve energy efficiency and conservation, create millions of new jobs, fuel our economy, and do all this without raising taxes. I urge my colleagues to sign on as cosponsors of this bill.

## GOOD NEWS REGARDING THE AMERICAN RECOVERY AND REINVESTMENT ACT

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. I rise today to share good news from my district about the American Recovery and Reinvestment Act. The recovery act that Congress passed just 2 months ago is creating jobs and making smart investments.

On Monday of this week, I stood with Fox Chase Cancer Center officials in my district to announce a grant that will fund critical cancer research. Last month, the Federal Aviation Administration provided $1 million to Philadelphia's Northeast Airport. And along with Senator CASEY and Mayor Michael Nutter, I announced $13.5 million in funding to be used to better enable the Philadelphia Police Department to fight crime in the city.

Most recently, a newspaper in my district, The Northeast Times, acknowledged that the Recovery and Reinvestment Act made ''a significant addition'' by giving homeowners a $1,500 tax credit for making energy efficient home improvements. As a member of the Committee on Ways and Means, I worked to include this tax benefit.

It is good to know that enabling homeowners in my district to save energy and save money is happening today. These stories from my district show that the Democratic Recovery and Reinvestment Act is working. It is just the beginning of initiatives that we are taking with President Obama's leadership to put people back to work and invest in America's future.

## FRANK BUCKLES AND THE DOUGHBOYS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, as we approach Memorial Day, we remember our military who served our Nation. And here is one of those. This is Frank Buckles, Jr. This was recently taken.

Frank Buckles just turned 108 years old. The reason I mention Frank Buckles is because he lied to get into the Army in World War I at 15. He served in Europe. In World War II, he spent 3 years in a prisoner-of-war camp in Japan. And, today, here he is, 108.

I mention him because he is the last doughboy of World War I. Of the 4.4 million that served, Frank Buckles is it.

We have monuments on our Mall for World War II, Korea and Vietnam. But, Madam Speaker, we have no monument for those that served in World War I. America never got around to it.

It is time America gets around to building a memorial for Frank Buckles and the 4.4 million that served, and the 116,000 that never came home from World War I.

And that's just the way it is.

## RECOGNIZING THE GADSDEN HIGH SCHOOL JUNIOR ROTC

(Mr. TEAGUE asked and was given permission to address the House for 1 minute.)

Mr. TEAGUE. Madam Speaker, I rise today for the purpose of honoring the Gadsden High School Junior Reserve Officer Training Corps.

On April 18, 2009, the Gadsden JROTC competed against 32 other teams from across the great State of New Mexico at Pedro Vista High School in Farmington, New Mexico. The competition

consisted of the corps participating in air rifle, physical fitness and drill tests. Due to their discipline and commitment and dedication to their program, the Gadsden cadets bested their competition from across New Mexico for the second year in a row.

I am proud and honored today to stand on the floor of the United States House of Representatives and say something that those students certainly deserve to hear: you are again the pride of your State, and congratulations on a job well done.

## SEEKING THE BLESSING AND PROTECTION OF ALMIGHTY GOD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, the Father of our Country, George Washington, said on the occasion of the 9th of July 1776: ''The blessing and protection of Heaven are at all times necessary, but especially so in times of public distress and danger.''

Today is the 58th celebration of our National Day of Prayer. It is the day that Americans from coast to coast will set aside time to pray for this Nation, our soldiers, public safety officials and public servants, from the President of the United States to the city council.

Since first called to prayer in 1775 when the Continental Congress asked the Colonies to pray for wisdom forming the Nation, prayer has been at the center of our national life, including President Lincoln's famous proclamation for humility, fasting and prayer in 1863, through when in 1952 President Truman signed a joint resolution of Congress creating this day.

It is said in the Old Book that the effective and fervent prayer of a righteous man availeth much. What is true of man, I would say, is also true of nations.

During this National Day of Prayer, during these challenging times, let it be said again, we are a Nation of prayer.

□ 1015

## The 30TH ANNUAL BLUES MUSIC AWARDS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, my hometown of Memphis is known for music, the home of rock and roll and the birthplace of the blues. Tonight the Blues Foundation will celebrate the 30th awarding of the Blues Foundation International Awards for the greatest blues performers. B.B. King will be there, and he'll give the first B.B. King International Entertainer of the Year Award. Other performers include Bonnie Raitt, Maria Muldaur, Taj Mahal and others. In the category for Best Blues Performer of the Year, Bobby Rush is nominated, not our Bobby Rush but the Bobby Rush of blues fame also from Chicago.

Memphis is proud to have a great musical heritage and we will celebrate it and enjoy it tonight. I encourage everybody to enjoy the blues. In this economy, they are more relevant than ever, unfortunately, Madam Speaker.

## ISRAEL THREATENED BY IRAN

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Madam Speaker, as Congress commemorates the 61st anniversary of the independence of Israel, I rise to express my deep concern that the future of this nation is gravely threatened by Iran's pursuit of nuclear weapons.

Iran's radical regime only desires the demise of Israel and longs for regional dominance. It is now on the cusp of acquiring the weapons needed to potentially achieve both.

Nations that value liberty and peace must stand strongly against Iran's dangerous behavior. The United States must confront this looming crisis with resolve and strength.

I have cosponsored the Iran Sanctions Enabling Act, which would significantly undermine Iran's lucrative energy sector. Congress should pass this legislation and show our steadfast support for Israel.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 406 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 406

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes. No general debate shall be in order pursuant to this resolution. The bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 406.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. Madam Speaker, I yield myself such time as I may consume.

House Resolution 406 provides for consideration of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, under a structured rule. The rule makes in order 14 amendments, which are listed in the Rules Committee report accompanying the resolution. Five Republican amendments, eight Democratic amendments, and one bipartisan amendment have been made in order. Each amendment is debatable for 10 minutes, except the manager's amendment, which is debatable for 30 minutes. The rule also provides for one motion to recommit with or without instructions.

Finally, I would like to take a moment to make a clarification regarding the description of one of the amendments that has been made in order under the rule, specifically amendment No. 2 by Chairman FRANK. The Rules Committee report inadvertently listed a description from an earlier version of this amendment. The amendment was later modified, but the change to the description was not updated. I want to emphasize that the actual amendment text which was made in order is correct.

Madam Speaker, I ask unanimous consent to submit for the RECORD the correct description for the Frank amendment listed as No. 2 in the Rules Committee report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Corrected description for the Frank amendment No. 2 listed in the Rules Committee report:

2. Frank—would provide that no funds in this bill for legal assistance or housing counseling grants may be distributed to any organization which has been or which employs an individual who has been convicted for a violation under Federal law relating to an election for Federal office,

Mr. CARDOZA. Madam Speaker, as we all know, our country is at a significant crossroads, the likes of which we have never known. Businesses continues to shed payroll, job losses continue to mount, and hardworking families across America continue to struggle.

Many economists have correctly stated that the foreclosure crisis is the root of our economic meltdown, and I firmly believe that until the housing market is stabilized, the economy will continue to worsen and people will continue to spend less, more businesses will shut their doors, and mass layoffs will further spread.

Until that happens, however, more and more American families are at risk of losing their homes. In the first quarter of 2009, more than 800,000 mortgage loans entered into the foreclosure process, with over 340,000 in March alone. Both are record highs, which goes to show that the foreclosure crisis is far from over.

I can personally attest to the damage the foreclosure crisis has left in its wake and the long effects it will have into the future. I have the honor of representing California's 18th Congressional District, which encompasses the San Joaquin Valley, but today my district is suffering like no other. My district has the highest rates of foreclosure in the Nation and a loss of 70 percent of home equity over the last 3 years. And with each passing month, it seems that the numbers are worsening.

As a result of the rampant foreclosures in my district, once vibrant neighborhoods have become vacant yards overgrown with weeds, and houses are crumbling from vandalism and disrepair. Swimming pools are abandoned at these houses and have become havens for mosquitos. Crime and vandalism are on the rise in what were previously safe neighborhoods.

Yet that's not all. Home values in surrounding areas are also beginning to plummet, and what started out as a foreclosure crisis in my district is quickly spinning out of control, creating economic disasters. In many parts of my district, they now face unemployment rates of over 20 percent. Small businesses and neighborhood restaurants which were once packed with customers are now almost empty and are shutting their doors at alarming rates. Our longest-serving community bank was swept up in the foreclosure crisis and recently closed. On top of that, my dairy farmers are in crises and we have one of the worst droughts in the country.

Madam Speaker, as I have been saying for quite some time, the devastation that has hit my district is massive and widespread and is somewhat similar to what Katrina left behind, only it was not caused on a single day by an extreme event but over the course of weeks, months, and years.

Long after the foreclosure crisis has come and gone, the Central Valley will continue to cope with the aftermath of this economic devastation for many years to come. My district and our Nation will not overcome this crisis overnight, and it will take unprecedented action to help us rebuild and recover.

Congress has taken several important steps and actions not just to combat this crisis but to ensure a housing crisis of this magnitude will never happen again. The bill before us today is one more step in that direction.

Some say the foreclosure crisis can be traced back to the rapid increase in subprime mortgages and risky underwriting practices, most of which were made with no Federal supervision. Many of the families targeted by subprime lenders were, in fact, low-income families with poor credit histories who felt this was the only opportunity for them to achieve the American Dream. They were lured into low ''teaser'' introductory interest rates which morphed into loans which they had little chance of repaying once rates increased, starting the uptick in the foreclosure market.

H.R. 1728 is aimed at preventing these predatory practices in the future. Among other things, H.R. 1728 requires lenders to prove borrowers can actually repay their loans in order to ensure that vulnerable consumers aren't pressured into loans at terms that they can't meet. It eliminates incentives to steer consumers into high-cost loans. It also provides much-needed regulation of the lending industry.

H.R. 1728 is not a cure for the foreclosure crisis, but it is an important component in eliminating the unscrupulous practices that ran amok and helped lead the collapse of the housing market.

I want to thank Chairman FRANK for once again bringing this bill forward and for his continued commitment to turning the tide on our Nation's foreclosure crisis. I want to take this opportunity to thank Chairman FRANK for working with me to insert language into the manager's amendment of this bill that would create and make publicly available a national database of foreclosure and default statistics, which we don't currently have. The Federal Government keeps track of many economic indicators, including home price declines and unemployment, but right now there is no government agency that keeps tabs on defaults and foreclosure rates.

As the foreclosure crisis has taught us, foreclosure and default rates are critical statistics not only for monitoring the Nation's economy but also for determining which areas of the country have been hardest hit in the downturn. My amendment calls on the Secretary of HUD to create this database so that the Federal Government and Congress can better detect and assess the housing crisis so that we can respond in a timely and targeted manner.

Again, I thank Chairman FRANK for incorporating my amendment, and I ask my colleagues on both sides of the aisle to support the manager's amendment and the underlying billing so we can stop predatory lending and establish a federally maintained database on foreclosures and defaults.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I yield myself such time as I may consume.

I rise today in opposition to this rule and to the underlying legislation. This structured rule does not call for the open, honest debate that has been promised by my Democrat colleagues time and time again; yet here we are again discussing the mortgage reform bill for the second day.

It is essential to provide for more transparency and accountability in the lending process, but there is also a laundry list of important issues that face this Congress. And all this week we will have but one bill on the floor of the House of Representatives to debate. I think that's unfair to the American taxpayer when there is much work to be done.

Today not only will we be discussing the flawed underlying legislation, which is already addressed in Federal statute, as we spoke about yesterday being on the floor, that Federal Reserve has already issued the rules and regulations as a result of feedback from industry last year, but what we are here to do is to try to redo that to put the majority's mark on that legislation, which already takes care of the problem.

But this legislation that we're going to handle again today limits choice, reduces credit, and increases costs to consumers and taxpayers at a time when the effort should be about making home mortgages more reliable, least cost conscious, and making sure that consumers would be able to have an opportunity to have a chance to have a home. But what we are going to do is, by allowing a patchwork of State laws to confuse the system, we are going to now create qualified mortgages which require lenders to hold 5 percent credit and creates a $140 million slush fund for trial lawyers. So what we are going to do is limit choice, reduce credit, and increase costs, and make sure now there is a slush fund for trial lawyers to sue the same companies that we were trying to encourage

to lend to the marketplace so people could have money.

□ 1030

Madam Speaker, you will also hear about the amendments that our Democrat majority has made in order and failed to make in order today, no matter how substantive those amendments were.

We have heard the number of amendments that were made in order. My good friend knows that there were about 20 Democrat amendments that were put into the manager's amendment. So the 8–5 ratio is a little bit deceptive. It should be 8 plus 20, it's 28 versus 5 Republican amendments.

I offered two amendments in the Rules Committee last night, and both were struck down on party line vote—I guess that's no surprise. One was to limit trial lawyers access to taxpayer funds, and one was to ensure organizations like ACORN or any organization that receives money from the Federal Government, are more transparent and accountable with any government funds they receive.

At the end of 2007, the Board of Governors of the Federal Reserve undertook careful review of the abuses in the mortgage process system, and they took public comments, held public hearings across the country. And after careful deliberations, they finalized new comprehensive mortgage rules. These rules are going to take effect 5 months from now in October.

So not only are we spending all of 1 week on one piece of legislation, but the necessary regulations already exist in Federal statutes, and companies all across this country are already aiming at implementing those rules and regulations being ready for October.

This legislation fails to address the uneven patchwork of state mortgage lending laws and leaves lenders and consumers with unfair and confusing laws where the costs will ultimately be borne by customers. While this legislation attempts to establish is a new class of loans called qualified mortgages which will enjoy safe harbor and exemption from further restrictions in this bill, this will ultimately limit consumer choice on mortgages and unduly burden the mortgage industry, essentially excluding numerous safe and affordable mortgage products that serve and have been good to borrowers as well.

Madam Speaker, the Democrats are here today to say that they are on the side of the consumer and the borrower, even if it limits choices and raises interest rates for every single consumer that chooses to use this avenue to buy a home. Mr. Michael Menzies, on behalf of the Independent Community Bankers Association, in committee hearings on April 23, 2009, stated, ''Lots of this legislation simply increases our cost of doing business rather than helping us do a better job with our customers.''

Another regulation that will narrow choice, lessen credit and increase costs for borrowers and taxpayers is the lender risk retention provisions requiring lenders to retain at least 5 percent of the credit risk presented by all loans that are not deemed qualified mortgage. While I do believe that it is important to have some ownership in your investments, these far-reaching requirements would make it impossible for many lenders to operate, especially small and local lenders.

With the current economic crisis and all the efforts to inject capital into the financial services sector, why would we want to limit the use of capital and threaten to further impair banks' abilities to lend? Madam Speaker, this is not a solution for the ailing economy.

In addition, this legislation directs HUD to establish a brand-new $140 million slush fund for legal organizations to provide a full range of foreclosure-related services. Madam Speaker, my friends on the other side of the aisle actually take these steps simply to fund trial lawyers in this legislation.

If this doesn't force a flood of litigation, I really don't know what will. And Margot Saunders of the National Consumer Law Center, a consumer-advocate organization, said on April 23, 2009, in the Financial Services hearing, ''We have tried to propose repeatedly that you draft a simple bill that creates market-based incentives for enforcement rather than litigation opportunities,'' and I might say, which is full in this bill.

In other words, what we are doing is looking for paying lawyers to come and do what we should do here in this body with thoughtful, honest, straightforward legislation, which is why I offered an amendment in the Rules Committee last night, that of course was defeated on a party-line vote.

Madam Speaker, I include the amendment in the RECORD.

AMENDMENT TO H.R. 1728, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

After section 220 insert the following new section:

**SEC. 221. LIMITATION ON ATTORNEY'S FEES.**

Section 130 of the Truth in Lending Act (as amended by section 211) is further amended by adding at the end the following new subsection:

''(l) CERTAIN ATTORNEY'S FEES.—With respect to any action brought under this section based on a right of action created by amendments made to this title by the Mortgage Reform and Anti-Predatory Lending Act—

''(1) the award of attorney's fees shall be limited to a reasonable hourly fee, as determined by the court; and

''(2) a person may not enter into a contingency fee agreement with an attorney to bring such an action.''.

This amendment would limit attorneys' fees for filing a right of action created by this legislation to ensure the borrower or victim of predatory lending, not trial lawyers, are fairly compensated for their hassle.

Madam Speaker, a month ago Congress took great strides to protect taxpayers from executives getting bonuses from TARP money. Yet today here we are allowing trial lawyers to seek compensation from the same banks that received TARP funding. I stand here today for the American taxpayer, not the trial lawyers or special interest groups, like my friends, obviously, on the other side.

Madam Speaker, I offered a second amendment in the Rules Committee yesterday, which I would submit for the RECORD.

AMENDMENT TO H.R. 1728, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS

After section 407, insert the following new section:

**SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR CERTAIN GRANT RECIPIENTS.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following:

''(i) ACCOUNTABILITY FOR COVERED ORGANIZATIONS.—

''(1) TRACKING OF FUNDS.—The Secretary shall—

''(A) develop and maintain a system to ensure that any covered organization (as such term is defined in paragraph (3)) that receives any grant or other financial assistance provided under this section uses such amounts in accordance with this section, the regulations issued under this section, and any requirements or conditions under which such amounts were provided; and

''(B) require any covered organization, as a condition of receipt of any such grant or assistance, to agree to comply with such requirements regarding assistance under this section as the Secretary shall establish, which shall include—

''(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the assistance to the covered organization to ensure compliance with the limitations and requirements of this section and the regulations under this section; and

''(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(2) MISUSE OF FUNDS.—If any covered organization that receives any grant or other financial assistance under this section is determined by the Secretary to have used any such amounts in a manner that is materially in violation of this section, the regulations issued under this section, or any requirements or conditions under which such amounts were provided—

''(A) the Secretary shall require that, within 12 months after the determination of such misuse, the covered organization shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use. The remedies under this clause are in addition to any other remedies that may be available under law; and

''(B) such covered organization shall be ineligible, at any time after such determination, to apply for or receive any further grant or other financial assistance under this section.

''(3) ORGANIZATIONS.—For purposes of this subsection, the term 'covered organization' means—

''(A) the Association of Community Organizations for Reform Now (ACORN); or

''(B) any entity that is under the control of such Association, as demonstrated by—

''(i)(I) such Association directly owning or controlling, or holding with power to vote, 25 percent or more the voting shares of such other entity;

''(II) such other entity directly owning or controlling, or holding with power to vote, 25

percent of more of the voting shares of such Association; or

''(III) a third entity directly owning or controlling, or holding with power to vote, 25 percent or more of the voting shares of such Association and such other entity;

''(ii)(I) such Association controlling, in any manner, a majority of the board of directors of such other entity;

''(II) such other entity controlling, in any manner, a majority of the board of directors of such Association; or

''(III) a third entity controlling, in any manner, a majority of the board of directors of such Association and such other entity;

''(iii) individuals serving in a similar capacity as officers, executives, or staff of both such Association and such other entity;

''(iv) such Association and such other entity sharing office space, supplies, resources, or marketing materials, including communications through the Internet and other forms of public communication; or

''(v) such Association and such other entity exhibiting another indicia of control over, control by, or common control with, such other entity or such Association, respectively, as may be set forth in regulation by the Corporation.''.

This amendment would have ensured that ACORN and any organization affiliated with ACORN would need to provide more transparency with the Federal funds they received through this legislation and all housing and urban development grants. The amendment would have required them to submit a report on what they spent those taxpayer dollars on and, if they were used improperly, they would be forced to repay funds and would be banned from any future grants in the future. Yet, my friends on the other side of the aisle, once again, chose to side with special interests instead of the American taxpayer, and the amendment failed.

After a conversation with Chairman FRANK and his statement to the Rules Committee Tuesday afternoon, my impression was that the chairman supported transparency and would be inclined to support and include any disclosure amendments in the manager's amendment. Unfortunately, since my amendment was too specific, it was not included, even though it simply asked for the same transparency with government funds that Congress has asked our financial institutions to provide.

Even with the recent news reports of two senior employees of ACORN in Nevada that were charged in 26 counts of voter fraud, my Democratic colleagues still voted against my amendments.

Madam Speaker, I have an Associated Press article dated May 5, 2009, of this week, which I submit for the RECORD.

[From the Associated Press, May 5, 2009]

NEVADA CHARGES ACORN ILLEGALLY PAID TO SIGN VOTERS

(By Ken Ritter)

LAS VEGAS—Nevada authorities filed criminal charges Monday against the political advocacy group ACORN and two former employees, alleging they illegally paid canvassers to sign up new voters during last year's presidential campaign.

ACORN denied the charges and said it would defend itself in court.

Nevada Attorney General Catherine Cortez Masto said the Association of Community Organizations for Reform Now had a handbook and policies requiring employees in Las Vegas to sign up 20 new voters per day to keep their $8- to $9-per-hour jobs.

Canvassers who turned in 21 new voter registrations earned a ''blackjack'' bonus of $5 per shift, Masto added. Those who didn't meet the minimum were fired.

''By structuring employment and compensation around a quota system, ACORN facilitated voter registration fraud,'' Masto said. She accused ACORN executives of hiding behind and blaming employees, and vowed to hold the national nonprofit corporation accountable for training manuals that she said ''clearly detail, condone and . . . require illegal acts.''

Nevada Secretary of State Ross Miller emphasized the case involved ''registration fraud, not voter fraud,'' and insisted that no voters in Nevada were paid for votes and no unqualified voters were allowed to cast ballots.

Law enforcement agencies in about a dozen states investigated fake voter registration cards submitted by ACORN during the 2008 presidential election campaign, but Nevada is the first to bring charges against the organization, ACORN officials said.

ACORN has said the bogus cards listing such names as ''Mickey Mouse'' and ''Donald Duck'' represented less than 1 percent of the 1.3 million collected nationally and were completed by lazy workers trying to get out of canvassing neighborhoods. The organization has said it notified election officials whenever such bogus registrations were suspected.

ACORN spokesman Scott Levenson denied the Nevada allegations on behalf of ACORN, which works to get low-income people to vote and lists offices in 41 states and the District of Columbia. He blamed former rogue employees for the alleged wrongdoing.

''Our policy all along has been to pay workers at an hourly rate and to not pay employees based on any bonus or incentive program,'' he said. ''When it was discovered that an employee was offering bonuses linked to superior performance, that employee was ordered to stop immediately.''

Levenson said the two former ACORN organizers named in Monday's criminal complaint—Christopher Howell Edwards and Amy Adele Busefink—no longer work for ACORN and would not be represented by the organization.

Edwards, 33, of Gilroy, Calif., and Busefink, 26, of Seminole, Fla., could not immediately be reached for comment.

Masto identified Edwards as the ACORN Las Vegas office field director in 2008, and said timesheets indicate that ACORN corporate officers were aware of the ''blackjack'' bonus program and failed to stop it. The attorney general said Busefink was ACORN's deputy regional director.

The complaint filed in Las Vegas Justice Court accuses ACORN and Edwards each of 13 counts of compensation for registration of voters, and Busefink of 13 counts of principle to the crime of compensation for registration of voters. Each charge carries the possibility of probation or less than 1 year in jail, Masto said.

A court hearing was scheduled June 3 in Las Vegas, prosecutor Conrad Hafen said.

This article states that ACORN has been investigated by dozens of States regarding fake voter registration cards. Nevada is the first State to bring charges against ACORN for illegally paying canvassers. Nevada's attorney general states that not only was ACORN's field director intimately involved, but the time sheets indicate that ACORN corporate officers were aware of the bonus programs and failed to stop it. Since the beginning of Congress, it has been a congressional priority to provide for the appropriate accountability and transparency in all aspects of the private markets, but my friends in the Democrat majority refused the same accountability for ACORN.

Madam Speaker, I strongly believe that the American public deserves more and better from elected officials. This legislation falls extremely short of providing any positive outcomes to our current economic problems. In fact, I believe that this will only hurt future borrowers in finding a product that fits their needs.

Americans pride themselves on the availability of free market and choice, and yet, today, Congress will pass legislation that limits choice, raises interest rates and increases costs for all Americans, while endorsing special interests and rewarding trial lawyers and irresponsible groups like ACORN.

Madam Speaker, I encourage my colleagues to vote against this rule.

I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I would just respond briefly on a couple of points and say that the gentleman continues to advocate for the policies that got us into this crisis. And, in fact, we need to regulate this industry, not because all mortgage bankers are evil; they are not. There are some very good ones. But the few have caused significant pain to both the economy, to our Federal Treasury and to individual homeowners.

Mr. FRANK has designed a 5 percent solution that, in fact, I believe keeps the mortgage bankers with having skin in the game, so that they can't just sell off these loans, give bad ones and absolve themselves of responsibility and let the problem fall on the taxpayers.

Madam Speaker, I yield 3 minutes to the gentlewoman from California, my colleague on the Rules Committee, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from California for yielding me time.

Madam Speaker, I rise today in support of the rule and the underlying legislation, the Mortgage Reform and Anti-Predatory Lending Act of 2009.

The subprime housing crisis is the root cause of the current economic recession. It has led to the collapse of our financial system, increasing unemployment, and a housing and credit crisis. Even more so, it has had a devastating effect on our families, our neighbors and our communities.

My home district of Sacramento ranks among the hardest-hit areas in the country. I have heard countless stories from my constituents who have been victims of predatory lending and were steered into high-cost bad loans.

Now, many of these homeowners are seeking assistance and modifying their loans to more affordable loan terms. Yet many of these individuals are now

being tripped by scam artists posing as so-called foreclosure consultants.

As such, I have an amendment that has been included in the manager's amendment, and I thank the chairman very much for including this. This amendment directs the GAO to conduct a study of current government efforts to combat fraudulent foreclosure rescue and loan modification scams and to educate consumers of these scams.

I will also soon be introducing legislation to direct the FTC to use its authority to initiate a rulemaking process relating to unfair or deceptive practices and foreclosure rescue. Madam Speaker, these harmful activities must end. This bill is a step in the right direction.

The bill establishes standards for home loans, while holding lenders and brokers accountable. It also prevents lenders and brokers from steering future homeowners to high cost, subprime loans just to make a quick extra buck.

Madam Speaker, Congress needs to be a partner with the communities in which we serve. We must continue to work together to find a comprehensive strategy that will protect our homeowners.

Mr. SESSIONS. Madam Speaker, we began this debate and discussion yesterday where we were trying to talk about the impact of this bill and what feedback would come as a result of hearings that Chairman FRANK did have, and one of them, one of the outcomes of that, was a letter dated May 5, 2009. The letter comes from the Mortgage Bankers Association, one of the primary impacting organizations and, certainly, they are there in communities to serve on behalf of the American people for people's housing needs.

Madam Speaker, I would submit for the RECORD a letter that was sent to Speaker PELOSI and Leader BOEHNER about their feedback about this legislation.

MORTGAGE BANKERS ASSOCIATION,
*Washington, DC, May 5, 2009.*

Hon. NANCY PELOSI,
*Speaker of the House, U.S. House of Representatives, Washington, DC.*

Hon. JOHN BOEHNER,
*Republican Leader, U.S. House of Representatives, Washington, DC.*

DEAR SPEAKER PELOSI AND LEADER BOEHNER: On behalf of the 2,400 members of the Mortgage Bankers Association (MBA), we are writing with regard to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, a bill the House is scheduled to consider later this week.

Congress is facing a once-in-a-generation opportunity to improve the mortgage lending process. If carefully crafted, improved regulation is the best path to restoring investor and consumer confidence in the nation's lending and financial markets and assuring the availability and affordability of sustainable mortgage credit for years to come. At the same time, if regulatory solutions are not well conceived, they risk exacerbating the current credit crisis.

While we applaud the comprehensive nature of H.R. 1728, we believe this legislation misses the opportunity to replace the uneven patchwork of state mortgage lending laws with a truly national standard that protects all consumers, regardless of where they live.

MBA is also concerned with the bill's requirement that lenders retain at least five percent of the credit risk presented by nonqualified mortgages. While this provision was improved by the Financial Services Committee, it will still make it highly problematic for many lenders to operate, particularly smaller non-depositories that lend on lines of credit. It will also necessitate that larger lenders markedly increase their capital requirements. Both results will narrow choices, lessen credit, and force an inefficient use of capital at the worst possible time for our economy.

Finally, MBA believes the bill's definition of ''qualified mortgage'' is far too limited and will result in the unavailability of sound credit options to many borrowers and the denial of credit to far too many others. We urge the House to expand the definition and to provide a bright line safe harbor so that if creditors act properly, they will not be dogged by lawsuits that increase borrower costs.

MBA would like to commend the House for the priority it has given to reforming our mortgage lending process. It is imperative that we continue to work together to stabilize the markets, help keep families in their homes and strengthen regulation of our industry to prevent future relapses.

Sincerely,

JOHN A. COURSON,
*President and Chief Executive Officer.*

DAVID G. KITTLE, CMB,
*Chairman.*

Madam Speaker, what this says is that not only are they concerned about this legislation, but they say that this will result in narrow choices, lessening credit and force an inefficient use of capital at the worst possible time for our economy.

So the feedback that came directly to Members of Congress from people representing those that are in the business that have come face-to-face with consumers every day and who understand the needs of the marketplace, point blank have said narrow choices, which means fewer people will have fewer choices that are available to them, lessen credit, which means that there will be less money that is available in the marketplace for people to come and get a loan, and it will force an inefficient use of capital at the worst possible time for our economy.

□ 1045

Madam Speaker, I do understand that in Washington we're smarter than everybody else on a regular basis, but it seems like, to me, that the people who are providing the feedback, who really are with consumers and are trying to provide a product, that we would listen to them and attempt to change the bill. That's not what happened.

So the mortgage bankers are here saying, We have got a problem with the legislation that we're trying to pass today. One would think that Members of Congress would listen and reject this bill.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentlewoman from California (Ms. MATSUI) will control the time.

There was no objection.

Ms. MATSUI. Madam Speaker, I yield 3 minutes to my colleague on the Rules Committee, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. I rise in support of the rule, and ask my colleagues to join me in voting ''yes'' on the rule and the underlying bill.

I'd like to thank my colleagues, Representative MILLER, Representative WATT, and Representative FRANK, for their instrumental role in bringing this package on mortgage lending reforms to the floor, as well as the committee staff that worked tirelessly on this bill.

In Colorado and across the country, we have seen the house of cards built by Wall Street collapse onto Main Street. Hungry commodities traders needed a constant supply of raw materials—namely, new mortgages—to be cut up, bundled together, and shipped out to keep Wall Street executives flush in commissions. But these exotic loans turned into a very common problem for our communities, as risk was outsourced.

''Volume and profit at all cost'' became the paradigm, and production, regardless of quality, was rewarded handsomely. With the knowledge that someone else would be responsible, lenders abandoned prudent underwriting standards, knowing they could sell the loan to someone else before the ink even had a chance to try.

We frequently hear about homeowners who bought more than they could afford, but predatory lenders set their sights on a wide range of prey, including low-income families, minorities, and the elderly. People who had considerable equity in their home were deceived into refinancing with an ''offer you can't refuse.''

As these poisonous loans reset, families lost a lifetime of equity to foreclosures. In Adams County, which I have the honor of representing, predatory lenders preyed on minorities and low-income families and turned once-thriving working class communities into a sea of foreclosure signs.

Clearly, losing a home is a traumatic experience for a family, but foreclosure has a broader negative impact on the entire community. Foreclosures drive down the value of other properties, resulting in declining revenues for local governments. Municipalities are forced to provide fewer services and even take police off the streets or teachers out of the classroom.

A mortgage is a private agreement between a borrower and a lender. However, the potential for disastrous and systemic impacts on communities when these deals go bad is, unfortunately, all too clear. Therefore, it is the obligation of Congress to ensure that these loans are made with the highest ethical standard.

The Mortgage Reform and Anti-Predatory Lending Act will give consumers the confidence to return to the marketplace and bring much needed stability to the lending industry.

Madam Speaker, the majority of the lending industry has learned that being on the side of customers is best for the bottom line. Lenders who are doing the right thing by their customers need more than recognition; they need tools to do more.

I would like to thank the committee and Chairman FRANK for accepting my amendment that will allow lenders to give additional weight to their customers' mortgage payment history when refinancing loans.

If a family is struggling due to reduced income, unexpected health care costs, or the rising cost of education for their children, the last thing they need is to add foreclosure to the list of their problems.

Too often, hardworking American families who pay their mortgages are turned away because credit blemishes in other areas prevent them from refinancing their hybrid loan. My amendment would give banks the option of considering their payment history with their bank in establishing the terms for resetting a mortgage.

Lenders know that preventing foreclosure is in their best interest. Allowing lenders to refinance hybrid loans would help families stay in their homes.

I urge a ''yes'' vote on the bill and the rule.

Mr. SESSIONS. Madam Speaker, at this hearing that was held about this bill, a lot of feedback was provided by the marketplace—people who were impacted the most; people who every day are in front of lenders and trying to get people in homes.

Part of the feedback was provided from the American Bankers Association. I'd like to insert into the RECORD a letter related to that meeting and this legislation.

AMERICAN BANKERS ASSOCIATION,
*Washington, DC May 6, 2009.*

To: Members of the House of Representatives.

From: Floyd E. Stoner, Executive Vice President, Government Relations and Public Policy.

Re: H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009.

I am writing on behalf of the members of the American Bankers Association regarding H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act of 2009, which the House of Representatives is scheduled to consider beginning on Wednesday, May 6, 2009.

H.R. 1728 is far-reaching legislation designed to prevent a recurrence of the problems in the subprime market that have harmed many American homebuyers. We appreciate that this legislation seeks to address the source of most of these problems, the loosely regulated and largely unexamined mortgage originators operating outside of the regulatory structure within which federally insured depository institutions function.

However, we are concerned that this major legislation can have a negative impact on both insured depository institutions and credit-worthy borrowers seeking to buy homes—impacts which have the potential to impair economic recovery. In considering any new legislation, it is critical to recognize the significant regulatory and structural changes that are already underway in the mortgage industry that will provide much greater protections to consumers. It is essential to recognize that the further changes proposed in H.R. 1728 will be cumulative to the changes already being implemented under revisions to Truth in Lending Act, Real Estate Settlement Procedures Act, and Home Mortgage Disclosure Act regulations.

We have worked with the Financial Services Committee and are pleased that a number of concerns were addressed either prior to, or during, Committee consideration of the legislation.

While we greatly appreciate the comprehensive, inclusive consultation that has gone into the drafting process so far, and the desire to avoid unduly restricting credit, we remain concerned that the bill still, in our view, needs serious work.

We plan to work with the Congress as the legislation moves forward to clarify additional areas of concern. To that end, we offer the following comments.

Safe harbor: The legislation creates a category of ''qualified mortgages'' which are given a safe harbor from the expanded liability of the legislation. ''Qualified mortgages'' are also exempt from certain other key restrictions in the bill, including the risk retention requirements. While the very narrow safe harbor included in the original bill has been expanded beyond just 30 year fixed rate loans, we are concerned that it is still far too narrow. An amendment adopted during Committee consideration of the bill expanded the safe harbor to include fixed rate loans of terms other than 30 years, as well as some adjustable rate mortgages. However, the language on adjustable rate mortgages (ARMs) remains too restrictive. To qualify for the safe harbor, ARMs would have to be underwritten to the maximum rate possible during the first seven years of the loan.

Consider the example of a five year ARM with the initial rate set at 5 percent and with caps on increases in later years set at 2 percent per year. Under the pending bill, this loan would have to be underwritten at a rate of 9 percent (because in the seventh year of the loan the rate could—but by no means is likely—to go to 9 percent for that year). In this instance, even though the borrower could not pay more than 5 percent for the first five years of the loan, and not more than 7 percent in the sixth year, they would have to be able to afford the loan at 9 percent for all seven years in order to qualify. This will shut the door to affordability to many borrowers. We strongly recommend that this provision be altered to reflect a more realistic underwriting standard.

Similarly, we are concerned that to be included in the safe harbor, loan points and fees must be limited to not more than 2 percent of the loan amount. The bill should be clarified to ensure that bona fide discount points paid by a borrower to reduce the interest rate on a loan are not included in this calculation. The relevant threshold in this instance should be the annualized percentage rate (APR) as currently defined in regulation implemented pursuant to the Truth in Lending Act. We also believe that the 2 percent cap should not be statutory, but instead should be determined by the federal bank regulators to accommodate small dollar loans which may carry fixed fees taking the loan beyond a 2 percent cap. The bank regulators are better suited to determining the appropriate cap on fees paid in association with different loan products.

Risk retention: We are pleased that the bill was modified during Committee consideration to provide the bank regulatory agencies with the authority to exempt loans (beyond those exempted under the safe harbor) from the 5 percent credit risk retention provisions of the bill. While this expanded regulatory discretion is a step in the right direction, we remain firm in our conviction that federally regulated and examined insured depository institutions should be exempt from risk retention requirements. Insured depositories already have significant risk retention—and the capital to back that risk. Loans sold by insured depositories into the secondary market frequently include recourse agreements, so that if there is an underwriting or other error or omission, the depository can be forced to buy the loan back. Again, because insured depositories have strong capital positions, they can and do buy back recourse loans. The same cannot be said of other lenders who lack capital. For these lenders, greater risk retention is needed. For insured depositories, it is not. We recommend excluding insured depositories from the risk retention provisions of the bill.

Uniform national standards: We are gravely concerned with the enforcement provisions of the bill, especially in light of an amendment adopted in Committee which would grant state attorneys general enforcement authority over the Truth in Lending Act provisions added by the bill. The current language of the bill will lead to conflicting enforcement actions between state attorneys general and federal banking regulators. It will cause confusion to consumers and lenders alike and will generally undermine the regulatory framework for mortgage lending in the nation. A confusing enforcement scheme is likely to harm borrowers and provide the unscrupulous with new opportunities. At a minimum, we urge you to adopt clarifying provisions which would give the federal banking regulators notice of a state attorney general's intention to act, and allow the federal regulator a reasonable time to act before the state is allowed to do so. Such a framework is needed to bring order and clarity to the process.

We anticipate a number of amendments during floor consideration. As a general rule, we oppose amendments which would increase regulatory burden on banks and their employees, and support amendments which recognize the role that regulated, insured, and examined institutions play in protecting consumers' interests and in providing products and services which benefit our national marketplace.

We appreciate the working relationship that has been established between the Members of the Committee and all interested parties, and we shall continue working with Members of Congress as this legislation moves through the legislative process.

This letter goes to all Members of the House of Representatives. So each of my colleagues openly received a copy of this. It is from Floyd Stoner, executive vice president with the American Bankers Association.

Here is what their conclusions are after seeing the legislation. They are ''concerned that this major legislation can have a negative impact on both insured depository institutions and creditworthy borrowers seeking to buy homes—impacts which have the potential to impair our economic recovery.''

So what the American Bankers are saying is that the answer, the antidote, the medicine that now-Speaker PELOSI is coming up with will actually have the potential to impair economic recovery.

So every single Member of Congress got this letter. We will find out today what their views are. But the American

Bankers Association also said, and pretty much ends their letter by saying: ''The bill still, in our view, needs serious work.''

We should reject this bill. We should understand that the people who are engaged in trying to make sure people have loans and are worried about our economy are saying it not only has the potential to impair economic recovery, but the bill needs serious work.

I reserve the balance of my time.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. CARDOZA) controls the time again.

There was no objection.

Mr. CARDOZA. I would just reply to the gentleman from Texas that I anticipate that this bill will get wide bipartisan support. So we will in fact see if it does and see who comes forward and supports this bill further today.

Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. Thank you to the chairman of the committee and the sponsor of the bill for this very important piece of legislation.

I hear with dismay, Madam Speaker, the other side, the Republican minority, suggest that we are moving too quickly on this bill. Now, predatory lending legislation was introduced in this House in 2000, and in 2001 and 2002, and a version of this bill was introduced in 2003. And then they failed to consider it in 2004, in 2005, in 2006—all years when the Republican majority controlled this body.

They decided that it wasn't necessary to address predatory lending legislation, that everything was just fine; that the markets would regulate themselves; that, for some reason, these individuals that were preying upon our poorest citizens, these individuals that were preying upon our low-income neighborhoods and our minority communities, that would regulate itself; that they would stop that behavior.

This chart, Madam Speaker, shows the results of that inaction. We could have acted in 2003. We could have acted in 2004. We could have prevented the meltdown of the financial industry. We could have prevented this recession. But the Republicans still suggest that we are acting too quickly.

The American people understand. They understand that it is the inaction of the Republican majority in these past years that has gotten us to the situation we are in today.

This is a critically important piece of legislation that puts us on the right path. We have a choice today as Members of Congress. We can stand with homebuyers, we can stand with the communities that have been impacted by predatory lending, we can stand with those schools and those small businesses who are feeling the impact every day of vacancies in their neighborhoods, or we can stand with the sharks. We can stand with the predatory lenders. We can remain silent and pretend like the problem doesn't exist.

This is an important step in the right direction, and I am proud to support the rule and the underlying bill. I appreciate the work of the chairman and the sponsor.

Mr. SESSIONS. I yield myself such time as I may consume.

I appreciate the gentleman coming down and talking about how Republicans are to blame for all this mess, but I'd like to harken back to September 25, 2003, at a hearing that was held back in the Financial Services Committee.

Our current chairman, Barney Frank, who's a very thoughtful and diligent chairman, thoughtful on the ideas of the entire industry, said, ''I don't think we face a crisis.'' This is 2003. ''I don't think we face a crisis. I don't think that we have an impending disaster. We have a chance to improve regulation of two entities I think that, on the whole, are working well.''

So perhaps the most thoughtful person in the country, certainly in this Congress, back on September, 25, 2003, is saying, ''I don't think we face a crisis, and I don't think we have an impending disaster.''

Further, he said, ''I don't see any financial crisis. You can always make things better, but I do think we should dispel the notion that we are here today because something rotten has gone on.'' That was Barney Frank. That was Barney Frank at the hearings.

So the gentleman wants to blame Republicans. And yet, here we had the lead, very thoughtful and articulate, Democratic ranking member, arguing that there was nothing wrong and nothing was about to happen. Yet, today, what we have is another answer: Oh, I'm sorry. We forgot to say, and we know that the Fed has already taken care of this problem with rules and regulations that are already known and will be in place in October.

Here we have now legislation to readdress that issue. And the answer that comes back from the marketplace is, This legislation limits choice, reduces credit, and increases cost to consumers and taxpayers.

I would have assumed that if there was nothing wrong in 2003, and now we corrected it with a series of hearings, including the Federal Reserve, that we would want to help the marketplace—not limit its ability, its choices, and put exposure to taxpayers. That's why we're opposed to this.

We're opposed to it not because we're trying to stop it, but because we're trying to make it better. We think what should have been made better has already been done by the Fed. This Congress knows it.

Every single Member of Congress got a letter to their office directly from the American Bankers Association saying serious flaws in this legislation.

I reserve the balance of my time.

Mr. CARDOZA. I'd like to inquire at this time how much time each side has remaining.

The SPEAKER pro tempore. The gentleman from California has 14 minutes remaining; the gentleman from Texas has 10½ minutes remaining.

Mr. CARDOZA. Thank you, Madam Speaker. I would at this time yield 3 minutes to the chairman of the Financial Services Committee, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Yes, in 2003, I said I didn't see a crisis. What I didn't see was at that time the Bush administration was engaging in activity that helped us get to a crisis.

I refer Members again to page 183 of the bill, the amendment authored by the gentleman from Texas (Mr. HENSARLING), which notes that in 2004, the year after I made the statement, the Bush administration ordered Fannie Mae and Freddie Mac substantially to increase the number of mortgages it bought from low-income people. It went from 42 percent to 56 percent—a very significant increase in mortgages of people below median income—and set up a special category for low-income mortgages.

As Mr. HENSARLING's amendment also shows, from 2001 until 2006 there was an enormous increase in subprime mortgages.

So, yes, in 2003, I was not aware of what was going on in that context, and I certainly didn't predict what was going to happen in 2004. When the Bush administration made that decision in 2004, according to the amendment from the gentleman from Texas (Mr. HENSARLING), I objected to it. I said they were going to put Fannie Mae and Freddie Mac in danger and give people mortgages they couldn't pay back.

I then decided that we did need to do legislation. So I joined the chairman of the committee, Mr. Oxley, in trying to regulate Fannie Mae and Freddie Mac more.

In 2005, I voted with him for a bill that passed the committee to regulate Fannie Mae and Freddie Mac. I disagreed with the version on the floor because it cut affordable rental housing, not homeownership.

□ 1100

But the bill passed the House. It then died because, according to Mr. Oxley, the Bush administration opposed it for ideological reasons.

So, yes, in 2003 I didn't see a crisis, because I didn't see what was happening in the subprime market; by 2004, I did; and, in 2005, I joined in trying to restrain that. It is also the case that, in 2003, two of my colleagues, Mr. MILLER and Mr. WATT of North Carolina, began pushing for subprime reform because they were informed about what was happening. I joined them. So we did try to legislate. So the answer is yes, in 2003 we didn't see what was happening.

I commend Members again to page 183 of the bill. Mr. HENSARLING from Texas had given you the statistics. Subprime mortgages were skyrocketing in that period. Fannie Mae

was being pushed by the Bush administration to do something, and we then tried to deal with it.

The last point that I find very surprising is that conservatives say here, as some of them said on credit cards: Oh, no, do not have the elected representatives of America decide this; let the Federal Reserve make public policy. I had thought there was some concern about undemocratic decisions by the Federal Reserve.

The gentleman from Texas has said today, as others said last week: Oh, the Federal Reserve has done it. There is no need for the elected officials to do it. Well, in fact the Federal Reserve hasn't done anything because they cannot change statute. But even if they had, they could change it in the future. But the notion that we should defer on major policy decisions, not technical monetary policy issues but major policy decisions about credit cards or about what kind of mortgages we issue to the Federal Reserve, and not legislate is surprising.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CARDOZA. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. I admire the people at the American Bankers Association, and they do some useful things. But I am surprised that Members would think that, on the question of mortgage relief and regulating the mortgage market, the bankers of America are the ones to listen to. I am pleased that the Realtors, who do not have an economic interest in what kind of mortgages are there but have a genuine interest in promoting home ownership, are on our side and strongly support this bill.

So I would say to my friends and the American bankers, I understand that there are things here that we are telling you that you can't keep doing, but I think the answer is that they were things you shouldn't have done in the first place.

Mr. SESSIONS. Madam Speaker, I appreciate the gentleman. By the way, the gentleman and I are friends. We are speaking about policy here, disagreements.

I would say to the speakers that have come on the Democratic side today, it sounds like an argument they are having within their own party. Everybody is trying to blame the Republican party and George Bush for what happened; yet, if the gentleman didn't like 2003, I will go to the end of 2004, December 16, 2004, if we need to get more current. And I will quote the gentleman, the chairman of the committee:

''The SEC's finding that Fannie Mae used incorrect accounting is serious and disturbing. While these improper decisions by Fannie Mae do not threaten the financial soundness of the corporation, and should have been used by anyone in an effort to cut back on Fannie Mae's housing efforts, they do not reveal troubling deficiencies in its corporate governance.''

All of these signals that came to Members of Congress from people who were on the committee, including one of the most distinguished members of the committee, said: We don't have a problem. There is no soundness problem. There is no weakness problem. I don't see a financial crisis. Sure, we can always do things better, but I think we should dispel the notion that we are here today because there is something that is rotten that has gone on.

Well, why are we trying to extend blame? Why don't we just talk about the problem that we are in today? And if we are going to do that, my notion would be that what we should do is listen to the people who are in the banking business saying this is a problem. This bill has serious flaws.

Madam Speaker, I yield 5 minutes to the gentlewoman from Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. I thank the gentleman from Texas for his work and also for yielding to me this morning. Madam Speaker, I rise in opposition to this rule and to the underlying bill.

H.R. 1728 is far-reaching legislation, and it will significantly restrict access to credit for consumers and it will ultimately hurt consumers across the Nation, the very people that this bill seeks to help.

At a time when the financial markets are still fragile and they are working so hard to recover, I want to caution my colleagues on both sides of the aisle who support this bill and hope that they will think about the potential, even if unintended, consequences that this legislation could provoke. It sounds good and it makes a great sound bite, but I am afraid that it will deliver a very dramatic blow to consumers all across our very fragile economy.

The bill imposes harsh penalties on lenders for violations of vaguely defined and, some would even say, undefined lending standards. For instance, how does one truly define what a net tangible benefit to the consumer is or what a reasonable ability to pay really means? The bill leaves it up to banking regulators to determine answers to these questions. But we all know, and we should be concerned about how they might define such vague terms and what criteria they might choose to apply. Every person's financial circumstances are different, and they don't lend themselves to a broad rulemaking process.

During the committee consideration of this bill, I asked these questions to Sara Braunstein. She is the Director of the Division of Consumer and Community Affairs over at the Federal Reserve. And I asked her how the Fed and others would define these terms, and it wasn't surprising, really. She stressed how challenging it would be to define them, but promised that the Fed would try.

It is not hard to see how their trying would simply open the door to a barrage of lawsuits. That is how this works. And that outcome will ultimately restrict access to credit for families all across our country. But even more troubling is that the bill would take this lack of clarity just one step further, and it would say that assignees and securitizers must also comply with these same standards when they purchase or assign loans.

So let's remember that these are parties that were not at the table when the loan originated. Think about that. The last thing our economy and our housing markets need as they struggle to recover is an unknown, widespread shadow of liability cast over them, and one that their government puts over them, by the way.

The uncertainties that will stem from this provision pose serious threats to liquidity and our already fragile financial marketplace. We should be looking for ways to help ease liquidity pressures, not forge greater obstacles. And, on principle, how can we expect those who had nothing to do with the loan origination to be held responsible for it later on? It goes against the very principles of law that our Nation is founded on. And I fear the chilling effect this would have on the housing market, and this is not a good time to do more harm than good to the housing market.

I would also like to point out that during our committee markup of the bill I offered an amendment to prevent organizations that have been indicted for voter fraud or who employ people who have been indicted for such crimes from being eligible for housing counseling grants and foreclosure legal assistance grants authorized by the underlying bill. I was very pleased when the gentleman from Massachusetts and our committee Chair accepted the amendment right in front of the whole committee and the amendment was passed unanimously by voice vote.

I assumed the easy passage was because my amendment used the very same language that this body approved last year as part of the Housing and Economic Recovery Act of 2008. So you can imagine, I was quite surprised when later in that markup, during the day, the committee chairman flipped his position and said he wanted to strip down the amendment and that he would move to amend the language himself during House consideration.

Apparently, the intention might be to lower the bar so that organizations continue to have access to taxpayer money even after they have been involved with defrauding the American people and violating the American trust not just once, not just twice, but repeatedly, after almost every election cycle.

So make no mistake about it. The Chair will talk today about the bedrock legal principle of innocence until proven guilty, but that is not what this is about. The language in the bill today doesn't jeopardize that principle at all. Decisions on criminal guilt will remain

in the capable hands of a jury of peers. That is where it should. But it is not only legitimate for Congress to decide the threshold for accessing taxpayer funds, it is incumbent upon us to do so. We have a fiduciary duty to the taxpayers of this country, and for too long Congress has cavalierly distributed taxpayer money.

Today, each and every one of us can go on record saying we will no longer set the bar so low; that we will require organizations that want to use taxpayer funds to prove that they are worthy of the taxpayers' trust.

There's a saying: Fool me once, shame on you. Fool me twice, shame on me. ACORN and organizations like it have fooled us not once, not twice, but over and over again. The stories of their indictments for voter fraud for violating their tax status, for voter registration improprieties abound. Grand juries across the nation have found them and their employees lacking. Yet, we continue to funnel millions of dollars into their coffers.

Just this week, in fact, the headlines out of Nevada were 39 counts of voter registration fraud against ACORN and two of its former employees.

How many felony charges does it take to see that this organization has violated the public trust? Congress is not the arbiter of guilt or innocence; but Congress does decide how to spend the people's money. At what point do we say that this organization is not worthy of the hard-earned bucks of the American taxpayer?

The amendment offered by the gentleman from Massachusetts has been made in order under today's rule and if passed it will eviscerate the taxpayer protections in the underlying bill.

I look forward to further debating this issue later today and I urge my colleagues to make clear today that they stand with the people, not with ACORN.

Mr. CARDOZA. Madam Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the gentleman from California for his leadership and his personal commitment to these issues.

It is interesting to hear a good friend on the other side of the aisle talk about protecting the taxpayers' money. In fact, this week, this Congress, this new leadership has done just that. Last week, we passed the Credit Card Bill of Rights. As a member of the House Judiciary Committee, I was very pleased that we passed a judiciary bill dealing with protecting taxpayers against fraud prospectively, and now we stand on the floor today protecting taxpayers and future homeowners and homeowners again with mortgage lending reform in 1728.

I wonder if any of us can recall the peaking of the crisis dealing with mortgage foreclosures. Those of us who represent our constituents certainly can. I can pointedly in a hearing about 3 or 4 years ago in the lower end of Manhattan when I listened near Wall Street in a church to homeowners in that community or in New York speaking about this thing called subprime and adjustable rate, a transit worker who had purchased a home and was paying a $3,000 a month mortgage and all of a sudden it jumped to $6,000 a month. How many stories like that?

And how many times can Members or others point to the actual beneficiary of the mortgagee as at fault? How many times can we blame the hardworking American taxpayer who simply tried to get a home? How many times can we blame them for papers that they signed that were then altered, ultimately? How many times can we blame the innocent who has paid over and over again? The cafeteria worker who had been in an apartment for 20 years, but the particular financial entity that she dealt with said, yes, you can get into this home. And she had been making payments, but with the economy she fell on hard times. Or the person who was divorced or catastrophic illness? But because their mortgage was fraudulently done, they suffered the consequences.

So I support this rule and the underlying bill, because it will protect this structure of buying a house. Borrowers can repay the loans they are sold. Mortgage lenders make loans that benefit the consumer and prohibit them from steering borrowers into higher costs. Why isn't that protecting the taxpayer? All mortgage refinancing provides a net tangible benefit in the consumer.

The secondary mortgage market, for the first time ever, is responsible for complying with commonsense standards, and so we don't have this horrible grid that shows us that it has been going up and up and up.

Madam Speaker, I think it is important to acknowledge that we have made this bill better, and I am glad that my amendment is in the manager's amendment that indicates in the case of a residential mortgage—

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CARDOZA. I yield the gentlelady an additional 15 seconds.

Ms. JACKSON-LEE of Texas. The total amount of interest that the consumer will pay over the life of the loan as a percentage of the principle loan, this will help the consumer know better about what they are paying. I had hoped my financial literacy amendment would get in and also the predatory lending, but I support the underlying bill and the amendment. We are trying to work to help the taxpayer and the American consumer.

Madam Speaker, I rise today in strong support of the rule for H.R. 1728. I would also like to thank Chairman FRANK of the Financial Services Committee for his hard work on this issue and for sponsoring this timely and important piece of legislation. I am also pleased to have worked with Chairman FRANK and the staff of the Financial Services Committee. Lastly, I would like to give a special thanks to my Legislative Director, Arthur D. Sidney, for his work on this issue.

I offered three amendments to this bill. My first amendment was included in the Chairman FRANK'S manager's amendment.

FIRST AMENDMENT

My first amendment would require a change to the Truth in Lending Act to allow for the disclosure of the following:

"In the case of a residential mortgage loan, the total amount of interest that the consumer will pay over the life of the loan as a percentage of the principal of the loan. Such amount shall be computed assuming the consumer makes each monthly payment in full and on-time, and does not make any over-payments."

This last point is related to a concept called actual cost of credit, where the annual percentage rate of a loan is disclosed to the public. Currently, the annual percentage rate is required to be disclosed on all mortgages. However, in certain instances disclosure of the annual percentage rate alone is not accurate.

For example, the mere disclosure of the annual percentage rates for loans under 12 months or those over 12 months it is not an accurate reflection of the total cost of the mortgage or the actual cost of credit. Under my amendment—the actual cost of credit—the annual percentage rate would be disclosed and the total loan cost would be included in the disclosure.

My amendment would require an additional disclosure informing the consumer of the actual amount of interest paid by the borrower over the life of the loan. The additional disclosure required by my amendment is best explained by an example.

Take for example a $200,000 fixed mortgage. On a $200,000, 30 year fixed mortgage at 5% annual percentage rate, you would pay roughly $600,000 on the house, which is actually about 300 percent interest. It is important that the real cost of borrowing, the true cost of credit be disclosed to the consumer. My amendment will certainly do this. This language is included in the Manager's amendment. I urge my colleagues to vote affirmatively for this amendment.

ADDITIONAL AMENDMENTS OFFERED

I offered the following two amendments but they were not accepted into the bill.

SECOND AMENDMENT

My second amendment will provide financial literacy training to persons seeking a mortgage and will require a minimum of 4 hours of counseling. Counseling will include the fundamentals of basic checking and savings accounts, budgeting, types of credit and their appropriate uses, the different forms of mortgages, repayment options, credit scores and ratings, as well as investing.

THIRD AMENDMENT

My third amendment would exclude foreclosures that resulted from a default on predatory subprime mortgages from being included in the calculation of a consumer's credit score.

Often the credit crisis has been wrongfully blamed on the unscrupulous borrowing practices of the consumer. The reality is that mortgage lenders were unscrupulous in their dealings with consumers.

This amendment would prevent those most unscrupulous and predatory lenders from benefitting or causing harm to consumer. Therefore, any foreclosures that result from predatory, subprime mortgage lending should not be included in the consumer's credit score.

MANAGER'S AMENDMENT

I support the Manager's Amendment. Specifically, it would add additional prohibitions on mortgage originator conduct within the anti-steering section of the bill; would provide that regulations proposed or issued pursuant to the requirements of Section 106 shall include ''model'' disclosure forms, and would also provide that the relevant financial regulators (HUD/Fed) may develop ''standardized'' disclosure forms, and may require their use, when they jointly determine that use of a standardized form would be of substantial benefit to consumers.

The Manager's Amendment would require a study into how shared appreciation mortgages could be used to strengthen housing markets and provide opportunities for affordable homeownership; would allow creditors to consider a consumer's good standing with them above other credit history considerations in refinancing of hybrid loans.

Further, the Manager's would require lenders who are subject to the Federal Truth in Lending Act or the Homeowners Equity Protection Act to disclose to borrowers that the anti-deficiency protections of the initial residential mortgage loan may be lost when a non-purchase money loan is received.

The Manager's Amendment provides greater disclosure requirements. Specifically, it would require creditors to disclose their policy regarding the acceptance of partial payments for a residential mortgage loan and it would modify preemption language in section 208(b) to include any state that has a law at the time of enactment.

Another important disclosure in the Manager's Amendment would require that mortgage disclosures for each billing cycle include contact information for local mortgage counseling agencies or programs.

The bill before us today provides the folowing key benefits. Simply put, to help rebuild the American economy, the House is taking additional steps to bring common sense reform and consumer protection to the financial markets and mortgage lending. This legislation to stop the kinds of predatory and irresponsible mortgage loan practices that played a major role in the current financial and economic meltdown and prevent borrowers from deliberately misstating their income to qualify for a loan.

These long overdue reforms, which Democrats have been advocating since 1999, perhaps could have prevented the current crisis. A similar measure (H.R. 3915) passed the House in 2007 by a vote of 291–127.

To restore the integrity of mortgage lending industry, this bipartisan bill will make sure that the mortgage industry follows basic principles of sound lending, responsibility, and consumer protection, ensuring that: borrowers can repay the loans they are sold; mortgage lenders make loans that benefit the consumer and prohibit them from steering borrowers into higher cost loans; all mortgage refinancing provides a net tangible benefit to the consumer; the secondary mortgage market, for the first time ever, is responsible for complying with these common sense standards when they buy loans and turn them into securities; there are incentives for the mortgage market to move back toward making safe, fully documented loans; and tenants renting homes that are foreclosed would receive notification and time to relocate.

These crucial efforts to restore accountability in the housing and financial markets are needed to rebuild our economy in a way that's consistent with our values: an economy that rewards hard work and responsibility, not high-flying finance schemes; an economy that's built on a stable foundation, not propelled by overheated housing markets and maxed-out credit cards. As Members of Congress, we want to build an economy that offers a broadly shared prosperity for the long run.

Texas ranks 17th in foreclosures. Texas would have fared far worse but for the fact that homeowners enjoy strong constitutional protections under the state's home-equity lending law. These consumer protections include a 3 percent cap on lender's fees, 80 percent loan-to-value ratio (compared to many other states that allow borrowers to obtain 125 percent of their home's value), and mandatory judicial sign-off on any foreclosure proceeding involving a defaulted home-equity loan.

Still, in the last month, in Texas alone there have been 30,720 foreclosures and sadly 15,839 bankruptcies. Much of this has to do with a lack of understanding about finance—especially personal finance.

Last year, Americans' personal income decreased $20.7 billion, or 0.2 percent, and disposable personal income (DPI) decreased $11.8 billion, or 0.1 percent, in November, according to the Bureau of Economic Analysis. Personal consumption expenditures (PCE) decreased $56.1 billion, or 0.6 percent. In India, household savings are about 23 percent of their GDP.

Even though the rate of increase has showed some slowing, uncertainties remain. Foreclosures and bankruptcies are high and could still beat last year's numbers.

Home foreclosures are at an all-time high and they will increase as the recession continues. In 2006, there were 1.2 million foreclosures in the United States, representing an increase of 42 percent over the prior year. During 2007 through 2008, mortgage foreclosures were estimated to result in a whopping $400 billion worth of defaults and $100 billion in losses to investors in mortgage securities. This means that one per 62 American households is currently approaching levels not seen since the Depression.

The current economic crisis and the foreclosure blight has affected new home sales and depressed home value generally. New home sales have fallen by about 50 percent.

One in six homeowners owes more on a mortgage than the home is worth, raising the possibility of default. Home values have fallen nationwide from an average of 19 percent from their peak in 2006 and this price plunge has wiped out trillions of dollars in home equity. The tide of foreclosure might become self-perpetuating. The nation could be facing a housing depression—something far worse than a recession.

Obviously, there are substantial societal and economic costs of home foreclosures that adversely impact American families, their neighborhoods, communities and municipalities. A single foreclosure could impose direct costs on local government agencies totaling more than $34,000.

Recently, the Congress set aside $100 billion to address the issue of mortgage foreclosure prevention. I have long championed that money be a set aside to address this very important issue. I believe in homeownership and will do all within my power to ensure that Americans remain in their houses.

A record amount of commercial real estate loans coming due in Texas and nationwide the next three years are at risk of not being renewed or refinanced, which could have dire consequences, industry leaders warn. Texas has approximately $27 billion in commercial loans coming up for refinancing through 2011, ranking among the top five states, based on data provided by research firms Foresight Analytics LLC and Trepp LLC. Nationally, Foresight Analytics estimates that $530 billion of commercial debt will mature through 2011. Dallas-Fort Worth has nearly $9 billion in commercial debt maturing in that time frame.

Most of Texas' $27 billion in loans maturing through 2011—$18 billion—is held by financial institutions. Texas also has $9 billion in commercial mortgage-backed securities, the third-largest amount after California and New York, according to Trepp.

For the foregoing reasons, I support the final passage of this legislation. I urge my colleagues to support the bill and vote it out of the Congress.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the gentleman from Egan, Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, I rise in opposition to this bill.

If you take a look at the different lock-in periods, add to that the additional cost for appraisals that are necessitated by a flawed system in this bill, it is going to cost the industry close to $3 billion, or an extra $700 per loan. That is the hidden cost of this bill, and that is why the bill should be defeated.

I had offered in the Rules Committee an amendment which, unfortunately, is not allowed to come to the floor. And I know that the taxpayers are greatly distressed that this body is supposed to be for free and open debate, and yet Members cannot freely allow amendments to come to the floor.

There is an agreement that is signed between the Attorney General of New York and the people who regulate Fannie Mae and Freddie Mac on something called the Home Evaluation Code of Conduct. It is supposed to regulate the mischief that took place between the big lenders and the appraisers to cook the books in order to make the loans.

The problem is this: The agreement still allows that collusion or the opportunity for collusion. In fact, the banks of this country can own appraisal management companies, which are supposed to be third-party, independent agents to find an independent appraiser in order to make sure that the property is valued correctly. And I asked that that agreement be put on hold for a year so that the collusion and the opportunity to stop the collusion could be studied and better safeguards put into effect.

I was denied that opportunity. The American people were denied the opportunity to be heard on the floor because of the constrictive nature that the majority has placed upon us.

□ 1115

Most Americans think that if a Member of Congress has an amendment, that amendment could easily come to the floor and be heard. That did not happen in this case. And because of that, it could cost the taxpayers an extra $3 billion a year because of this fatally flawed bill.

Mr. CARDOZA. Madam Speaker, I yield 2 minutes to my friend and colleague from North Carolina (Mr. MILLER), a sponsor of the bill.

Mr. MILLER of North Carolina. Madam Speaker, I rise to respond to what several on the other side have said, Mrs. BACHMANN, Mr. SESSIONS and others, that now is not the time to do this. Madam Speaker, I introduced this legislation or legislation like it in 2003, in 2005, in 2007 and now again in 2009. It has never been the time by the likes of the members of the minority party and by the likes of the lending industry.

Now their arguments have been a little different. In 2003 and in 2005, they said, ''are you kidding? These loans are great. This is the unfettered market at its best, creating these innovative loans so people can get credit that they otherwise couldn't get. And those Democrats like MILLER, who want to restrict it, they just don't know a good thing when they see it.'' In 2007, especially now, they are saying, ''isn't it terrible that all those liberals made the poor lenders make these loans? But now is not the time. Now is not the time to restrict credit.''

Madam Speaker, they will never think it is the right time to protect the American people from abusive lending practices. We need, when credit starts flowing again, when the housing market revives again, the mortgage market revives again, we need to make sure there are rules in place so people can make an honest living by making reasonable loans to people who need to borrow money to buy a house. We don't need to go back to letting people make a killing by cheating people out of the equity in their home by predatory mortgages.

Mr. SESSIONS. Madam Speaker, I am really down to no speakers and just my closing statement. So I would encourage my friends to go ahead and utilize their time, and then I will close as appropriate.

Mr. CARDOZA. Madam Speaker, I thank my colleague from Texas.

At this time, I would like to yield 2 minutes to the gentleman from North Carolina, a member of the Financial Services Committee, Mr. WATT.

Mr. WATT. Madam Speaker, I thank the gentleman for yielding time.

I just want to take the opportunity to thank some people. This actually has been the most challenging piece of legislation I have been involved in since I have been in Congress because we have been walking a very delicate balance between the various considerations that we have heard on the floor, making sure that consumers, borrowers, are protected from terrible loans without, at the same time, on the other hand, drying up the availability of capital to fund loans. And it has been inordinately difficult. And a number of people have been working aggressively to try to find that appropriate balance.

The Chair of the Financial Services Committee has been absolutely wonderful to work with. But there are players in all segments of this industry who recognize that change needs to be made so that we don't get back into the situation that we ended up in and we are in right now. They have been working constructively. I have heard some reference to the fact that there are a number of people who oppose this bill. I really haven't seen any letters that say, ''I oppose the bill,'' because we have been in constructive dialogue with all of the players involved in this process trying to find the right balance.

There are some people who are saying, ''look, I have some concerns about this provision. I want to continue to work with you as this process moves forward.'' And this is not the end of the process. We have assured everybody that we will continue to work to find the right balance in this bill. This is not the end of the game.

I just want to thank everybody.

Mr. CARDOZA. Madam Speaker, I am the last person to speak, and I would like to reserve to close.

The SPEAKER pro tempore. The gentleman from Texas has 1½ minutes remaining.

Mr. SESSIONS. Madam Speaker, in closing, I would like to thank the gentleman from California and each of the Members from his side who have participated today, including the gentleman, Mr. FRANK. I would like to stress that while my friends on the other side of the aisle claim to be protecting consumers and have said that people want to delay this legislation, that is not true. It has already taken place. Whatever we need, the Federal Reserve has already done.

What we will say is that what this legislation is doing is benefiting trial lawyers with tax dollars. And perhaps more importantly, it is causing this circumstance to be aggravated and to be worsened.

We already understand there will be less credit that will be available. This will raise the costs of loans and mortgages that people will want to receive. At a time, especially, when the economy needs help, this will harm the economy. And that is directly what the American Bankers Association has said in a letter to every single Member of Congress. So I hope every single Member should hear this. They need to be talking to their staff, ''hey, did that letter come in on this legislation that we are handling today?'' And that letter says, ''serious flaws, serious flaws, bigger problem.''

We need to be providing for jobs. We need to be encouraging economic growth. We need to encourage investment. And this legislation does not accomplish that.

Mr. CARDOZA. Madam Speaker, I would like to thank the gentleman from Texas for engaging with us this morning on a very constructive debate. However, we have serious disagreements on what this bill should look like.

Madam Speaker, in the last 18 months, the foreclosure crisis has not improved in our districts. And in most places, in fact, it has become significantly worse. In 2009, millions of Americans will default on their mortgages, and millions more will see their home equity drop precipitously. All of us know the potential consequences of this crisis. And for far too many of us, including those in my district, we are well acquainted with the depths of despair and destruction the foreclosure crisis has been inflicting on us.

Still, in spite of all the signs, small businesses that have closed on Main Street, foreclosure signs lining the neighborhoods, the unmistakable despair in the neighborhood coffee shops, I do believe there is reason for hope. The fundamentals of our economy and the spirit of the American people are simply too strong to throw in the towel because it may be an easier path. It is not time to give up. Rather it is time to redouble our efforts, strengthen our resolve, and focus not on what we have done, but what we will do to turn this economy around. If we do just that, I have no doubt we will overcome whatever challenges we may face, and we will fix this problem of foreclosures with the economy and the mortgage crisis.

I urge all my colleagues to support taking another step forward to stabilizing our housing market and helping our economy recover once and for all.

Madam Speaker, I urge a ''yes'' vote on the rule and on the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. The vote was taken by electronic device, and there were—yeas 247, nays 174, not voting 12, as follows:

[Roll No. 237]

YEAS—247

| | | |
|---|---|---|
| Abercrombie | Becerra | Brady (PA) |
| Ackerman | Berkley | Braley (IA) |
| Adler (NJ) | Berman | Bright |
| Altmire | Bishop (GA) | Brown, Corrine |
| Andrews | Bishop (NY) | Butterfield |
| Arcuri | Blumenauer | Capuano |
| Baca | Boccieri | Cardoza |
| Baird | Boren | Carnahan |
| Baldwin | Boswell | Carney |
| Barrow | Boucher | Carson (IN) |
| Bean | Boyd | Castor (FL) |

Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NAYS—174

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hill
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Berry
Capps
Engel
Fortenberry
Heller
Holt
King (IA)
Miller, George
Nadler (NY)
Scalise
Stark
Wamp

□ 1153

Mr. OLSON and Ms. GINNY BROWN-WAITE of Florida changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HELLER. Mr. Speaker, on rollcall No. 237, the adoption of the rule on H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "nay."

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 237, I was not able to reach the House floor to cast my vote before the vote was closed. Had I been able to cast my vote, I would have voted "nay."

## RECOGNIZING THE BORDER PATROL'S FIGHT AGAINST HUMAN SMUGGLING

The SPEAKER pro tempore (Mr. CARNAHAN). Pursuant to clause 8, rule XX, the unfinished business is the question on suspending the rules and agreeing to the resolution, H. Res. 14, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and agree to the resolution, H. Res. 14, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The title was amended so as to read: ''Resolution recognizing the importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.''.

A motion to reconsider was laid on the table.

## NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. FLAKE. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, The Hill reported that a prominent lobbying firm, founded by Mr. Paul Magliocchetti and the subject of a ''federal investigation into potentially corrupt political contributions,'' has given $3.4 million in political donations to no less than 284 members of Congress.

Whereas, the New York Times noted that Mr. Magliocchetti ''set up shop at the busy intersection between political fund-raising and taxpayer spending, directing tens of millions of dollars in contributions to lawmakers while steering hundreds of millions of dollars in earmarks back to his clients.''

Whereas, a guest columnist recently highlighted in Roll Call that ''. . . what the firm's example reveals most clearly is the potentially corrupting link between campaign contributions and earmarks. Even the most ardent earmarkers should want to avoid the appearance of such a pay-to-play system.''

Whereas, multiple press reports have noted questions related to campaign contributions made by or on behalf of the firm; including questions related to ''straw man'' contributions, the reimbursement of employees for political giving, pressure on clients to give, a suspicious pattern of giving, and the timing of donations relative to legislative activity.

Whereas, Roll Call has taken note of the timing of contributions from employees the firm and its clients when it reported that they ''have provided thousands of dollars worth of campaign contributions to key Members in close proximity to legislative activity, such as the deadline for earmark request letters and passage of a spending bill.''

Whereas, the Associated Press highlighted the ''huge amounts of political donations'' from the firm and its clients to select members and noted that ''those political donations have followed a distinct pattern: The giving is especially heavy in March, which is prime time for submitting written earmark requests.''

Whereas, clients of the firm received at least three hundred million dollars worth of earmarks in fiscal year 2009 appropriations legislation, including several that were approved even after news of the FBI raid of the firm's offices and Justice Department investigation into the firm was well known.

Whereas, the Associated Press reported that ''the FBI says the investigation is continuing, highlighting the close ties between special-interest spending provisions known as earmarks and the raising of campaign cash.''

Whereas, the persistent media attention focused on questions about the nature and

timing of campaign contributions related to the firm, as well as reports of the Justice Department conducting research on earmarks and campaign contributions, raise concern about the integrity of congressional proceedings and the dignity of this institution.

Now, therefore, be it: Resolved, that

(a) the Committee on Standards of Official Conduct, or a subcommittee of the committee designated by the committee and its members appointed by the chairman and ranking member, shall immediately begin investigation into the relationship between the source and timing of past campaign contributions to Members of the House related to the raided firm and earmark requests made by Members of the House on behalf of clients of the raided firm.

(b) The Committee on Standards of Official Conduct shall submit a report of its findings to the House of Representatives within 2 months after the date of adoption of the resolution.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Arizona will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The SPEAKER pro tempore. Pursuant to House Resolution 406 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1728.

□ 1200

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1728) to amend the Truth in lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose on Wednesday, May 6, 2009, all time for general debate, pursuant to House Resolution 400, had expired.

Pursuant to House Resolution 406, no further general debate is in order. The amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1728

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

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Mortgage Reform and Anti-Predatory Lending Act''.*

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

*Sec. 1. Short title; table of contents.*

*TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS*

*Sec. 101. Definitions.*
*Sec. 102. Residential mortgage loan origination.*
*Sec. 103. Prohibition on steering incentives.*
*Sec. 104. Liability.*
*Sec. 105. Regulations.*
*Sec. 106. RESPA and TILA disclosure improvement.*

*TITLE II—MINIMUM STANDARDS FOR MORTGAGES*

*Sec. 201. Ability to repay.*
*Sec. 202. Net tangible benefit for refinancing of residential mortgage loans.*
*Sec. 203. Safe harbor and rebuttable presumption.*
*Sec. 204. Liability.*
*Sec. 205. Defense to foreclosure.*
*Sec. 206. Additional standards and requirements.*
*Sec. 207. Rule of construction.*
*Sec. 208. Effect on State laws.*
*Sec. 209. Regulations.*
*Sec. 210. Amendments to civil liability provisions.*
*Sec. 211. Lender rights in the context of borrower deception.*
*Sec. 212. Six-month notice required before reset of hybrid adjustable rate mortgages.*
*Sec. 213. Credit risk retention.*
*Sec. 214. Required disclosures.*
*Sec. 215. Disclosures required in monthly statements for residential mortgage loans.*
*Sec. 216. Legal assistance for foreclosure-related issues.*
*Sec. 217. Effective date.*
*Sec. 218. Report by the GAO.*
*Sec. 219. State Attorney General enforcement authority.*
*Sec. 220. Tenant protection.*

*TITLE III—HIGH-COST MORTGAGES*

*Sec. 301. Definitions relating to high-cost mortgages.*
*Sec. 302. Amendments to existing requirements for certain mortgages.*
*Sec. 303. Additional requirements for certain mortgages.*
*Sec. 304. Regulations.*
*Sec. 305. Effective date.*

*TITLE IV—OFFICE OF HOUSING COUNSELING*

*Sec. 401. Short title.*
*Sec. 402. Establishment of Office of Housing Counseling.*
*Sec. 403. Counseling procedures.*
*Sec. 404. Grants for housing counseling assistance.*
*Sec. 405. Requirements to use HUD-certified counselors under HUD programs.*
*Sec. 406. Study of defaults and foreclosures.*
*Sec. 407. Definitions for counseling-related programs.*
*Sec. 408. Updating and simplification of mortgage information booklet.*
*Sec. 409. Home inspection counseling.*

*TITLE V—MORTGAGE SERVICING*

*Sec. 501. Escrow and impound accounts relating to certain consumer credit transactions.*
*Sec. 502. Disclosure notice required for consumers who waive escrow services.*
*Sec. 503. Real Estate Settlement Procedures Act of 1974 amendments.*
*Sec. 504. Truth in Lending Act amendments.*
*Sec. 505. Escrows included in repayment analysis.*

*TITLE VI—APPRAISAL ACTIVITIES*

*Sec. 601. Property appraisal requirements.*
*Sec. 602. Unfair and deceptive practices and acts relating to certain consumer credit transactions.*
*Sec. 603. Amendments relating to appraisal subcommittee of FIEC, appraiser independence, and approved appraiser education.*
*Sec. 604. Study required on improvements in appraisal process and compliance programs.*
*Sec. 605. Equal Credit Opportunity Act amendment.*
*Sec. 606. Real Estate Settlement Procedures Act of 1974 amendment relating to certain appraisal fees.*

*TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM*

*Sec. 701. Sense of Congress regarding the importance of Government-sponsored enterprises reform to enhance the protection, limitation, and regulation of the terms of residential mortgage credit.*

### *TITLE I—RESIDENTIAL MORTGAGE LOAN ORIGINATION STANDARDS*

***SEC. 101. DEFINITIONS.***

*Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by adding at the end the following new subsection:*

*''(cc) DEFINITIONS RELATING TO MORTGAGE ORIGINATION AND RESIDENTIAL MORTGAGE LOANS.—*

*''(1) COMMISSION.—Unless otherwise specified, the term 'Commission' means the Federal Trade Commission.*

*''(2) FEDERAL BANKING AGENCIES.—The term 'Federal banking agencies' means the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, and the National Credit Union Administration Board.*

*''(3) MORTGAGE ORIGINATOR.—The term 'mortgage originator'—*

*''(A) means any person who, for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain—*

*''(i) takes a residential mortgage loan application;*

*''(ii) assists a consumer in obtaining or applying to obtain a residential mortgage loan; or*

*''(iii) offers or negotiates terms of a residential mortgage loan;*

*''(B) includes any person who represents to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or other promotional items), that such person can or will provide any of the services or perform any of the activities described in subparagraph (A);*

*''(C) does not include any person who is (i) not otherwise described in subparagraph (A) or (B) and who performs purely administrative or clerical tasks on behalf of a person who is described in any such subparagraph, or (ii) an employee of a retailer of manufactured homes who is not described in clause (i) or (iii) of subparagraph (A);*

*''(D) does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable State law, unless such person or entity is compensated for performing such brokerage activities by a lender, a mortgage broker, or other mortgage originator or by any agent of such lender, mortgage broker, or other mortgage originator; and*

''(E) does not include, with respect to a residential mortgage loan, a person, estate, or trust that provides mortgage financing for the sale of 1 property in any 36-month period, provided that such loan—

''(i) is fully amortizing;

''(ii) is with respect to a sale for which the seller determines in good faith and documents that the buyer has a reasonable ability to repay the loan;

''(iii) has a fixed rate or an adjustable rate that is adjustable after 5 or more years, subject to reasonable annual and lifetime limitations on interest rate increases; and

''(iv) meets any other criteria the Federal banking agencies may prescribe.

''(4) NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY.—The term 'Nationwide Mortgage Licensing System and Registry' has the same meaning as in the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

''(5) OTHER DEFINITIONS RELATING TO MORTGAGE ORIGINATOR.—For purposes of this subsection, a person 'assists a consumer in obtaining or applying to obtain a residential mortgage loan' by, among other things, advising on residential mortgage loan terms (including rates, fees, and other costs), preparing residential mortgage loan packages, or collecting information on behalf of the consumer with regard to a residential mortgage loan.

''(6) RESIDENTIAL MORTGAGE LOAN.—The term 'residential mortgage loan' means any consumer credit transaction that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential real property that includes a dwelling, other than a consumer credit transaction under an open end credit plan or a reverse mortgage or, for purposes of sections 129B and 129C and section 128(a) (16), (17), and (18), 128(a)(f) and 128(b)(4) and any regulations promulgated thereunder, an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.

''(7) SECRETARY.—The term 'Secretary', when used in connection with any transaction or person involved with a residential mortgage loan, means the Secretary of Housing and Urban Development.

''(8) SECURITIZATION VEHICLE.—The term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

''(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

''(B) holds such loans.

''(9) SECURITIZER.—The term 'securitizer' means the person that transfers, conveys, or assigns, or causes the transfer, conveyance, or assignment of, residential mortgage loans, including through a special purpose vehicle, to any securitization vehicle, excluding any trustee that holds such loans solely for the benefit of the securitization vehicle.

''(10) SERVICER.—The term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.''.

**SEC. 102. RESIDENTIAL MORTGAGE LOAN ORIGINATION.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129A the following new section:

**''§ 129B. Residential mortgage loan origination**

''(a) FINDING AND PURPOSE.—

''(1) FINDING.—The Congress finds that economic stabilization would be enhanced by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit, while ensuring that responsible, affordable mortgage credit remains available to consumers.

''(2) PURPOSE.—It is the purpose of this section and section 129C to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive or abusive.

''(b) DUTY OF CARE.—

''(1) STANDARD.—Subject to regulations prescribed under this subsection, each mortgage originator shall, in addition to the duties imposed by otherwise applicable provisions of State or Federal law—

''(A) be qualified and, when required, registered and licensed as a mortgage originator in accordance with applicable State or Federal law, including the Secure and Fair Enforcement for Mortgage Licensing Act of 2008;

''(B) with respect to each consumer seeking or inquiring about a residential mortgage loan, diligently work to present the consumer with a range of residential mortgage loan products for which the consumer likely qualifies and which are appropriate to the consumer's existing circumstances, based on information known by, or obtained in good faith by, the originator;

''(C) make full, complete, and timely disclosure to each such consumer of—

''(i) the comparative costs and benefits of each residential mortgage loan product offered, discussed, or referred to by the originator;

''(ii) the nature of the originator's relationship to the consumer (including the cost of the services to be provided by the originator and a statement that the mortgage originator is or is not acting as an agent for the consumer, as the case may be); and

''(iii) any relevant conflicts of interest between the originator and the consumer;

''(D) certify to the creditor, with respect to any transaction involving a residential mortgage loan, that the mortgage originator has fulfilled all requirements applicable to the originator under this section with respect to the transaction; and

''(E) include on all loan documents any unique identifier of the mortgage originator provided by the Nationwide Mortgage Licensing System and Registry.

''(2) CLARIFICATION OF EXTENT OF DUTY TO PRESENT RANGE OF PRODUCTS AND APPROPRIATE PRODUCTS.—

''(A) NO DUTY TO OFFER PRODUCTS FOR WHICH ORIGINATOR IS NOT AUTHORIZED TO TAKE AN APPLICATION.—Paragraph (1)(B) shall not be construed as requiring—

''(i) a mortgage originator to present to any consumer any specific residential mortgage loan product that is offered by a creditor which does not accept consumer referrals from, or consumer applications submitted by or through, such originator; or

''(ii) a creditor to offer products that the creditor does not offer to the general public.

''(B) APPROPRIATE LOAN PRODUCT.—For purposes of paragraph (1)(B), a residential mortgage loan shall be presumed to be appropriate for a consumer if—

''(i) the mortgage originator determines in good faith, based on then existing information and without undergoing a full underwriting process, that the consumer has a reasonable ability to repay and, in the case of a refinancing of an existing residential mortgage loan, receives a net tangible benefit, as determined in accordance with regulations prescribed under subsections (a) and (b) of section 129C; and

''(ii) the loan does not have predatory characteristics or effects (such as equity stripping and excessive fees and abusive terms) as determined in accordance with regulations prescribed under paragraph (4).

''(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—

''(A) creating an agency or fiduciary relationship between a mortgage originator and a consumer if the originator does not hold himself or herself out as such an agent or fiduciary; or

''(B) restricting a mortgage originator from holding himself or herself out as an agent or fiduciary of a consumer subject to any additional duty, requirement, or limitation applicable to agents or fiduciaries under any Federal or State law.

''(4) REGULATIONS.—

''(A) IN GENERAL.—The Federal banking agencies, in consultation with the Secretary, the Chairman of the State Liaison Committee to the Financial Institutions Examination Council, and the Commission, shall jointly prescribe regulations to—

''(i) further define the duty established under paragraph (1);

''(ii) implement the requirements of this subsection;

''(iii) establish the time period within which any disclosure required under paragraph (1) shall be made to the consumer; and

''(iv) establish such other requirements for any mortgage originator as such regulatory agencies may determine to be appropriate to meet the purposes of this subsection.

''(B) COMPLEMENTARY AND NONDUPLICATIVE DISCLOSURES.—The agencies referred to in subparagraph (A) shall endeavor to make the required disclosures to consumers under this subsection complementary and nonduplicative with other disclosures for mortgage consumers to the extent such efforts—

''(i) are practicable; and

''(ii) do not reduce the value of any such disclosure to recipients of such disclosures.

''(5) COMPLIANCE PROCEDURES REQUIRED.—The Federal banking agencies shall prescribe regulations requiring depository institutions to establish and maintain procedures reasonably designed to assure and monitor the compliance of such depository institutions, the subsidiaries of such institutions, and the employees of such institutions or subsidiaries with the requirements of this section and the registration procedures established under section 1507 of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129 the following new items:

''129A. Fiduciary duty of servicers of pooled residential mortgages.

''129B. Residential mortgage loan origination.''.

**SEC. 103. PROHIBITION ON STEERING INCENTIVES.**

Section 129B of the Truth in Lending Act (as added by section 102(a)) is amended by inserting after subsection (b) the following new subsection:

''(c) PROHIBITION ON STEERING INCENTIVES.—

''(1) IN GENERAL.—For any mortgage loan, the total amount of direct and indirect compensation from all sources permitted to a mortgage originator may not vary based on the terms of the loan (other than the amount of the principal).

''(2) REGULATIONS.—The Federal banking agencies, in consultation with the Secretary and the Commission, shall jointly prescribe regulations to prohibit—

''(A) mortgage originators from steering any consumer to a residential mortgage loan that—

''(i) the consumer lacks a reasonable ability to repay (in accordance with regulations prescribed under section 129C(a));

''(ii) in the case of a refinancing of a residential mortgage loan, does not provide the consumer with a net tangible benefit (in accordance with regulations prescribed under section 129C(b)); or

''(iii) has predatory characteristics or effects (such as equity stripping, excessive fees, or abusive terms);

''(B) mortgage originators from steering any consumer from a residential mortgage loan for which the consumer is qualified that is a qualified mortgage (as defined in section 129C(c)(3))

*to a residential mortgage loan that is not a qualified mortgage;*

*''(C) abusive or unfair lending practices that promote disparities among consumers of equal credit worthiness but of different race, ethnicity, gender, or age; and*

*''(D) mortgage originators from assessing excessive points and fees (as such term is described under section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4))) to a consumer for the origination of a residential mortgage loan based on such consumer's decision to finance all or part of the payment through the rate for such points and fees.*

*''(3) RULES OF CONSTRUCTION.—No provision of this subsection shall be construed as—*

*''(A) permitting yield spread premiums or other similar incentive compensation;*

*''(B) affecting the mechanism for providing the total amount of direct and indirect compensation permitted to a mortgage originator;*

*''(C) limiting or affecting the amount of compensation received by a creditor upon the sale of a consummated loan to a subsequent purchaser;*

*''(D) restricting a consumer's ability to finance, including through rate or principal, any origination fees or costs permitted under this subsection, or the mortgage originator's ability to receive such fees or costs (including compensation) from any person, so long as such fees or costs were fully and clearly disclosed to the consumer earlier in the application process as required by 129B(b)(1)(C)(i) and do not vary based on the terms of the loan (other than the amount of the principal) or the consumer's decision about whether to finance such fees or costs; or*

*''(E) prohibiting incentive payments to a mortgage originator based on the number of residential mortgage loans originated within a specified period of time.''.*

***SEC. 104. LIABILITY.***

*Section 129B of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 103) the following new subsection:*

*''(d) LIABILITY FOR VIOLATIONS.—*

*''(1) IN GENERAL.—For purposes of providing a cause of action for any failure by a mortgage originator to comply with any requirement imposed under this section and any regulation prescribed under this section, subsections (a) and (b) of section 130 shall be applied with respect to any such failure by substituting 'mortgage originator' for 'creditor' each place such term appears in each such subsection.*

*''(2) MAXIMUM.—The maximum amount of any liability of a mortgage originator under paragraph (1) to a consumer for any violation of this section shall not exceed the greater of actual damages or an amount equal to 3 times the total amount of direct and indirect compensation or gain accruing to the mortgage originator in connection with the residential mortgage loan involved in the violation, plus the costs to the consumer of the action, including a reasonable attorney's fee.''.*

***SEC. 105. REGULATIONS.***

*(a) DISCRETIONARY REGULATORY AUTHORITY.—Section 129B of the Truth in Lending Act is amended by inserting after subsection (d) (as added by section 104) the following new subsection:*

*''(e) DISCRETIONARY REGULATORY AUTHORITY.—*

*''(1) IN GENERAL.—The Federal banking agencies shall, by regulations issued jointly, prohibit or condition terms, acts or practices relating to residential mortgage loans that the agencies find to be abusive, unfair, deceptive, predatory, inconsistent with reasonable underwriting standards, necessary or proper to effectuate the purposes of this section and section 129C, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections, or are not in the interest of the borrower.*

*''(2) APPLICATION.—The regulations prescribed under paragraph (1) shall be applicable to all residential mortgage loans and shall be applied in the same manner as regulations prescribed under section 105.*

*''(f) Section 129B and any regulations promulgated thereunder do not apply to an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.*

*(b) EFFECTIVE DATE.—The regulations required or authorized to be prescribed under this title or the amendments made by this title—*

*(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and*

*(2) shall take effect not later than 18 months after the date of the enactment of this Act.*

*(c) TRUTH IN LENDING FINAL RULE.—Notwithstanding any other provision of this Act, the regulations adopted by the Board concerning Truth in Lending, 73 Fed. Reg. 44522 (July 30, 2008), shall take effect as decided by the Board with such exceptions or revisions as the Board determines necessary.*

*(d) TECHNICAL AND CONFORMING AMENDMENTS.—Section 129(l)(2) of the Truth in Lending Act (15 U.S.C. 1639(l)(2)) is amended by inserting ''referred to in section 103(aa)'' after ''loans'' each place such term appears.*

***SEC. 106. RESPA AND TILA DISCLOSURE IMPROVEMENT.***

*(a) COMPATIBLE DISCLOSURES.—The Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve shall, not later than the expiration of the 6-month period beginning upon the date of the enactment of this Act, jointly issue for public comment proposed regulations providing for compatible disclosures for borrowers to receive at the time of mortgage application and at the time of closing.*

*(b) REQUIREMENTS.—Such disclosures shall—*

*(1) provide clear and concise information to borrowers on the terms and costs of residential mortgage transactions and mortgage transactions covered by the Truth in Lending Act (12 U.S.C. 1601 et seq.) and the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2601 et seq.);*

*(2) satisfy the requirements of section 128 of the Truth in Lending Act (12 U.S.C. 1638) and section 4 and 5 of the Real Estate Settlement Procedures Act of 1974; and*

*(3) comprise early disclosures under the Truth in Lending Act and the good faith estimate disclosures under the Real Estate Settlement Procedures Act of 1974 and final Truth in Lending Act disclosures and the uniform settlement statement disclosures under Real Estate Settlement Procedures Act of 1974 and provide for standardization to the greatest extent possible among such disclosures from mortgage origination through the mortgage settlement.*

*(4) shall include, with respect to a residential home mortgage loan, a written statement of—*

*(A) the principal amount of the loan;*

*(B) the term of the loan;*

*(C) whether the loan has a fixed rate of interest or an adjustable rate of interest;*

*(D) the annual percentage rate of interest under the loan as of the time of the disclosure;*

*(E) if the rate of interest under the loan can adjust after the disclosure, for each such possible adjustment—*

*(i) when such adjustment will or may occur; and*

*(ii) the maximum annual percentage rate of interest to which it can be adjusted;*

*(F) the total monthly payment under the loan (including loan principal and interest, property taxes, and insurance) at the time of the disclosure;*

*(G) the maximum total estimated monthly maximum payment pursuant to each such possible adjustment;*

*(H) the total settlement charges in connection with the loan and the amount of any downpayment and cash required at settlement; and*

*(I) whether or not the loan has a prepayment penalty or balloon payment and the terms, timing, and amount of any such penalty or payment.*

*(c) SUSPENSION OF 2008 RESPA RULE.—*

*(1) REQUIREMENT.—The Secretary of Housing and Urban Development shall, during the period beginning on the date of the enactment of this Act and ending upon issuance of proposed regulations pursuant to subsection (a), suspend implementation of any provisions of the final rule referred to in paragraph (2) that would establish and implement a new standardized good faith estimate and a new standardized uniform settlement statement. Any such provisions shall be replaced by the regulations issued pursuant to subsections (a) and (b).*

*(2) 2008 RULE.—The final rule referred to in this paragraph is the rule of the Department of Housing and Urban Development published on November 17, 2008, on pages 68204–68288 of Volume 73 of the Federal Register (Docket No. FR–5180–F–03; relating to ''Real Estate Settlement Procedures Act (RESPA): Rule to Simplify and Improve the Process of Obtaining Mortgages and Reduce Consumer Settlement Costs'').*

*(d) IMPLEMENTATION.—The regulations required under subsection (a) shall take effect, and shall provide an implementation date for the new disclosures required under such regulations, not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act.*

*(e) FAILURE TO ISSUE COMPATIBLE DISCLOSURES.—If the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System cannot agree on compatible disclosures pursuant to subsections (a) and (b), the Secretary and the Board shall submit a report to the Congress, after the 6-month period referred to in subsection (a), explaining the reasons for such disagreement. After the 15-day period beginning upon submission of such report, the Secretary and the Board may separately issue for public comment regulations providing for disclosures under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, respectively. Any final disclosures as a result of such regulations issued by the Secretary and the Board shall take effect on the same date, and not later than the expiration of the 12-month period beginning on the date of the enactment of this Act. If either the Secretary or the Board fails to act during such 12-month period, either such agency may act independently and implement final regulations.*

## *TITLE II—MINIMUM STANDARDS FOR MORTGAGES*

***SEC. 201. ABILITY TO REPAY.***

*(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129B (as added by section 102(a)) the following new section:*

***''§ 129C. Minimum standards for residential mortgage loans***

*''(a) ABILITY TO REPAY.—*

*''(1) IN GENERAL.—In accordance with regulations prescribed jointly by the Federal banking agencies, in consultation with the Commission, no creditor may make a residential mortgage loan unless the creditor makes a reasonable and good faith determination based on verified and documented information that, at the time the loan is consummated, the consumer has a reasonable ability to repay the loan, according to its terms, and all applicable taxes, insurance, and assessments.*

*''(2) MULTIPLE LOANS.—If the creditor knows, or has reason to know, that 1 or more residential mortgage loans secured by the same dwelling will be made to the same consumer, the creditor shall make a reasonable and good faith determination, based on verified and documented information, that the consumer has a reasonable ability to repay the combined payments of all loans on the same dwelling according to the terms of those loans and all applicable taxes, insurance, and assessments.*

''(3) BASIS FOR DETERMINATION.—A determination under this subsection of a consumer's ability to repay a residential mortgage loan shall include consideration of the consumer's credit history, current income, expected income the consumer is reasonably assured of receiving, current obligations, debt-to-income ratio, employment status, and other financial resources other than the consumer's equity in the dwelling or real property that secures repayment of the loan.

''(4) NONSTANDARD LOANS.—

''(A) VARIABLE RATE LOANS THAT DEFER REPAYMENT OF ANY PRINCIPAL OR INTEREST.—For purposes of determining, under this subsection, a consumer's ability to repay a variable rate residential mortgage loan that allows or requires the consumer to defer the repayment of any principal or interest, the creditor shall use a fully amortizing repayment schedule.

''(B) INTEREST-ONLY LOANS.—For purposes of determining, under this subsection, a consumer's ability to repay a residential mortgage loan that permits or requires the payment of interest only, the creditor shall use the payment amount required to amortize the loan by its final maturity.

''(C) CALCULATION FOR NEGATIVE AMORTIZATION.—In making any determination under this subsection, a creditor shall also take into consideration any balance increase that may accrue from any negative amortization provision.

''(D) CALCULATION PROCESS.—For purposes of making any determination under this subsection, a creditor shall calculate the monthly payment amount for principal and interest on any residential mortgage loan by assuming—

''(i) the loan proceeds are fully disbursed on the date of the consummation of the loan;

''(ii) the loan is to be repaid in substantially equal monthly amortizing payments for principal and interest over the entire term of the loan with no balloon payment, unless the loan contract requires more rapid repayment (including balloon payment), in which case the contract's repayment schedule shall be used in this calculation; and

''(iii) the interest rate over the entire term of the loan is a fixed rate equal to the fully indexed rate at the time of the loan closing, without considering the introductory rate.

''(5) FULLY-INDEXED RATE DEFINED.—For purposes of this subsection, the term 'fully indexed rate' means the index rate prevailing on a residential mortgage loan at the time the loan is made plus the margin that will apply after the expiration of any introductory interest rates.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129B (as added by section 102(b)) the following new item:

''129C. Minimum standards for residential mortgage loans.''.

**SEC. 202. NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.**

Section 129C of the Truth in Lending Act (as added by section 201(a)) is amended by inserting after subsection (a) the following new subsection:

''(b) NET TANGIBLE BENEFIT FOR REFINANCING OF RESIDENTIAL MORTGAGE LOANS.—

''(1) IN GENERAL.—In accordance with regulations prescribed under paragraph (3), no creditor may extend credit in connection with any residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan unless the creditor reasonably and in good faith determines, at the time the loan is consummated and on the basis of information known by or obtained in good faith by the creditor, that the refinanced loan will provide a net tangible benefit to the consumer.

''(2) CERTAIN LOANS PROVIDING NO NET TANGIBLE BENEFIT.—A residential mortgage loan that involves a refinancing of a prior existing residential mortgage loan shall not be considered to provide a net tangible benefit to the consumer if the costs of the refinanced loan, including points, fees and other charges, exceed the amount of any newly advanced principal without any corresponding changes in the terms of the refinanced loan that are advantageous to the consumer.

''(3) NET TANGIBLE BENEFIT.—The Federal banking agencies shall jointly prescribe regulations defining the term 'net tangible benefit' for purposes of this subsection.''.

**SEC. 203. SAFE HARBOR AND REBUTTABLE PRESUMPTION.**

Section 129C of the Truth in Lending Act is amended by inserting after subsection (b) (as added by section 202) the following new subsection:

''(c) PRESUMPTION OF ABILITY TO REPAY AND NET TANGIBLE BENEFIT.—

''(1) IN GENERAL.—Any creditor with respect to any residential mortgage loan, and any assignee or securitizer of such loan, may presume that the loan has met the requirements of subsections (a) and (b), if the loan is a qualified mortgage.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) QUALIFIED MORTGAGE.—The term 'qualified mortgage' means any residential mortgage loan—

''(i) that does not allow a consumer to defer repayment of principal or interest, or is not otherwise deemed a 'non-traditional mortgage' under guidance, advisories, or regulations prescribed by the Federal Banking Agencies;

''(ii) that does not provide for a repayment schedule that results in negative amortization at any time;

''(iii) for which the terms are fully amortizing and which does not result in a balloon payment, where a 'balloon payment' is a scheduled payment that is more than twice as large as the average of earlier scheduled payments;

''(iv) which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

''(I) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount that does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

''(II) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having a original principal obligation amount that exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(v) for which the income and financial resources relied upon to qualify the obligors on the loan are verified and documented;

''(vi) in the case of a fixed rate loan, for which the underwriting process is based on a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(vii) in the case of an adjustable rate loan, for which the underwriting is based on the maximum rate permitted under the loan during the first seven years, and a payment schedule that fully amortizes the loan over the loan term and takes into account all applicable taxes, insurance, and assessments;

''(viii) that does not cause the consumer's total monthly debts, including amounts under the loan, to exceed a percentage established by regulation of the consumer's monthly gross income or such other maximum percentage of such income as may be prescribed by regulation under paragraph (4), and such rules shall also take into consideration the consumer's income available to pay regular expenses after payment of all installment and revolving debt;

''(ix) for which the total points and fees payable in connection with the loan do not exceed 2 percent of the total loan amount, where 'points and fees' means points and fees as defined by Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)); and

''(x) for which the term of the loan does not exceed 30 years, except as such term may be extended under paragraph (4).

''(B) AVERAGE PRIME OFFER RATE.—The term 'average prime offer rate' means an annual percentage rate that is derived from average interest rates, points, and other loan pricing terms currently offered to consumers by a representative sample of creditors for mortgage transactions that have low risk pricing characteristics.

''(3) PUBLICATION OF AVERAGE PRIME OFFER RATE.—The Board—

''(A) shall publish, and update at least weekly, average prime offer rates; and

''(B) may publish multiple rates based on varying types of mortgage transactions.

''(4) REGULATIONS.—

''(A) IN GENERAL.—The Federal banking agencies shall jointly prescribe regulations to carry out the purposes of this subsection.

''(B) REVISION OF SAFE HARBOR CRITERIA.—

''(i) IN GENERAL.—The Federal banking agencies may jointly prescribe regulations that revise, add to, or subtract from the criteria that define a qualified mortgage upon a finding that such regulations are necessary and appropriate to effectuate the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections.

''(ii) LOAN DEFINITION.—The following agencies shall prescribe rules defining the types of loans they insure, guarantee or administer, as the case may be, that are Qualified Mortgages for purposes of subsection (c)(1)(A) upon a finding that such rules are consistent with the purposes of this section and section 129B, to prevent circumvention or evasion thereof, or to facilitate compliance with such sections—

''(I) The Department of Housing and Urban Development, with regard to mortgages insured under title II of the National Housing Act (12 U.S.C. 1707 et seq.);

''(II) The Secretary of Veterans Affairs, with regard to a loan made or guaranteed by the Secretary of Veterans Affairs;

''(III) The Secretary of Agriculture, with regard loans guaranteed by the Secretary of Agriculture pursuant to 42 U.S.C. 1472(h);

''(IV) The Federal Housing Finance Agency, with regard to loans meeting the conforming loan standards of the Federal National Mortgage Corporation or the Federal Home Loan Mortgage Corporation; and

''(V) The Rural Housing Service, with regard to loans insured by the Rural Housing Service.''.

**SEC. 204. LIABILITY.**

Section 129C of the Truth in Lending Act is amended by inserting after subsection (c) (as added by section 203) the following new subsection:

''(d) LIABILITY FOR VIOLATIONS.—

''(1) IN GENERAL.—

''(A) RESCISSION.—In addition to any other liability under this title for a violation by a creditor of subsection (a) or (b) (for example under section 130) and subject to the statute of limitations in paragraph (9), a civil action may be maintained against a creditor for a violation of subsection (a) or (b) with respect to a residential mortgage loan for the rescission of the loan, and such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(B) CURE.—A creditor shall not be liable for rescission under subparagraph (A) with respect to a residential mortgage loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the creditor provides a cure.

''(2) LIMITED ASSIGNEE AND SECURITIZER LIABILITY.—Notwithstanding sections 125(e) and 131 and except as provided in paragraph (3), a civil action which may be maintained against a creditor with respect to a residential mortgage loan for a violation of subsection (a) or (b) may be maintained against any assignee or securitizer of such residential mortgage loan, who has acted in good faith, for the following liabilities only:

''(A) Rescission of the loan.

''(B) Such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(3) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan that has exercised reasonable due diligence in complying with the requirements of subsections (a) and (b) shall be liable under paragraph (2) with respect to such loan if, no later than 90 days after the receipt of notification from the consumer that the loan violates subsection (a) or (b), the assignee or securitizer provides a cure so that the loan satisfies the requirements of subsections (a) and (b).

''(4) ABSENT PARTIES.—

''(A) ABSENT CREDITOR.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) has ceased to exist as a matter of law or has filed for bankruptcy protection under title 11, United States Code, or has had a receiver, conservator, or liquidating agent appointed, a consumer may maintain a civil action against an assignee to cure the residential mortgage loan, plus the costs and reasonable attorney's fees incurred in obtaining such remedy.

''(B) ABSENT CREDITOR AND ASSIGNEE.—Notwithstanding the exemption provided in paragraph (3), if the creditor with respect to a residential mortgage loan made in violation of subsection (a) or (b) and each assignee of such loan have ceased to exist as a matter of law or have filed for bankruptcy protection under title 11, United States Code, or have had receivers, conservators, or liquidating agents appointed, the consumer may maintain the civil action referred to in subparagraph (A) against the securitizer.

''(5) CURE DEFINED.—For purposes of this subsection, the term 'cure' means, with respect to a residential mortgage loan that violates subsection (a) or (b), the modification or refinancing, at no cost to the consumer, of the loan to provide terms that satisfy the requirements of subsections (a) and (b) and the payment of such additional costs as the obligor may have incurred in connection with obtaining a cure of the loan, including a reasonable attorney's fee.

''(6) DISAGREEMENT OVER CURE.—If any creditor, assignee, or securitizer and a consumer fail to reach agreement on a cure with respect to a residential mortgage loan that violates subsection (a) or (b), or the consumer fails to accept a cure proffered by a creditor, assignee, or securitizer—

''(A) the creditor, assignee, or securitizer may provide the cure; and

''(B) the consumer may challenge the adequacy of the cure during the 6-month period beginning when the cure is provided.

If the consumer's challenge, under this paragraph, of a cure is successful, the creditor, assignee, or securitizer shall be liable to the consumer for rescission of the loan and such additional costs under paragraph (2).

''(7) INABILITY TO PROVIDE OR OBTAIN RESCISSION.—If a creditor, assignee, or securitizer cannot provide, or a consumer cannot obtain, rescission under paragraph (1) or (2), the liability of such creditor, assignee, or securitizer shall be met by providing the financial equivalent of a rescission, together with such additional costs as the obligor may have incurred as a result of the violation and in connection with obtaining a rescission of the loan, including a reasonable attorney's fee.

''(8) NO CLASS ACTIONS AGAINST ASSIGNEE OR SECURITIZER UNDER PARAGRAPH (2).—Only individual actions may be brought against an assignee or securitizer of a residential mortgage loan for a violation of subsection (a) or (b).

''(9) STATUTE OF LIMITATIONS.—The liability of a creditor, assignee, or securitizer under this subsection shall apply in any original action against a creditor under paragraph (1) or an assignee or securitizer under paragraph (2) which is brought before—

''(A) in the case of any residential mortgage loan other than a loan to which subparagraph (B) applies, the end of the 3-year period beginning on the date the loan is consummated; or

''(B) in the case of a residential mortgage loan that provides for a fixed interest rate for an introductory period and then resets or adjusts to a variable rate or that provides for a nonamortizing payment schedule and then converts to an amortizing payment schedule, the earlier of—

''(i) the end of the 1-year period beginning on the date of such reset, adjustment, or conversion; or

''(ii) the end of the 6-year period beginning on the date the loan is consummated.

''(10) POOLS AND INVESTORS IN POOLS EXCLUDED.—In the case of residential mortgage loans acquired or aggregated for the purpose of including such loans in a pool of assets held for the purpose of issuing or selling instruments representing interests in such pools including through a securitization vehicle, the terms 'assignee' and 'securitizer', as used in this section, do not include the securitization vehicle, the pools of such loans or any original or subsequent purchaser of any interest in the securitization vehicle or any instrument representing a direct or indirect interest in such pool.

''(e) OBLIGATION OF SECURITIZERS, AND PRESERVATION OF BORROWER REMEDIES.—

''(1) OBLIGATION TO RETAIN ACCESS.—Any securitizer of a residential mortgage loan sold or to be sold as part of a securitization vehicle shall, in any document or contract providing for the transfer, conveyance, or the establishment of such securitization vehicle, reserve the right and preserve the ability—

''(A) to identify and obtain access to any such loan;

''(B) to acquire any such loan in the event of a violation of subsections (a) or (b) of this section; and

''(C) to provide to the consumer any and all remedies provided for under this title for any violation of this title.

''(2) ADDITIONAL DAMAGES.—Any creditor, assignee, or securitizer of a residential mortgage loan that is subject to a remedy under subsection (d) and has failed to comply with paragraph (1) shall be subject to additional exemplary or punitive damages not to exceed the original principal balance of such loan.

''(3) CONTACT INFORMATION NOTICE.—The servicer with respect to a residential mortgage loan shall provide a written notice to a consumer identifying the name and contact information of the creditor or any assignee or securitizer who should be contacted by the consumer for any reason concerning the consumer's rights with respect to the loan. Such notice shall be provided—

''(A) upon request of the consumer;

''(B) whenever there is a change in ownership of a residential mortgage loan; or

''(C) on a regular basis, not less than annually.

''(f) RULES TO ESTABLISH PROCESS.—The Board shall promulgate rules to govern the rescission process established for violations of subsections (a) and (b) of this section. Such rules shall provide that notice given to a servicer or holder is sufficient notice regardless of the identity of the party or the parties liable under this title.''.

**SEC. 205. DEFENSE TO FORECLOSURE.**

Section 129C of the Truth in Lending Act is amended by inserting after subsection (f) (as added by section 204) the following new subsections:

''(g) DEFENSE TO FORECLOSURE.—Notwithstanding any other provision of law—

''(1) when the holder of a residential mortgage loan or anyone acting for such holder initiates a judicial or nonjudicial foreclosure—

''(A) a consumer who has the right to rescind under this section with respect to such loan against the creditor or any assignee or securitizer may assert such right as a defense to foreclosure or counterclaim to such foreclosure against the holder, or

''(B) if the foreclosure proceeding begins after the end of the period during which a consumer may bring an action for rescission under subsection (d) and the consumer would have had a valid basis for such an action if it had been brought before the end of such period, the consumer may seek actual damages incurred by reason of the violation which gave rise to the right of rescission, together with costs of the action, including a reasonable attorney's fee against the creditor or any assignee or securitizer; and

''(2) such holder or anyone acting for such holder or any other applicable third party may sell, transfer, convey, or assign a residential mortgage loan to a creditor, any assignee, or any securitizer, or their designees, to effect a rescission or cure.''.

**SEC. 206. ADDITIONAL STANDARDS AND REQUIREMENTS.**

(a) IN GENERAL.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (g) (as added by section 205) the following new subsections:

''(h) PROHIBITION ON CERTAIN PREPAYMENT PENALTIES.—

''(1) PROHIBITED ON CERTAIN LOANS.—A residential mortgage loan that is not a 'qualified mortgage' may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated. For purposes of this subsection, a 'qualified mortgage' may not include a residential mortgage loan that has an adjustable rate.

''(2) PHASED-OUT PENALTIES ON QUALIFIED MORTGAGES.—A qualified mortgage (as defined in subsection (c)) may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the loan is consummated in excess of the following limitations:

''(A) During the 1-year period beginning on the date the loan is consummated, the prepayment penalty shall not exceed an amount equal to 3 percent of the outstanding balance on the loan.

''(B) During the 1-year period beginning after the period described in subparagraph (A), the prepayment penalty shall not exceed an amount equal to 2 percent of the outstanding balance on the loan.

''(C) During the 1-year period beginning after the 1-year period described in subparagraph (B), the prepayment penalty shall not exceed an amount equal to 1 percent of the outstanding balance on the loan.

''(D) After the end of the 3-year period beginning on the date the loan is consummated, no prepayment penalty may be imposed on a qualified mortgage.

''(3) PROHIBITED AFTER INITIAL PERIOD ON LOANS WITH A RESET.—A qualified mortgage with a fixed interest rate for an introductory period that adjusts or resets after such period may not contain terms under which a consumer must pay a prepayment penalty for paying all or part of the principal after the beginning of the 3-

*month period ending on the date of the adjustment or reset.*

*''(4) OPTION FOR NO PREPAYMENT PENALTY REQUIRED.—A creditor may not offer a consumer a residential mortgage loan product that has a prepayment penalty for paying all or part of the principal after the loan is consummated as a term of the loan without offering the consumer a residential mortgage loan product that does not have a prepayment penalty as a term of the loan.*

*''(i) SINGLE PREMIUM CREDIT INSURANCE PROHIBITED.—No creditor may finance, directly or indirectly, in connection with any residential mortgage loan or with any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), any credit life, credit disability, credit unemployment or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that—*

*''(1) insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor; and*

*''(2) this subsection shall not apply to credit unemployment insurance for which the unemployment insurance premiums are reasonable, the creditor receives no direct or indirect compensation in connection with the unemployment insurance premiums, and the unemployment insurance premiums are paid pursuant to another insurance contract and not paid to an affiliate of the creditor.*

*''(j) ARBITRATION.—*

*''(1) IN GENERAL.—No residential mortgage loan and no extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer, other than a reverse mortgage, may include terms which require arbitration or any other nonjudicial procedure as the method for resolving any controversy or settling any claims arising out of the transaction.*

*''(2) POST-CONTROVERSY AGREEMENTS.—Subject to paragraph (3), paragraph (1) shall not be construed as limiting the right of the consumer and the creditor, any assignee, or any securitizer to agree to arbitration or any other nonjudicial procedure as the method for resolving any controversy at any time after a dispute or claim under the transaction arises.*

*''(3) NO WAIVER OF STATUTORY CAUSE OF ACTION.—No provision of any residential mortgage loan or of any extension of credit under an open end consumer credit plan secured by the principal dwelling of the consumer (other than a reverse mortgage), and no other agreement between the consumer and the creditor relating to the residential mortgage loan or extension of credit referred to in paragraph (1), shall be applied or interpreted so as to bar a consumer from bringing an action in an appropriate district court of the United States, or any other court of competent jurisdiction, pursuant to section 130 or any other provision of law, for damages or other relief in connection with any alleged violation of this section, any other provision of this title, or any other Federal law.*

*''(k) MORTGAGES WITH NEGATIVE AMORTIZATION.—No creditor may extend credit to a borrower in connection with a consumer credit transaction under an open or closed end consumer credit plan secured by a dwelling or residential real property that includes a dwelling, other than a reverse mortgage, that provides or permits a payment plan that may, at any time over the term of the extension of credit, result in negative amortization unless, before such transaction is consummated—*

*''(1) the creditor provides the consumer with a statement that—*

*''(A) the pending transaction will or may, as the case may be, result in negative amortization;*

*''(B) describes negative amortization in such manner as the Federal banking agencies shall prescribe;*

*''(C) negative amortization increases the outstanding principal balance of the account; and*

*''(D) negative amortization reduces the consumer's equity in the dwelling or real property; and*

*''(2) in the case of a first-time borrower with respect to a residential mortgage loan that is not a qualified mortgage, the first-time borrower provides the creditor with sufficient documentation to demonstrate that the consumer received homeownership counseling from organizations or counselors certified by the Secretary of Housing and Urban Development as competent to provide such counseling.''.*

*(b) CONFORMING AMENDMENT RELATING TO ENFORCEMENT.—Section 108(a) of the Truth in Lending Act (15 U.S.C. 1607(a)) is amended by inserting after paragraph (6) the following new paragraph:*

*''(7) sections 21B and 21C of the Securities Exchange Act of 1934, in the case of a broker or dealer, other than a depository institution, by the Securities and Exchange Commission.''.*

***SEC. 207. RULE OF CONSTRUCTION.***

*Except as otherwise expressly provided in section 129B or 129C of the Truth in Lending Act (as added by this Act), no provision of such section 129B or 129C shall be construed as superseding, repealing, or affecting any duty, right, obligation, privilege, or remedy of any person under any other provision of the Truth in Lending Act or any other provision of Federal or State law.*

***SEC. 208. EFFECT ON STATE LAWS.***

*(a) IN GENERAL.—Except as provided in subsection (b), section 129C(d) of the Truth in Lending Act (as added by section 204) shall supersede any State law to the extent that it provides additional remedies against any assignee, securitizer, or securitization vehicle for a violation of subsection (a) or (b) of section 129C of such Act or any other State law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of section 129C of such Act, and the remedies described in section 129C(d) shall constitute the sole remedies against any assignee, securitizer, or securitization vehicle for such violations.*

*(b) RULES OF CONSTRUCTION.—No provision of this section shall be construed as limiting—*

*(1) the application of any State law, or the availability of remedies under such law, against a creditor for a particular residential mortgage loan regardless of whether such creditor also acts as an assignee, securitizer, or securitization vehicle for such loan;*

*(2) the application of any State law, or the availability of remedies under such law, against an assignee, securitizer, or securitization vehicle under State law, other than a provision of such law the terms of which address the specific subject matter of subsection (a) (determination of ability to repay) or (b) (requirement of a net tangible benefit) of section 129C of such Act;*

*(3)(A) the application of any State law, or the availability of remedies under such law, against an assignee, securitizer or securitization vehicle for its participation in or direction of the credit or underwriting decisions of a creditor relating to the making of a residential mortgage loan; or*

*(B) the ability of a consumer to assert any rights against or obtain any remedies from an assignee, securitizer or securitization vehicle with respect to a residential mortgage loan as a defense to foreclosure under section 129C(g); or*

*(4) the availability of any equitable remedies, including injunctive relief, under State law.*

***SEC. 209. REGULATIONS.***

*Regulations required or authorized to be prescribed under this title or the amendments made by this title—*

*(1) shall be prescribed in final form before the end of the 12-month period beginning on the date of the enactment of this Act; and*

*(2) shall take effect not later than 18 months after the date of the enactment of this Act.*

***SEC. 210. AMENDMENTS TO CIVIL LIABILITY PROVISIONS.***

*(a) INCREASE IN AMOUNT OF CIVIL MONEY PENALTIES FOR CERTAIN VIOLATIONS.—Section 130(a)(2) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)) is amended—*

*(1) by striking ''$100'' and inserting ''$200'';*

*(2) by striking ''$1,000'' and inserting ''$2,000''; and*

*(3) by striking ''$500,000'' and inserting ''$1,000,000''.*

*(b) STATUTE OF LIMITATIONS EXTENDED FOR SECTION 129 VIOLATIONS.—Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended—*

*(1) in the first sentence, by striking ''Any action'' and inserting ''Except as provided in the subsequent sentence, any action''; and*

*(2) by inserting after the first sentence the following new sentence: ''Any action under this section with respect to any violation of section 129 may be brought in any United States district court, or in any other court of competent jurisdiction, before the end of the 3-year period beginning on the date of the occurrence of the violation.''.*

***SEC. 211. LENDER RIGHTS IN THE CONTEXT OF BORROWER DECEPTION.***

*Section 130 of the Truth in Lending Act is amended by adding at the end the following new subsection:*

*''(k) EXEMPTION FROM LIABILITY AND RESCISSION IN CASE OF BORROWER FRAUD OR DECEPTION.—In addition to any other remedy available by law or contract, no creditor, assignee, or securitizer shall be liable to an obligor under this section, nor shall it be subject to the right of rescission of any obligor under 129B, if such obligor, or co-obligor, knowingly, or willfully and with actual knowledge furnished material information known to be false for the purpose of obtaining such residential mortgage loan.''.*

***SEC. 212. SIX-MONTH NOTICE REQUIRED BEFORE RESET OF HYBRID ADJUSTABLE RATE MORTGAGES.***

*(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 128 the following new section:*

***''§ 128A. Reset of hybrid adjustable rate mortgages***

*''(a) HYBRID ADJUSTABLE RATE MORTGAGES DEFINED.—For purposes of this section, the term 'hybrid adjustable rate mortgage' means a consumer credit transaction secured by the consumer's principal residence with a fixed interest rate for an introductory period that adjusts or resets to a variable interest rate after such period.*

*''(b) NOTICE OF RESET AND ALTERNATIVES.—During the 1-month period that ends 6 months before the date on which the interest rate in effect during the introductory period of a hybrid adjustable rate mortgage adjusts or resets to a variable interest rate or, in the case of such an adjustment or resetting that occurs within the first 6 months after consummation of such loan, at consummation, the creditor or servicer of such loan shall provide a written notice, separate and distinct from all other correspondence to the consumer, that includes the following:*

*''(1) Any index or formula used in making adjustments to or resetting the interest rate and a source of information about the index or formula.*

*''(2) An explanation of how the new interest rate and payment would be determined, including an explanation of how the index was adjusted, such as by the addition of a margin.*

*''(3) A good faith estimate, based on accepted industry standards, of the creditor or servicer of the amount of the monthly payment that will apply after the date of the adjustment or reset, and the assumptions on which this estimate is based.*

''(4) A list of alternatives consumers may pursue before the date of adjustment or reset, and descriptions of the actions consumers must take to pursue these alternatives, including—

''(A) refinancing;

''(B) renegotiation of loan terms;

''(C) payment forbearances; and

''(D) pre-foreclosure sales.

''(5) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).

''(6) The address, telephone number, and Internet address for the State housing finance authority (as so defined) for the State in which the consumer resides.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 128 the following new item:

''128A. Reset of hybrid adjustable rate mortgages.''.

**SEC. 213. CREDIT RISK RETENTION.**

Section 129C of the Truth in Lending Act is amended by inserting after subsection (k) (as added by section 206) the following new subsection:

''(l) CREDIT RISK RETENTION.—

''(1) IN GENERAL.—The Federal banking agencies shall prescribe regulations jointly to require any creditor that makes a residential mortgage loan that is not a qualified mortgage (as defined in section 129C(c)(2)(A)), to retain an economic interest in a material portion of the credit risk for any such loan that the creditor transfers, sells or conveys to a third party.

''(2) STANDARDS FOR REGULATIONS.—Regulations prescribed under paragraph (1) shall—

''(A) apply only to residential mortgage loans that are not qualified mortgages (as so defined);

''(B) prohibit creditors from directly or indirectly hedging or otherwise transferring the credit risk creditors are required to retain under the regulations with respect to any residential mortgage loan;

''(C) require creditors to retain at least 5 percent of the credit risk on any non-qualified mortgage that is transferred, sold or conveyed; and

''(D) specify the permissible forms of the required risk retention (for example, first loss position or pro rata vertical slice) and the minimum duration of the required risk retention.

''(3) EXCEPTIONS AND ADJUSTMENTS.—

''(A) IN GENERAL.—The Federal banking agencies shall have authority to provide exceptions or adjustments to the requirements of this subsection, including exceptions or adjustments relating to the 5 percent risk retention threshold and the hedging prohibition.

''(B) APPLICABLE STANDARDS.—Any exceptions or adjustments granted by the Federal banking agencies shall—

''(i) be consistent with the purpose of this subsection to help ensure high quality underwriting standards for mortgage lenders; and

''(ii) facilitate appropriate risk management practices by mortgage lenders, improve access of consumers to mortgage credit on reasonable terms, or otherwise serve the public interest.

''(4) ALTERNATIVE RISK RETENTION FOR SECURITIZATION SPONSORS.—The Federal banking agencies shall have discretion to apply the risk retention requirements of this subsection to securitizers of non-qualified mortgages in addition to or in place of creditors that make non-qualified mortgages if the agencies determine that applying the requirements to securitization sponsors rather than originators would—

''(A) be consistent with the purpose of this subsection to help ensure high quality underwriting standards for mortgage lenders; and

''(B) facilitate appropriate risk management practices by mortgage lenders, or improve access of consumers to mortgage credit on reasonable terms.

''(m) Section 129C and any regulations promulgated thereunder do not apply to an extension of credit relating to a plan described in section 101(53D) of title 11, United States Code.''.

**SEC. 214. REQUIRED DISCLOSURES.**

(a) ADDITIONAL INFORMATION.—Section 128(a) of Truth in Lending Act (15 U.S.C. 1638(a)) is amended by adding at the end the following new paragraphs:

''(16) In the case of a variable rate residential mortgage loan for which an escrow or impound account will be established for the payment of all applicable taxes, insurance, and assessments—

''(A) the amount of initial monthly payment due under the loan for the payment of principal and interest, and the amount of such initial monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments; and

''(B) the amount of the fully indexed monthly payment due under the loan for the payment of principal and interest, and the amount of such fully indexed monthly payment including the monthly payment deposited in the account for the payment of all applicable taxes, insurance, and assessments.

''(17) In the case of a residential mortgage loan, the aggregate amount of settlement charges for all settlement services provided in connection with the loan, the amount of charges that are included in the loan and the amount of such charges the borrower must pay at closing, the approximate amount of the wholesale rate of funds in connection with the loan, and the aggregate amount of other fees or required payments in connection with the loan.

''(18) In the case of a residential mortgage loan, the aggregate amount of fees paid to the mortgage originator in connection with the loan, the amount of such fees paid directly by the consumer, and any additional amount received by the originator from the creditor.''.

(b) TIMING.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

''(4) RESIDENTIAL MORTGAGE LOAN DISCLOSURES.—In the case of a residential mortgage loan, the information required to be disclosed under subsection (a) with respect to such loan shall be disclosed before the earlier of—

''(A) the time required under the first sentence of paragraph (1); or

''(B) the end of the 3-business-day period beginning on the date the application for the loan from a consumer is received by the creditor.''.

**SEC. 215. DISCLOSURES REQUIRED IN MONTHLY STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.**

Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended by adding at the end the following new subsection:

''(f) PERIODIC STATEMENTS FOR RESIDENTIAL MORTGAGE LOANS.—

''(1) IN GENERAL.—The creditor, assignee, or servicer with respect to any residential mortgage loan shall transmit to the obligor, for each billing cycle, a statement setting forth each of the following items, to the extent applicable, in a conspicuous and prominent manner:

''(A) The amount of the principal obligation under the mortgage.

''(B) The current interest rate in effect for the loan.

''(C) The date on which the interest rate may next reset or adjust.

''(D) The amount of any prepayment fee to be charged, if any.

''(E) A description of any late payment fees.

''(F) A telephone number and electronic mail address that may be used by the obligor to obtain information regarding the mortgage.

''(G) Such other information as the Board may prescribe in regulations.

''(2) DEVELOPMENT AND USE OF STANDARD FORM.—The Federal banking agencies shall jointly develop and prescribe a standard form for the disclosure required under this subsection, taking into account that the statements required may be transmitted in writing or electronically.''.

**SEC. 216. LEGAL ASSISTANCE FOR FORECLOSURE-RELATED ISSUES.**

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development (hereafter in this section referred to as the ''Secretary'' shall establish a program for making grants for providing a full range of foreclosure legal assistance to low- and moderate-income homeowners and tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure.

(b) COMPETITIVE ALLOCATION.—The Secretary shall allocate amounts made available for grants under this section to State and local legal organizations on the basis of a competitive process. For purposes of this subsection ''State and local legal organizations'' are those State and local organizations whose primary business or mission is to provide legal assistance.

(c) PRIORITY TO CERTAIN AREAS.—In allocating amounts in accordance with subsection (b), the Secretary shall give priority consideration to State and local legal organizations that are operating in the 100 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

(d) LEGAL ASSISTANCE.—

(1) IN GENERAL.—Any State or local legal organization that receives financial assistance pursuant to this section may use such amounts only to assist—

(A) homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure; and

(B) tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides.

(2) COMMENCE USE WITHIN 90 DAYS.—Any State or local legal organization that receives financial assistance pursuant to this section shall begin using any financial assistance received under this section within 90 days after receipt of the assistance.

(3) PROHIBITION ON CLASS ACTIONS.—No funds provided to a State or local legal organization under this section may be used to support any class action litigation.

(4) LIMITATION ON LEGAL ASSISTANCE.—Legal assistance funded with amounts provided under this section shall be limited to mortgage-related default, eviction, or foreclosure proceedings, without regard to whether such foreclosure is judicial or nonjudicial.

(5) EFFECTIVE DATE.—Notwithstanding section 217, this subsection shall take effect on the date of the enactment of this Act.

(e) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

(1) IN GENERAL.—None of the amounts made available under this section shall be distributed to—

(A) any organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) any organization which employs applicable individuals.

(2) DEFINITION OF APPLICABLE INDIVIDUAL.—In this subparagraph, the term ''applicable individual'' means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

*(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $35,000,000 for each of fiscal years 2009 through 2012 for grants under this section.*

***SEC. 217. EFFECTIVE DATE.***

*The amendments made by this title shall apply to transactions consummated on or after the effective date of the regulations specified in section 209.*

***SEC. 218. REPORT BY THE GAO.***

*(a) REPORT REQUIRED.—The Comptroller General shall conduct a study to determine the effects the enactment of this Act will have on the availability and affordability of credit for homebuyers and mortgage lending, including the effect—*

*(1) on the mortgage market for mortgages that are not within the safe harbor provided in the amendments made by this title;*

*(2) on the ability of prospective homebuyers to obtain financing;*

*(3) on the ability of homeowners facing resets or adjustments to refinance—for example, do they have fewer refinancing options due to the unavailability of certain loan products that were available before the enactment of this Act;*

*(4) on minorities' ability to access affordable credit compared with other prospective borrowers;*

*(5) on home sales and construction;*

*(6) of extending the rescission right, if any, on adjustable rate loans and its impact on litigation;*

*(7) of State foreclosure laws and, if any, an investor's ability to transfer a property after foreclosure;*

*(8) of expanding the existing provisions of the Home Ownership and Equity Protection Act of 1994;*

*(9) of prohibiting prepayment penalties on high-cost mortgages; and*

*(10) of establishing counseling services under the Department of Housing and Urban Development and offered through the Office of Housing Counseling.*

*(b) REPORT.—Before the end of the 1-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (a).*

*(c) EXAMINATION RELATED TO CERTAIN CREDIT RISK RETENTION PROVISIONS.—The report required by subsection (b) shall also include an analysis by the Comptroller General of the effect on the capital reserves and funding of lenders of credit risk retention provisions for non-qualified mortgages.*

***SEC. 219. STATE ATTORNEY GENERAL ENFORCEMENT AUTHORITY.***

*Section 130(e) of the Truth in Lending Act (15 U.S.C. 1640(e)) is amended by striking ''section 129 may also'' and inserting ''section 129, 129B, or 129C of this Act, section 219 of the Mortgage Reform and Anti-Predatory Lending Act, or any amendment made by section 219 of the Mortgage Reform and Anti-Predatory Lending Act may also''.*

***SEC. 220. TENANT PROTECTION.***

*(a) TENANT PROTECTION GENERALLY.—*

*(1) IN GENERAL.—In the case of any foreclosure on any dwelling or residential real property, after the date of the enactment of the Mortgage Reform and Anti-Predatory Lending Act, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to—*

*(A) except as provided in paragraph (2), the rights of any bona fide tenant, as of the date of foreclosure under any bona fide lease entered into before the date of foreclosure, to occupy the premises until the end of the remaining term of the lease; and*

*(B) the rights of any bona fide tenant, as of the date of foreclosure, without a lease or with a lease terminable at will under State law, subject to the provision by the immediate successor in interest and the receipt by the tenant in the unit, of a notice to vacate at least 90 days before the effective date of such notice.*

*(2) EXCEPTION FOR SUBSEQUENT OWNER-OCCUPANT.—Notwithstanding paragraph (1), if the immediate successor in interest of any dwelling or residential real property that is otherwise subject to paragraph (1) is a purchaser who will occupy a unit of the dwelling or residential real property as a primary residence, or such successor in interest sells the dwelling or residential real property to a purchaser who will occupy a unit of the dwelling or residential real property, as a primary residence—*

*(A) such purchaser may terminate a lease relating to such unit on the effective date of a notice to vacate; and*

*(B) such notice to vacate shall be provided by the purchaser to the tenant in such unit at least 90 days before the effective date of such notice.*

*(3) BONA FIDE LEASE OR TENANCY.—For purposes of this subsection, a lease or tenancy shall be considered bona fide only if—*

*(A) the mortgagor under the contract is not the tenant;*

*(B) the lease or tenancy was the result of an arms-length transaction; and*

*(C) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a Federal, State, or local subsidy.*

*(4) RULE OF CONSTRUCTION.—Except for the specific provisions of this subsection, no provision of this subsection shall be construed as affecting the requirements for termination of any Federal- or State-subsidized tenancy. The provisions of this subsection shall not be construed to limit any State or local law that provides longer time periods or other additional protections for tenants.*

*(b) CORRESPONDING PROVISION RELATING TO EFFECT OF FORECLOSURES ON SECTION 8 TENANCIES.—Paragraph (7) of section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(7)) is amended—*

*(1) in subparagraph (C), by inserting before the semicolon at the end the following: '', and in the case of an owner who is an immediate successor in interest pursuant to foreclosure—*

*''(i) during the initial term of the tenant's lease, having the property vacant prior to sale shall not constitute good cause; and*

*''(ii) in subsequent lease terms of the tenant's lease, who will occupy the unit as a primary residence, who sells the property to a purchaser who will occupy a unit of the property as a primary residence, or if the unit is unmarketable while occupied, such owner may terminate a lease relating to such unit for good cause on the effective date of the notice to vacate, where such notice is provided by the owner to the tenant in such unit at least 90 days before the effective date of such notice;''.*

*(2) in subparagraph (E), by striking ''and'' at the end;*

*(3) by redesignating subparagraph (F) as subparagraph (G); and*

*(4) by inserting after subparagraph (E) the following:*

*''(F) shall provide that in the case of any foreclosure on any residential real property in which a recipient of assistance under this subsection resides, the immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to the lease between the prior owner and the tenant and to the housing assistance payments contract between the prior owner and the public housing agency for the occupied unit; if a public housing agency is unable to make payments under the contract to the immediate successor in interest after foreclosure, due to action or inaction by the successor in interest, including the rejection of payments or the failure of the successor to maintain the unit in compliance with paragraph (8) or an inability to identify the successor, the agency may use funds that would have been used to pay the rental amount on behalf of the family—*

*''(i) to pay for utilities that are the responsibility of the owner under the lease or applicable law, after taking reasonable steps to notify the owner that it intends to make payments to a utility provider in lieu of payments to the owner, except prior notification shall not be required in any case in which the unit will be or has been rendered uninhabitable due to the termination or threat of termination of service, in which case the public housing agency shall notify the owner within a reasonable time after making such payment; or*

*''(ii) for the family's reasonable moving costs, including security deposit costs;*

*except that this subparagraph and the provisions related to foreclosure in subparagraph (C) shall not affect any State or local law that provides longer time periods or other additional protections for tenants.''.*

*(c) EFFECTIVE DATE.—Notwithstanding section 217, this section and the amendments made by this section shall take effect on the date of the enactment of this Act.*

## *TITLE III—HIGH-COST MORTGAGES*

***SEC. 301. DEFINITIONS RELATING TO HIGH-COST MORTGAGES.***

*(a) HIGH-COST MORTGAGE DEFINED.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended by striking all that precedes paragraph (2) and inserting the following:*

*''(aa) HIGH-COST MORTGAGE.—*

*''(1) DEFINITION.—*

*''(A) IN GENERAL.—The term 'high-cost mortgage', and a mortgage referred to in this subsection, means a consumer credit transaction that is secured by the consumer's principal dwelling, other than a reverse mortgage transaction, if—*

*''(i) in the case of a credit transaction secured—*

*''(I) by a first mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 6.5 percentage points (8.5 percentage points, if the dwelling is personal property and the transaction is for less than $50,000) the average prime offer rate, as defined in section 129C(c)(2)(B), for a comparable transaction; or*

*''(II) by a subordinate or junior mortgage on the consumer's principal dwelling, the annual percentage rate at consummation of the transaction will exceed by more than 8.5 percentage points the average prime offer rate, as defined in section 129C(c)(2)(B), for a comparable transaction;*

*''(ii) the total points and fees payable in connection with the transaction exceed—*

*''(I) in the case of a transaction for $20,000 or more, 5 percent of the total transaction amount; or*

*''(II) in the case of a transaction for less than $20,000, the lesser of 8 percent of the total transaction amount or $1,000 (or such other dollar amount as the Board shall prescribe by regulation); or*

*''(iii) the credit transaction documents permit the creditor to charge or collect prepayment fees or penalties more than 36 months after the transaction closing or such fees or penalties exceed, in the aggregate, more than 2 percent of the amount prepaid.*

*''(B) INTRODUCTORY RATES TAKEN INTO ACCOUNT.—For purposes of subparagraph (A)(i), the annual percentage rate of interest shall be determined based on the following interest rate:*

*''(i) In the case of a fixed-rate transaction in which the annual percentage rate will not vary during the term of the loan, the interest rate in effect on the date of consummation of the transaction.*

*''(ii) In the case of a transaction in which the rate of interest varies solely in accordance with an index, the interest rate determined by adding the index rate in effect on the date of consummation of the transaction to the maximum*

*margin permitted at any time during the transaction agreement.*

*''(iii) In the case of any other transaction in which the rate may vary at any time during the term of the loan for any reason, the interest charged on the transaction at the maximum rate that may be charged during the term of the transaction.''.*

*(b) ADJUSTMENT OF PERCENTAGE POINTS.—Section 103(aa)(2) of the Truth in Lending Act (15 U.S.C. 1602(aa)(2)) is amended by striking subparagraph (B) and inserting the following new subparagraph:*

*''(B) An increase or decrease under subparagraph (A)—*

*''(i) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(I) being less than 6 percentage points or greater than 10 percentage points; and*

*''(ii) may not result in the number of percentage points referred to in paragraph (1)(A)(i)(II) being less than 8 percentage points or greater than 12 percentage points.''.*

*(c) POINTS AND FEES DEFINED.—*

*(1) IN GENERAL.—Section 103(aa)(4) of the Truth in Lending Act (15 U.S.C. 1602(aa)(4)) is amended—*

*(A) by striking subparagraph (B) and inserting the following:*

*''(B) all compensation paid directly or indirectly by a consumer or creditor to a mortgage broker from any source, including a mortgage originator that originates a loan in the name of the originator in a table-funded transaction;'';*

*(B) in subparagraph (C)(ii), by inserting ''except where applied to the charges set forth in section 106(e)(1) where a creditor may receive indirect compensation solely as a result of obtaining distributions of profits from an affiliated entity based on its ownership interest in compliance with section 8(c)(4) of the Real Estate Settlement Procedures Act of 1974'' before the semicolon at the end;*

*(C) in subparagraph (C)(iii), by striking ''; and'' and inserting '', except as provided for in clause (ii);'';*

*(D) by redesignating subparagraph (D) as subparagraph (G); and*

*(E) by inserting after subparagraph (C) the following new subparagraphs:*

*''(D) premiums or other charges payable at or before closing for any credit life, credit disability, credit unemployment, or credit property insurance, or any other accident, loss-of-income, life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid in full on a monthly basis shall not be considered financed by the creditor;*

*''(E) except as provided in subsection (cc), the maximum prepayment fees and penalties which may be charged or collected under the terms of the credit transaction;*

*''(F) all prepayment fees or penalties that are incurred by the consumer if the loan refinances a previous loan made or currently held by the same creditor or an affiliate of the creditor; and''.*

*(2) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—Section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) is amended—*

*(A) by redesignating paragraph (5) as paragraph (6); and*

*(B) by inserting after paragraph (4) the following new paragraph:*

*''(5) CALCULATION OF POINTS AND FEES FOR OPEN-END CONSUMER CREDIT PLANS.—In the case of open-end consumer credit plans, points and fees shall be calculated, for purposes of this section and section 129, by adding the total points and fees known at or before closing, including the maximum prepayment penalties which may be charged or collected under the terms of the credit transaction, plus the minimum additional fees the consumer would be required to pay to draw down an amount equal to the total credit line.''.*

*(d) BONA FIDE DISCOUNT LOAN DISCOUNT POINTS AND PREPAYMENT PENALTIES.—Section 103 of the Truth in Lending Act (15 U.S.C. 1602) is amended by inserting after subsection (cc) (as added by section 101) the following new subsection:*

*''(dd) BONA FIDE DISCOUNT POINTS AND PREPAYMENT PENALTIES.—For the purposes of determining the amount of points and fees for purposes of subsection (aa), either the amounts described in paragraph (1) or (4) of the following paragraphs, but not both, may be excluded:*

*''(1) EXCLUSION OF BONA FIDE DISCOUNT POINTS.—The discount points described in 1 of the following subparagraphs shall be excluded from determining the amounts of points and fees with respect to a high-cost mortgage for purposes of subsection (aa):*

*''(A) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point (i) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater, or (ii) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).*

*''(B) Unless 2 bona fide discount points have been excluded under subparagraph (A), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points (i) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater, or (ii) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).*

*''(2) DEFINITION.—For purposes of paragraph (1), the term 'bona fide discount points' means loan discount points which are knowingly paid by the consumer for the purpose of reducing, and which in fact result in a bona fide reduction of, the interest rate or time-price differential applicable to the mortgage.*

*''(3) EXCEPTION FOR INTEREST RATE REDUCTIONS INCONSISTENT WITH INDUSTRY NORMS.—Paragraph (1) shall not apply to discount points used to purchase an interest rate reduction unless the amount of the interest rate reduction purchased is reasonably consistent with established industry norms and practices for secondary mortgage market transactions.''.*

***SEC. 302. AMENDMENTS TO EXISTING REQUIREMENTS FOR CERTAIN MORTGAGES.***

*(a) PREPAYMENT PENALTY PROVISIONS.—Section 129(c)(2) of the Truth in Lending Act (15 U.S.C. 1639(c)(2)) is hereby repealed.*

*(b) NO BALLOON PAYMENTS.—Section 129(e) of the Truth in Lending Act (15 U.S.C. 1639(e)) is amended to read as follows:*

*''(e) NO BALLOON PAYMENTS.—No high-cost mortgage may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This subsection shall not apply when the payment schedule is adjusted to the seasonal or irregular income of the consumer.''.*

***SEC. 303. ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.***

*(a) ADDITIONAL REQUIREMENTS FOR CERTAIN MORTGAGES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended—*

*(1) by redesignating subsections (j), (k) and (l) as subsections (n), (o) and (p) respectively; and*

*(2) by inserting after subsection (i) the following new subsections:*

*''(j) RECOMMENDED DEFAULT.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a high-cost mortgage that refinances all or any portion of such existing loan or debt.*

*''(k) LATE FEES.—*

*''(1) IN GENERAL.—No creditor may impose a late payment charge or fee in connection with a high-cost mortgage—*

*''(A) in an amount in excess of 4 percent of the amount of the payment past due;*

*''(B) unless the loan documents specifically authorize the charge or fee;*

*''(C) before the end of the 15-day period beginning on the date the payment is due, or in the case of a loan on which interest on each installment is paid in advance, before the end of the 30-day period beginning on the date the payment is due; or*

*''(D) more than once with respect to a single late payment.*

*''(2) COORDINATION WITH SUBSEQUENT LATE FEES.—If a payment is otherwise a full payment for the applicable period and is paid on its due date or within an applicable grace period, and the only delinquency or insufficiency of payment is attributable to any late fee or delinquency charge assessed on any earlier payment, no late fee or delinquency charge may be imposed on such payment.*

*''(3) FAILURE TO MAKE INSTALLMENT PAYMENT.—If, in the case of a loan agreement the terms of which provide that any payment shall first be applied to any past due principal balance, the consumer fails to make an installment payment and the consumer subsequently resumes making installment payments but has not paid all past due installments, the creditor may impose a separate late payment charge or fee for any principal due (without deduction due to late fees or related fees) until the default is cured.*

*''(l) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor, in its sole discretion, to accelerate the indebtedness. This provision shall not apply when repayment of the loan has been accelerated by default, pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan documents unrelated to the payment schedule.*

*''(m) RESTRICTION ON FINANCING POINTS AND FEES.—No creditor may directly or indirectly finance, in connection with any high-cost mortgage, any of the following:*

*''(1) Any prepayment fee or penalty payable by the consumer in a refinancing transaction if the creditor or an affiliate of the creditor is the noteholder of the note being refinanced.*

*''(2) Any points or fees.''.*

*(b) PROHIBITIONS ON EVASIONS.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (p) (as so redesignated by subsection (a)(1)) the following new subsection:*

*''(q) PROHIBITIONS ON EVASIONS, STRUCTURING OF TRANSACTIONS, AND RECIPROCAL ARRANGEMENTS.—A creditor may not take any action in connection with a high-cost mortgage—*

*''(1) to structure a loan transaction as an open-end credit plan or another form of loan for the purpose and with the intent of evading the provisions of this title; or*

*''(2) to divide any loan transaction into separate parts for the purpose and with the intent of evading provisions of this title.''.*

*(c) MODIFICATION OR DEFERRAL FEES.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (q) (as added by subsection (b) of this section) the following new subsection:*

*''(r) MODIFICATION AND DEFERRAL FEES PROHIBITED.—A creditor may not charge a consumer*

*any fee to modify, renew, extend, or amend a high-cost mortgage, or to defer any payment due under the terms of such mortgage, unless the modification, renewal, extension or amendment results in a lower annual percentage rate on the mortgage for the consumer and then only if the amount of the fee is comparable to fees imposed for similar transactions in connection with consumer credit transactions that are secured by a consumer's principal dwelling and are not high-cost mortgages.''.*

*(d) PAYOFF STATEMENT.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (r) (as added by subsection (c) of this section) the following new subsection:*

*''(s) PAYOFF STATEMENT.—*

*''(1) FEES.—*

*''(A) IN GENERAL.—Except as provided in subparagraph (B), no creditor or servicer may charge a fee for informing or transmitting to any person the balance due to pay off the outstanding balance on a high-cost mortgage.*

*''(B) TRANSACTION FEE.—When payoff information referred to in subparagraph (A) is provided by facsimile transmission or by a courier service, a creditor or servicer may charge a processing fee to cover the cost of such transmission or service in an amount not to exceed an amount that is comparable to fees imposed for similar services provided in connection with consumer credit transactions that are secured by the consumer's principal dwelling and are not high-cost mortgages.*

*''(C) FEE DISCLOSURE.—Prior to charging a transaction fee as provided in subparagraph (B), a creditor or servicer shall disclose that payoff balances are available for free pursuant to subparagraph (A).*

*''(D) MULTIPLE REQUESTS.—If a creditor or servicer has provided payoff information referred to in subparagraph (A) without charge, other than the transaction fee allowed by subparagraph (B), on 4 occasions during a calendar year, the creditor or servicer may thereafter charge a reasonable fee for providing such information during the remainder of the calendar year.*

*''(2) PROMPT DELIVERY.—Payoff balances shall be provided within 5 business days after receiving a request by a consumer or a person authorized by the consumer to obtain such information.*

*''(3) SERVICES CONSIDERED ASSIGNEE.—For the purposes of this subsection, a servicer shall be considered an assignee under the Truth in Lending Act.''.*

*(e) PRE-LOAN COUNSELING REQUIRED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (s) (as added by subsection (d) of this section) the following new subsection:*

*''(t) PRE-LOAN COUNSELING.—*

*''(1) IN GENERAL.—A creditor may not extend credit to a consumer under a high-cost mortgage without first receiving certification from a counselor that is approved by the Secretary of Housing and Urban Development, or at the discretion of the Secretary, a State housing finance authority, that the consumer has received counseling on the advisability of the mortgage. Such counselor shall not be employed by the creditor or an affiliate of the creditor or be affiliated with the creditor.*

*''(2) DISCLOSURES REQUIRED PRIOR TO COUNSELING.—No counselor may certify that a consumer has received counseling on the advisability of the high-cost mortgage unless the counselor can verify that the consumer has received each statement required (in connection with such loan) by this section or the Real Estate Settlement Procedures Act of 1974 with respect to the transaction.*

*''(3) REGULATIONS.—The Board may prescribe such regulations as the Board determines to be appropriate to carry out the requirements of paragraph (1).''.*

*(f) FLIPPING PROHIBITED.—Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (t) (as added by subsection (e)) the following new subsection:*

*''(u) FLIPPING.—*

*''(1) IN GENERAL.—No creditor may knowingly or intentionally engage in the unfair act or practice of flipping in connection with a high-cost mortgage.*

*''(2) FLIPPING DEFINED.—For purposes of this subsection, the term 'flipping' means the making of a loan or extension of credit in the form a high-cost mortgage to a consumer which refinances an existing mortgage when the new loan or extension of credit does not have reasonable, net tangible benefit (as determined in accordance with regulations prescribed under section 129C(b)) to the consumer considering all of the circumstances, including the terms of both the new and the refinanced loans or credit, the cost of the new loan or credit, and the consumer's circumstances.*

*''(v) CORRECTIONS AND UNINTENTIONAL VIOLATIONS.—A creditor or assignee in a high cost loan who, when acting in good faith, fails to comply with any requirement under this section will not be deemed to have violated such requirement if the creditor or assignee establishes that either—*

*''(1) within 30 days of the loan closing and prior to the institution of any action, the consumer is notified of or discovers the violation, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—*

*''(A) make the loan satisfy the requirements of this chapter; or*

*''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial to the consumer so that the loan will no longer be a high-cost mortgage; or*

*''(2) within 60 days of the creditor's discovery or receipt of notification of an unintentional violation or bona fide error as described in subsection (c) and prior to the institution of any action, the consumer is notified of the compliance failure, appropriate restitution is made, and whatever adjustments are necessary are made to the loan to either, at the choice of the consumer—*

*''(A) make the loan satisfy the requirements of this chapter; or*

*''(B) in the case of a high-cost mortgage, change the terms of the loan in a manner beneficial so that the loan will no longer be a high-cost mortgage.''.*

***SEC. 304. REGULATIONS.***

*(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall publish regulations implementing this title and the amendments made by this title in final form before the end of the 6-month period beginning on the date of the enactment of this Act.*

*(b) CONSUMER MORTGAGE EDUCATION.—*

*(1) REGULATIONS.—The Board of Governors of the Federal Reserve System may prescribe regulations requiring or encouraging creditors to provide consumer mortgage education to prospective customers or direct such customers to qualified consumer mortgage education or counseling programs in the vicinity of the residence of the consumer.*

*(2) COORDINATION WITH STATE LAW.—No requirement established by the Board of Governors of the Federal Reserve System pursuant to paragraph (1) shall be construed as affecting or superseding any requirement under the law of any State with respect to consumer mortgage counseling or education.*

***SEC. 305. EFFECTIVE DATE.***

*The amendments made by this title shall take effect at the end of the 6-month period beginning on the date of the enactment of this Act and shall apply to mortgages referred to in section 103(aa) of the Truth in Lending Act (15 U.S.C. 1602(aa)) for which an application is received by the creditor after the end of such period.*

## *TITLE IV—OFFICE OF HOUSING COUNSELING*

***SEC. 401. SHORT TITLE.***

*This title may be cited as the ''Expand and Preserve Home Ownership Through Counseling Act''.*

***SEC. 402. ESTABLISHMENT OF OFFICE OF HOUSING COUNSELING.***

*Section 4 of the Department of Housing and Urban Development Act (42 U.S.C. 3533) is amended by adding at the end the following new subsection:*

*''(g) OFFICE OF HOUSING COUNSELING.—*

*''(1) ESTABLISHMENT.—There is established, in the Department, the Office of Housing Counseling.*

*''(2) DIRECTOR.—There is established the position of Director of Housing Counseling. The Director shall be the head of the Office of Housing Counseling and shall be appointed by, and shall report to, the Secretary. Such position shall be a career-reserved position in the Senior Executive Service.*

*''(3) FUNCTIONS.—*

*''(A) IN GENERAL.—The Director shall have primary responsibility within the Department for all activities and matters relating to homeownership counseling and rental housing counseling, including—*

*''(i) research, grant administration, public outreach, and policy development relating to such counseling; and*

*''(ii) establishment, coordination, and administration of all regulations, requirements, standards, and performance measures under programs and laws administered by the Department that relate to housing counseling, homeownership counseling (including maintenance of homes), mortgage-related counseling (including home equity conversion mortgages and credit protection options to avoid foreclosure), and rental housing counseling, including the requirements, standards, and performance measures relating to housing counseling.*

*''(B) SPECIFIC FUNCTIONS.—The Director shall carry out the functions assigned to the Director and the Office under this section and any other provisions of law. Such functions shall include establishing rules necessary for—*

*''(i) the counseling procedures under section 106(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(h)(1));*

*''(ii) carrying out all other functions of the Secretary under section 106(g) of the Housing and Urban Development Act of 1968, including the establishment, operation, and publication of the availability of the toll-free telephone number under paragraph (2) of such section;*

*''(iii) contributing to the preparation and distribution of home buying information booklets pursuant to section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604);*

*''(iv) carrying out the certification program under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e));*

*''(v) carrying out the assistance program under section 106(a)(4) of the Housing and Urban Development Act of 1968, including criteria for selection of applications to receive assistance;*

*''(vi) carrying out any functions regarding abusive, deceptive, or unscrupulous lending practices relating to residential mortgage loans that the Secretary considers appropriate, which shall include conducting the study under section 6 of the Expand and Preserve Home Ownership Through Counseling Act;*

*''(vii) providing for operation of the advisory committee established under paragraph (4) of this subsection;*

*''(viii) collaborating with community-based organizations with expertise in the field of housing counseling; and*

*''(ix) providing for the building of capacity to provide housing counseling services in areas that lack sufficient services.*

*''(4) ADVISORY COMMITTEE.—*

''(A) IN GENERAL.—The Secretary shall appoint an advisory committee to provide advice regarding the carrying out of the functions of the Director.

''(B) MEMBERS.—Such advisory committee shall consist of not more than 12 individuals, and the membership of the committee shall equally represent the mortgage and real estate industry, including consumers and housing counseling agencies certified by the Secretary.

''(C) TERMS.—Except as provided in subparagraph (D), each member of the advisory committee shall be appointed for a term of 3 years. Members may be reappointed at the discretion of the Secretary.

''(D) TERMS OF INITIAL APPOINTEES.—As designated by the Secretary at the time of appointment, of the members first appointed to the advisory committee, 4 shall be appointed for a term of 1 year and 4 shall be appointed for a term of 2 years.

''(E) PROHIBITION OF PAY; TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

''(F) ADVISORY ROLE ONLY.—The advisory committee shall have no role in reviewing or awarding housing counseling grants.

''(5) SCOPE OF HOMEOWNERSHIP COUNSELING.—In carrying out the responsibilities of the Director, the Director shall ensure that homeownership counseling provided by, in connection with, or pursuant to any function, activity, or program of the Department addresses the entire process of homeownership, including the decision to purchase a home, the selection and purchase of a home, issues arising during or affecting the period of ownership of a home (including refinancing, default and foreclosure, and other financial decisions), and the sale or other disposition of a home.''.

**SEC. 403. COUNSELING PROCEDURES.**

(a) IN GENERAL.—Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x) is amended by adding at the end the following new subsection:

''(g) PROCEDURES AND ACTIVITIES.—

''(1) COUNSELING PROCEDURES.—

''(A) IN GENERAL.—The Secretary shall establish, coordinate, and monitor the administration by the Department of Housing and Urban Development of the counseling procedures for homeownership counseling and rental housing counseling provided in connection with any program of the Department, including all requirements, standards, and performance measures that relate to homeownership and rental housing counseling.

''(B) HOMEOWNERSHIP COUNSELING.—For purposes of this subsection and as used in the provisions referred to in this subparagraph, the term 'homeownership counseling' means counseling related to homeownership and residential mortgage loans. Such term includes counseling related to homeownership and residential mortgage loans that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 8(y)(1)(D) (42 U.S.C. 1437f(y)(1)(D));

''(III) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(IV) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(V) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(VI) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B));

''(VII) sections 302(b)(6) and 303(b)(7) (42 U.S.C. 1437aaa–1(b)(6), 1437aaa–2(b)(7)); and

''(VIII) section 304(c)(4) (42 U.S.C. 1437aaa–3(c)(4));

''(iii) section 302(a)(4) of the American Homeownership and Economic Opportunity Act of 2000 (42 U.S.C. 1437f note);

''(iv) sections 233(b)(2) and 258(b) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2), 12808(b));

''(v) this section and section 101(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x, 1701w(e));

''(vi) section 220(d)(2)(G) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4110(d)(2)(G));

''(vii) sections 422(b)(6), 423(b)(7), 424(c)(4), 442(b)(6), and 443(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6), 12873(b)(7), 12874(c)(4), 12892(b)(6), and 12893(b)(6));

''(viii) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(ix) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A));

''(x) in the National Housing Act—

''(I) in section 203 (12 U.S.C. 1709), the penultimate undesignated paragraph of paragraph (2) of subsection (b), subsection (c)(2)(A), and subsection (r)(4);

''(II) subsections (a) and (c)(3) of section 237 (12 U.S.C. 1715z–2); and

''(III) subsections (d)(2)(B) and (m)(1) of section 255 (12 U.S.C. 1715z–20);

''(xi) section 502(h)(4)(B) of the Housing Act of 1949 (42 U.S.C. 1472(h)(4)(B)); and

''(xii) section 508 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–7).

''(C) RENTAL HOUSING COUNSELING.—For purposes of this subsection, the term 'rental housing counseling' means counseling related to rental of residential property, which may include counseling regarding future homeownership opportunities and providing referrals for renters and prospective renters to entities providing counseling and shall include counseling related to such topics that is provided pursuant to—

''(i) section 105(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(20));

''(ii) in the United States Housing Act of 1937—

''(I) section 9(e) (42 U.S.C. 1437g(e));

''(II) section 18(a)(4)(D) (42 U.S.C. 1437p(a)(4)(D));

''(III) section 23(c)(4) (42 U.S.C. 1437u(c)(4));

''(IV) section 32(e)(4) (42 U.S.C. 1437z–4(e)(4));

''(V) section 33(d)(2)(B) (42 U.S.C. 1437z–5(d)(2)(B)); and

''(VI) section 302(b)(6) (42 U.S.C. 1437aaa–1(b)(6));

''(iii) section 233(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12773(b)(2));

''(iv) section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x);

''(v) section 422(b)(6) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12872(b)(6));

''(vi) section 491(b)(1)(F)(iii) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11408(b)(1)(F)(iii));

''(vii) sections 202(3) and 810(b)(2)(A) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4132(3), 4229(b)(2)(A)); and

''(viii) the rental assistance program under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

''(2) STANDARDS FOR MATERIALS.—The Secretary, in consultation with the advisory committee established under subsection (g)(4) of the Department of Housing and Urban Development Act, shall establish standards for materials and forms to be used, as appropriate, by organizations providing homeownership counseling services, including any recipients of assistance pursuant to subsection (a)(4).

''(3) MORTGAGE SOFTWARE SYSTEMS.—

''(A) CERTIFICATION.—The Secretary shall provide for the certification of various computer software programs for consumers to use in evaluating different residential mortgage loan proposals. The Secretary shall require, for such certification, that the mortgage software systems take into account—

''(i) the consumer's financial situation and the cost of maintaining a home, including insurance, taxes, and utilities;

''(ii) the amount of time the consumer expects to remain in the home or expected time to maturity of the loan; and

''(iii) such other factors as the Secretary considers appropriate to assist the consumer in evaluating whether to pay points, to lock in an interest rate, to select an adjustable or fixed rate loan, to select a conventional or government-insured or guaranteed loan and to make other choices during the loan application process.

If the Secretary determines that available existing software is inadequate to assist consumers during the residential mortgage loan application process, the Secretary shall arrange for the development by private sector software companies of new mortgage software systems that meet the Secretary's specifications.

''(B) USE AND INITIAL AVAILABILITY.—Such certified computer software programs shall be used to supplement, not replace, housing counseling. The Secretary shall provide that such programs are initially used only in connection with the assistance of housing counselors certified pursuant to subsection (e).

''(C) AVAILABILITY.—After a period of initial availability under subparagraph (B) as the Secretary considers appropriate, the Secretary shall take reasonable steps to make mortgage software systems certified pursuant to this paragraph widely available through the Internet and at public locations, including public libraries, senior-citizen centers, public housing sites, offices of public housing agencies that administer rental housing assistance vouchers, and housing counseling centers.

''(D) BUDGET COMPLIANCE.—This paragraph shall be effective only to the extent that amounts to carry out this paragraph are made available in advance in appropriations Acts.

''(4) NATIONAL PUBLIC SERVICE MULTIMEDIA CAMPAIGNS TO PROMOTE HOUSING COUNSELING.—

''(A) IN GENERAL.—The Director of Housing Counseling shall develop, implement, and conduct national public service multimedia campaigns designed to make persons facing mortgage foreclosure, persons considering a subprime mortgage loan to purchase a home, elderly persons, persons who face language barriers, low-income persons, minorities, and other potentially vulnerable consumers aware that it is advisable, before seeking or maintaining a residential mortgage loan, to obtain homeownership counseling from an unbiased and reliable sources and that such homeownership counseling is available, including through programs sponsored by the Secretary of Housing and Urban Development.

''(B) CONTACT INFORMATION.—Each segment of the multimedia campaign under subparagraph (A) shall publicize the toll-free telephone number and website of the Department of Housing and Urban Development through which persons seeking housing counseling can locate a housing counseling agency in their State that is certified by the Secretary of Housing and Urban Development and can provide advice on buying a home, renting, defaults, foreclosures, credit issues, and reverse mortgages.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, not to exceed $3,000,000 for fiscal years 2009, 2010, and 2011, for the development, implementation, and conduct of national public service multimedia campaigns under this paragraph.

''(D) FORECLOSURE RESCUE EDUCATION PROGRAMS.—

''(i) IN GENERAL.—Ten percent of any funds appropriated pursuant to the authorization under subparagraph (C) shall be used by the Director of Housing Counseling to conduct an education program in areas that have a high density of foreclosure. Such program shall involve direct mailings to persons living in such areas describing—

''(I) tips on avoiding foreclosure rescue scams;

''(II) tips on avoiding predatory lending mortgage agreements;

''(III) tips on avoiding for-profit foreclosure counseling services; and

''(IV) local counseling resources that are approved by the Department of Housing and Urban Development.

''(ii) PROGRAM EMPHASIS.—In conducting the education program described under clause (i), the Director of Housing Counseling shall also place an emphasis on serving communities that have a high percentage of retirement communities or a high percentage of low-income minority communities.

''(iii) TERMS DEFINED.—For purposes of this subparagraph:

''(I) HIGH DENSITY OF FORECLOSURES.—An area has a 'high density of foreclosures' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates.

''(II) HIGH PERCENTAGE OF RETIREMENT COMMUNITIES.—An area has a 'high percentage of retirement communities' if such area is one of the metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest percentage of residents aged 65 or older.

''(III) HIGH PERCENTAGE OF LOW-INCOME MINORITY COMMUNITIES.—An area has a 'high percentage of low-income minority communities' if such area contains a higher-than-normal percentage of residents who are both minorities and low-income, as defined by the Director of Housing Counseling.

''(5) EDUCATION PROGRAMS.—The Secretary shall provide advice and technical assistance to States, units of general local government, and nonprofit organizations regarding the establishment and operation of, including assistance with the development of content and materials for, educational programs to inform and educate consumers, particularly those most vulnerable with respect to residential mortgage loans (such as elderly persons, persons facing language barriers, low-income persons, minorities, and other potentially vulnerable consumers), regarding home mortgages, mortgage refinancing, home equity loans, and home repair loans.''.

(b) CONFORMING AMENDMENTS TO GRANT PROGRAM FOR HOMEOWNERSHIP COUNSELING ORGANIZATIONS.—Section 106(c)(5)(A)(ii) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(5)(A)(ii)) is amended—

(1) in subclause (III), by striking ''and'' at the end;

(2) in subclause (IV) by striking the period at the end and inserting ''; and''; and

(3) by inserting after subclause (IV) the following new subclause:

''(V) notify the housing or mortgage applicant of the availability of mortgage software systems provided pursuant to subsection (g)(3).''.

**SEC. 404. GRANTS FOR HOUSING COUNSELING ASSISTANCE.**

Section 106(a) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(3)) is amended by adding at the end the following new paragraph:

''(4) HOMEOWNERSHIP AND RENTAL COUNSELING ASSISTANCE.—

''(A) IN GENERAL.—The Secretary shall make financial assistance available under this paragraph to HUD-approved housing counseling agencies and State housing finance agencies.

''(B) QUALIFIED ENTITIES.—The Secretary shall establish standards and guidelines for eligibility of organizations (including governmental and nonprofit organizations) to receive assistance under this paragraph, in accordance with subparagraph (D).

''(C) DISTRIBUTION.—Assistance made available under this paragraph shall be distributed in a manner that encourages efficient and successful counseling programs.

''(D) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

''(i) IN GENERAL.—None of the assistance made available under this paragraph shall be distributed to—

''(I) any organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

''(II) any organization which employs applicable individuals.

''(ii) DEFINITION OF APPLICABLE INDIVIDUAL.—In this subparagraph, the term 'applicable individual' means an individual who—

''(I) is—

''(aa) employed by the organization in a permanent or temporary capacity;

''(bb) contracted or retained by the organization; or

''(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

''(II) has been indicted for a violation under Federal law relating to an election for Federal office.

''(E) GRANTMAKING PROCESS.—In making assistance available under this paragraph, the Secretary shall consider appropriate ways of streamlining and improving the processes for grant application, review, approval, and award.

''(F) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $45,000,000 for each of fiscal years 2009 through 2012 for—

''(i) the operations of the Office of Housing Counseling of the Department of Housing and Urban Development;

''(ii) the responsibilities of the Director of Housing Counseling under paragraphs (2) through (5) of subsection (g); and

''(iii) assistance pursuant to this paragraph for entities providing homeownership and rental counseling.''.

**SEC. 405. REQUIREMENTS TO USE HUD-CERTIFIED COUNSELORS UNDER HUD PROGRAMS.**

Section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) REQUIREMENT FOR ASSISTANCE.—An organization may not receive assistance for counseling activities under subsection (a)(1)(iii), (a)(2), (a)(4), (c), or (d) of this section, or under section 101(e), unless the organization, or the individuals through which the organization provides such counseling, has been certified by the Secretary under this subsection as competent to provide such counseling.'';

(2) in paragraph (2)—

(A) by inserting ''and for certifying organizations'' before the period at the end of the first sentence; and

(B) in the second sentence by striking ''for certification'' and inserting '', for certification of an organization, that each individual through which the organization provides counseling shall demonstrate, and, for certification of an individual,'';

(3) in paragraph (3), by inserting ''organizations and'' before ''individuals'';

(4) by redesignating paragraph (3) as paragraph (5); and

(5) by inserting after paragraph (2) the following new paragraphs:

''(3) REQUIREMENT UNDER HUD PROGRAMS.—Any homeownership counseling or rental housing counseling (as such terms are defined in subsection (g)(1)) required under, or provided in connection with, any program administered by the Department of Housing and Urban Development shall be provided only by organizations or counselors certified by the Secretary under this subsection as competent to provide such counseling.

''(4) OUTREACH.—The Secretary shall take such actions as the Secretary considers appropriate to ensure that individuals and organizations providing homeownership or rental housing counseling are aware of the certification requirements and standards of this subsection and of the training and certification programs under subsection (f).''.

**SEC. 406. STUDY OF DEFAULTS AND FORECLOSURES.**

The Secretary of Housing and Urban Development shall conduct an extensive study of the root causes of default and foreclosure of home loans, using as much empirical data as are available. The study shall also examine the role of escrow accounts in helping prime and nonprime borrowers to avoid defaults and foreclosures. Not later than 12 months after the date of the enactment of this Act, the Secretary shall submit to the Congress a preliminary report regarding the study. Not later than 24 months after such date of enactment, the Secretary shall submit a final report regarding the results of the study, which shall include any recommended legislation relating to the study, and recommendations for best practices and for a process to identify populations that need counseling the most.

**SEC. 407. DEFINITIONS FOR COUNSELING-RELATED PROGRAMS.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following new subsection:

''(h) DEFINITIONS.—For purposes of this section:

''(1) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' has the meaning given such term in section 104(5) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12704(5)), except that subparagraph (D) of such section shall not apply for purposes of this section.

''(2) STATE.—The term 'State' means each of the several States, the Commonwealth of Puerto Rico, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, the Trust Territories of the Pacific, or any other possession of the United States.

''(3) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, county, parish, town, township, borough, village, or other general purpose political subdivision of a State.

''(4) HUD-APPROVED COUNSELING AGENCY.—The term 'HUD-approved counseling agency' means a private or public nonprofit organization that is—

''(A) exempt from taxation under section 501(c) of the Internal Revenue Code of 1986; and

''(B) certified by the Secretary to provide housing counseling services.

''(5) STATE HOUSING FINANCE AGENCY.—The term 'State housing finance agency' means any public body, agency, or instrumentality specifically created under State statute that is authorised to finance activities designed to provide housing and related facilities throughout an entire State through land acquisition, construction, or rehabilitation.''.

**SEC. 408. UPDATING AND SIMPLIFICATION OF MORTGAGE INFORMATION BOOKLET.**

Section 5 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604) is amended—

(1) in the section heading, by striking ''SPECIAL'' and inserting ''HOME BUYING'';

(2) by striking subsections (a) and (b) and inserting the following new subsections:

''(a) PREPARATION AND DISTRIBUTION.—The Secretary shall prepare, at least once every 5 years, a booklet to help consumers applying for federally related mortgage loans to understand

*the nature and costs of real estate settlement services. The Secretary shall prepare the booklet in various languages and cultural styles, as the Secretary determines to be appropriate, so that the booklet is understandable and accessible to homebuyers of different ethnic and cultural backgrounds. The Secretary shall distribute such booklets to all lenders that make federally related mortgage loans. The Secretary shall also distribute to such lenders lists, organized by location, of homeownership counselors certified under section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) for use in complying with the requirement under subsection (c) of this section.*

*''(b) CONTENTS.—Each booklet shall be in such form and detail as the Secretary shall prescribe and, in addition to such other information as the Secretary may provide, shall include in plain and understandable language the following information:*

*''(1) A description and explanation of the nature and purpose of the costs incident to a real estate settlement or a federally related mortgage loan. The description and explanation shall provide general information about the mortgage process as well as specific information concerning, at a minimum—*

*''(A) balloon payments;*

*''(B) prepayment penalties; and*

*''(C) the trade-off between closing costs and the interest rate over the life of the loan.*

*''(2) An explanation and sample of the uniform settlement statement required by section 4.*

*''(3) A list and explanation of lending practices, including those prohibited by the Truth in Lending Act or other applicable Federal law, and of other unfair practices and unreasonable or unnecessary charges to be avoided by the prospective buyer with respect to a real estate settlement.*

*''(4) A list and explanation of questions a consumer obtaining a federally related mortgage loan should ask regarding the loan, including whether the consumer will have the ability to repay the loan, whether the consumer sufficiently shopped for the loan, whether the loan terms include prepayment penalties or balloon payments, and whether the loan will benefit the borrower.*

*''(5) An explanation of the right of rescission as to certain transactions provided by sections 125 and 129 of the Truth in Lending Act.*

*''(6) A brief explanation of the nature of a variable rate mortgage and a reference to the booklet entitled 'Consumer Handbook on Adjustable Rate Mortgages', published by the Board of Governors of the Federal Reserve System pursuant to section 226.19(b)(1) of title 12, Code of Federal Regulations, or to any suitable substitute of such booklet that such Board of Governors may subsequently adopt pursuant to such section.*

*''(7) A brief explanation of the nature of a home equity line of credit and a reference to the pamphlet required to be provided under section 127A of the Truth in Lending Act.*

*''(8) Information about homeownership counseling services made available pursuant to section 106(a)(4) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)), a recommendation that the consumer use such services, and notification that a list of certified providers of homeownership counseling in the area, and their contact information, is available.*

*''(9) An explanation of the nature and purpose of escrow accounts when used in connection with loans secured by residential real estate and the requirements under section 10 of this Act regarding such accounts.*

*''(10) An explanation of the choices available to buyers of residential real estate in selecting persons to provide necessary services incidental to a real estate settlement.*

*''(11) An explanation of a consumer's responsibilities, liabilities, and obligations in a mortgage transaction.*

*''(12) An explanation of the nature and purpose of real estate appraisals, including the difference between an appraisal and a home inspection.*

*''(13) Notice that the Office of Housing of the Department of Housing and Urban Development has made publicly available a brochure regarding loan fraud and a World Wide Web address and toll-free telephone number for obtaining the brochure.*

*The booklet prepared pursuant to this section shall take into consideration differences in real estate settlement procedures that may exist among the several States and territories of the United States and among separate political subdivisions within the same State and territory.'';*

*(3) in subsection (c), by inserting at the end the following new sentence: ''Each lender shall also include with the booklet a reasonably complete or updated list of homeownership counselors who are certified pursuant to section 106(e) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) and located in the area of the lender.''; and*

*(4) in subsection (d), by inserting after the period at the end of the first sentence the following: ''The lender shall provide the HUD-issued booklet in the version that is most appropriate for the person receiving it.''.*

***SEC. 409. HOME INSPECTION COUNSELING.***

*(a) PUBLIC OUTREACH.—*

*(1) IN GENERAL.—The Secretary of Housing and Urban Development (in this section referred to as the ''Secretary'') shall take such actions as may be necessary to inform potential homebuyers of the availability and importance of obtaining an independent home inspection. Such actions shall include—*

*(A) publication of the HUD/FHA form HUD 92564–CN entitled ''For Your Protection: Get a Home Inspection'', in both English and Spanish languages;*

*(B) publication of the HUD/FHA booklet entitled ''For Your Protection: Get a Home Inspection'', in both English and Spanish languages;*

*(C) development and publication of a HUD booklet entitled ''For Your Protection—Get a Home Inspection'' that does not reference FHA-insured homes, in both English and Spanish languages; and*

*(D) publication of the HUD document entitled ''Ten Important Questions To Ask Your Home Inspector'', in both English and Spanish languages.*

*(2) AVAILABILITY.—The Secretary shall make the materials specified in paragraph (1) available for electronic access and, where appropriate, inform potential homebuyers of such availability through home purchase counseling public service announcements and toll-free telephone hotlines of the Department of Housing and Urban Development. The Secretary shall give special emphasis to reaching first-time and low-income homebuyers with these materials and efforts.*

*(3) UPDATING.—The Secretary may periodically update and revise such materials, as the Secretary determines to be appropriate.*

*(b) REQUIREMENT FOR FHA-APPROVED LENDERS.—Each mortgagee approved for participation in the mortgage insurance programs under title II of the National Housing Act shall provide prospective homebuyers, at first contact, whether upon pre-qualification, pre-approval, or initial application, the materials specified in subparagraphs (A), (B), and (D) of subsection (a)(1).*

*(c) REQUIREMENTS FOR HUD-APPROVED COUNSELING AGENCIES.—Each counseling agency certified pursuant by the Secretary to provide housing counseling services shall provide each of their clients, as part of the home purchase counseling process, the materials specified in subparagraphs (C) and (D) of subsection (a)(1).*

*(d) TRAINING.—Training provided the Department of Housing and Urban Development for housing counseling agencies, whether such training is provided directly by the Department or otherwise, shall include—*

*(1) providing information on counseling potential homebuyers of the availability and importance of getting an independent home inspection;*

*(2) providing information about the home inspection process, including the reasons for specific inspections such as radon and lead-based paint testing;*

*(3) providing information about advising potential homebuyers on how to locate and select a qualified home inspector; and*

*(4) review of home inspection public outreach materials of the Department.*

***TITLE V—MORTGAGE SERVICING***

***SEC. 501. ESCROW AND IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.***

*(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129C (as added by section 201) the following new section:*

***''SEC. 129D. ESCROW OR IMPOUND ACCOUNTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.***

*''(a) IN GENERAL.—Except as provided in subsection (b), (c), or (d), a creditor, in connection with the formation or consummation of a consumer credit transaction secured by a first lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, shall establish, before the consummation of such transaction, an escrow or impound account for the payment of taxes and hazard insurance, and, if applicable, flood insurance, mortgage insurance, ground rents, and any other required periodic payments or premiums with respect to the property or the loan terms, as provided in, and in accordance with, this section.*

*''(b) WHEN REQUIRED.—No impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property may be required as a condition of a real property sale contract or a loan secured by a first deed of trust or mortgage on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, except when—*

*''(1) any such impound, trust, or other type of escrow or impound account for such purposes is required by Federal or State law;*

*''(2) a loan is made, guaranteed, or insured by a State or Federal governmental lending or insuring agency;*

*''(3) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling and the annual percentage rate on the credit, at the date the interest rate is set, will exceed the average prime offer rate for a comparable transaction by 1.5 percentage points or more; or*

*''(4) so required pursuant to regulation.*

*''(c) DURATION OF MANDATORY ESCROW OR IMPOUND ACCOUNT.—An escrow or impound account established pursuant to subsection (b), shall remain in existence for a minimum period of 5 years, beginning with the date of the consummation of the loan, and until such borrower has sufficient equity in the dwelling securing the consumer credit transaction so as to no longer be required to maintain private mortgage insurance, or such other period as may be provided in regulations to address situations such as borrower delinquency, unless the underlying mortgage establishing the account is terminated.*

*''(d) LIMITED EXEMPTIONS FOR LOANS SECURED BY SHARES IN A COOPERATIVE AND FOR CERTAIN CONDOMINIUM UNITS.—Escrow accounts need not be established for loans secured by shares in a cooperative. Insurance premiums need not be included in escrow accounts for loans secured by condominium units, where the condominium association has an obligation to the condominium unit owners to maintain a master policy insuring condominium units.*

*''(e) CLARIFICATION ON ESCROW ACCOUNTS FOR LOANS NOT MEETING STATUTORY TEST.—For*

*mortgages not covered by the requirements of subsection (b), no provision of this section shall be construed as precluding the establishment of an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to the property—*

*''(1) on terms mutually agreeable to the parties to the loan;*

*''(2) at the discretion of the lender or servicer, as provided by the contract between the lender or servicer and the borrower; or*

*''(3) pursuant to the requirements for the escrowing of flood insurance payments for regulated lending institutions in section 102(d) of the Flood Disaster Protection Act of 1973.*

*''(f) ADMINISTRATION OF MANDATORY ESCROW OR IMPOUND ACCOUNTS.—*

*''(1) IN GENERAL.—Except as may otherwise be provided for in this title or in regulations prescribed by the Board, escrow or impound accounts established pursuant to subsection (b) shall be established in a federally insured depository institution.*

*''(2) ADMINISTRATION.—Except as provided in this section or regulations prescribed under this section, an escrow or impound account subject to this section shall be administered in accordance with—*

*''(A) the Real Estate Settlement Procedures Act of 1974 and regulations prescribed under such Act;*

*''(B) the Flood Disaster Protection Act of 1973 and regulations prescribed under such Act; and*

*''(C) the law of the State, if applicable, where the real property securing the consumer credit transaction is located.*

*''(3) APPLICABILITY OF PAYMENT OF INTEREST.—If prescribed by applicable State or Federal law, each creditor shall pay interest to the consumer on the amount held in any impound, trust, or escrow account that is subject to this section in the manner as prescribed by that applicable State or Federal law.*

*''(4) PENALTY COORDINATION WITH RESPA.—Any action or omission on the part of any person which constitutes a violation of the Real Estate Settlement Procedures Act of 1974 or any regulation prescribed under such Act for which the person has paid any fine, civil money penalty, or other damages shall not give rise to any additional fine, civil money penalty, or other damages under this section, unless the action or omission also constitutes a direct violation of this section.*

*''(g) DISCLOSURES RELATING TO MANDATORY ESCROW OR IMPOUND ACCOUNT.—In the case of any impound, trust, or escrow account that is subject to this section, the creditor shall disclose by written notice to the consumer at least 3 business days before the consummation of the consumer credit transaction giving rise to such account or in accordance with timeframes established in prescribed regulations the following information:*

*''(1) The fact that an escrow or impound account will be established at consummation of the transaction.*

*''(2) The amount required at closing to initially fund the escrow or impound account.*

*''(3) The amount, in the initial year after the consummation of the transaction, of the estimated taxes and hazard insurance, including flood insurance, if applicable, and any other required periodic payments or premiums that reflects, as appropriate, either the taxable assessed value of the real property securing the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction) or the replacement costs of the property.*

*''(4) The estimated monthly amount payable to be escrowed for taxes, hazard insurance (including flood insurance, if applicable) and any other required periodic payments or premiums.*

*''(5) The fact that, if the consumer chooses to terminate the account at the appropriate time in the future, the consumer will become responsible for the payment of all taxes, hazard insurance, and flood insurance, if applicable, as well as any other required periodic payments or premiums on the property unless a new escrow or impound account is established.*

*''(6) Such other information as the Federal banking agencies jointly determine necessary for the protection of the consumer.*

*''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:*

*''(1) FLOOD INSURANCE.—The term 'flood insurance' means flood insurance coverage provided under the national flood insurance program pursuant to the National Flood Insurance Act of 1968.*

*''(2) HAZARD INSURANCE.—The term 'hazard insurance' shall have the same meaning as provided for 'hazard insurance', 'casualty insurance', 'homeowner's insurance', or other similar term under the law of the State where the real property securing the consumer credit transaction is located.''.*

*(b) IMPLEMENTATION.—*

*(1) REGULATIONS.—The Board of Governors of the Federal Reserve System, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, (hereafter in this Act referred to as the ''Federal banking agencies'') and the Federal Trade Commission shall prescribe, in final form, such regulations as determined to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.*

*(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply to covered mortgage loans consummated after the end of the 1-year period beginning on the date of the publication of final regulations in the Federal Register.*

*(c) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129C (as added by section 201) the following new item:*

*''129D. Escrow or impound accounts relating to certain consumer credit transactions.''.*

***SEC. 502. DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.***

*(a) IN GENERAL.—Section 129D of the Truth in Lending Act (as added by section 501) is amended by adding at the end the following new subsection:*

*''(i) DISCLOSURE NOTICE REQUIRED FOR CONSUMERS WHO WAIVE ESCROW SERVICES.—*

*''(1) IN GENERAL.—If—*

*''(A) an impound, trust, or other type of account for the payment of property taxes, insurance premiums, or other purposes relating to real property securing a consumer credit transaction is not established in connection with the transaction; or*

*''(B) a consumer chooses, and provides written notice to the creditor or servicer of such choice, at any time after such an account is established in connection with any such transaction and in accordance with any statute, regulation, or contractual agreement, to close such account,*

*the creditor or servicer shall provide a timely and clearly written disclosure to the consumer that advises the consumer of the responsibilities of the consumer and implications for the consumer in the absence of any such account.*

*''(2) DISCLOSURE REQUIREMENTS.—Any disclosure provided to a consumer under paragraph (1) shall include the following:*

*''(A) Information concerning any applicable fees or costs associated with either the non-establishment of any such account at the time of the transaction, or any subsequent closure of any such account.*

*''(B) A clear and prominent notice that the consumer is responsible for personally and directly paying the non-escrowed items, in addition to paying the mortgage loan payment, in the absence of any such account, and the fact that the costs for taxes, insurance, and related fees can be substantial.*

*''(C) A clear explanation of the consequences of any failure to pay non-escrowed items, including the possible requirement for the forced placement of insurance by the creditor or servicer and the potentially higher cost (including any potential commission payments to the servicer) or reduced coverage for the consumer in the event of any such creditor-placed insurance.*

*''(D) Such other information as the Federal banking agencies jointly determine necessary for the protection of the consumer.''.*

*(b) IMPLEMENTATION.—*

*(1) REGULATIONS.—The Federal banking agencies and the Federal Trade Commission shall prescribe, in final form, such regulations as such agencies determine to be necessary to implement the amendments made by subsection (a) before the end of the 180-day period beginning on the date of the enactment of this Act.*

*(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall only apply in accordance with the regulations established in paragraph (1) and beginning on the date occurring 180-days after the date of the publication of final regulations in the Federal Register.*

***SEC. 503. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENTS.***

*(a) SERVICER PROHIBITIONS.—Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended by adding at the end the following new subsections:*

*''(k) SERVICER PROHIBITIONS.—*

*''(1) IN GENERAL.—A servicer of a federally related mortgage shall not—*

*''(A) obtain force-placed hazard insurance unless there is a reasonable basis to believe the borrower has failed to comply with the loan contract's requirements to maintain property insurance;*

*''(B) charge fees for responding to valid qualified written requests (as defined in regulations which the Secretary shall prescribe) under this section;*

*''(C) fail to take timely action to respond to a borrower's requests to correct errors relating to allocation of payments, final balances for purposes of paying off the loan, or avoiding foreclosure, or other standard servicer's duties;*

*''(D) fail to respond within 10 business days to a request from a borrower to provide the identity, address, and other relevant contact information about the owner assignee of the loan; or*

*''(E) fail to comply with any other obligation found by the Secretary, by regulation, to be appropriate to carry out the consumer protection purposes of this Act.*

*''(2) FORCE-PLACED INSURANCE DEFINED.—For purposes of this subsection and subsections (l) and (m), the term 'force-placed insurance' means hazard insurance coverage obtained by a servicer of a federally related mortgage when the borrower has failed to maintain or renew hazard insurance on such property as required of the borrower under the terms of the mortgage.*

*''(l) REQUIREMENTS FOR FORCE-PLACED INSURANCE.—A servicer of a federally related mortgage shall not be construed as having a reasonable basis for obtaining force-placed insurance unless the requirements of this subsection have been met.*

*''(1) WRITTEN NOTICES TO BORROWER.—A servicer may not impose any charge on any borrower for force-placed insurance with respect to any property securing a federally related mortgage unless—*

*''(A) the servicer has sent, by first-class mail, a written notice to the borrower containing—*

*''(i) a reminder of the borrower's obligation to maintain hazard insurance on the property securing the federally related mortgage;*

''(ii) a statement that the servicer does not have evidence of insurance coverage of such property;

''(iii) a clear and conspicuous statement of the procedures by which the borrower may demonstrate that the borrower already has insurance coverage; and

''(iv) a statement that the servicer may obtain such coverage at the borrower's expense if the borrower does not provide such demonstration of the borrower's existing coverage in a timely manner;

''(B) the servicer has sent, by first-class mail, a second written notice, at least 30 days after the mailing of the notice under subparagraph (A) that contains all the information described in each clauses of such subparagraph; and

''(C) the servicer has not received from the borrower any demonstration of hazard insurance coverage for the property securing the mortgage by the end of the 15-day period beginning on the date the notice under subparagraph (B) was sent by the servicer.

''(2) SUFFICIENCY OF DEMONSTRATION.—A servicer of a federally related mortgage shall accept any reasonable form of written confirmation from a borrower of existing insurance coverage, which shall include the existing insurance policy number along with the identity of, and contact information for, the insurance company or agent.

''(3) TERMINATION OF FORCE-PLACED INSURANCE.—Within 15 days of the receipt by a servicer of confirmation of a borrower's existing insurance coverage, the servicer shall—

''(A) terminate the force-placed insurance; and

''(B) refund to the consumer all force-placed insurance premiums paid by the borrower during any period during which the borrower's insurance coverage and the force-placed insurance coverage were each in effect, and any related fees charged to the consumer's account with respect to the force-placed insurance during such period.

''(4) CLARIFICATION WITH RESPECT TO FLOOD DISASTER PROTECTION ACT.—No provision of this section shall be construed as prohibiting a servicer from providing simultaneous or concurrent notice of a lack of flood insurance pursuant to section 102(e) of the Flood Disaster Protection Act of 1973.

''(m) LIMITATIONS ON FORCE-PLACED INSURANCE CHARGES.—All charges for force-placed insurance premiums shall be bona fide and reasonable in amount.''.

(b) INCREASE IN PENALTY AMOUNTS.—Section 6(f) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(f)) is amended—

(1) in paragraphs (1)(B) and (2)(B), by striking ''$1,000'' each place such term appears and inserting ''$2,000''; and

(2) in paragraph (2)(B)(i), by striking ''$500,000'' and inserting ''$1,000,000''.

(c) DECREASE IN RESPONSE TIMES.—Section 6(e) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(e)) is amended—

(1) in paragraph (1)(A), by striking ''20 days'' and inserting ''5 days'';

(2) in paragraph (2), by striking ''60 days'' and inserting ''30 days''; and

(3) by adding at the end the following new paragraph:

''(4) LIMITED EXTENSION OF RESPONSE TIME.—The 30-day period described in paragraph (2) may be extended for not more than 15 days if, before the end of such 30-day period, the servicer notifies the borrower of the extension and the reasons for the delay in responding.''.

(d) PROMPT REFUND OF ESCROW ACCOUNTS UPON PAYOFF.—Section 6(g) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(g)) is amended by adding at the end the following new sentence: ''Any balance in any such account that is within the servicer's control at the time the loan is paid off shall be promptly returned to the borrower within 20 business days or credited to a similar account for a new mortgage loan to the borrower with the same lender.''.

**SEC. 504. TRUTH IN LENDING ACT AMENDMENTS.**

(a) REQUIREMENTS FOR PROMPT CREDITING OF HOME LOAN PAYMENTS.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129E (as added by section 602) the following new section (and by amending the table of contents accordingly):

**''SEC. 129F. REQUIREMENTS FOR PROMPT CREDITING OF HOME LOAN PAYMENTS.**

''(a) IN GENERAL.—In connection with a consumer credit transaction secured by a consumer's principal dwelling, no servicer shall fail to credit a payment to the consumer's loan account as of the date of receipt, except when a delay in crediting does not result in any charge to the consumer or in the reporting of negative information to a consumer reporting agency, except as required in subsection (b).

''(b) EXCEPTION.—If a servicer specifies in writing requirements for the consumer to follow in making payments, but accepts a payment that does not conform to the requirements, the servicer shall credit the payment as of 5 days after receipt.''.

(b) REQUESTS FOR PAYOFF AMOUNTS.—Chapter 2 of such Act is further amended by inserting after section 129F (as added by subsection (a)) the following new section (and by amending the table of contents accordingly):

**''SEC. 129G. REQUESTS FOR PAYOFF AMOUNTS OF HOME LOAN.**

''A creditor or servicer of a home loan shall send an accurate payoff balance within a reasonable time, but in no case more than 7 business days, after the receipt of a written request for such balance from or on behalf of the borrower.''.

**SEC. 505. ESCROWS INCLUDED IN REPAYMENT ANALYSIS.**

(a) IN GENERAL.—Section 128(b) of the Truth in Lending Act (15 U.S.C. 1638(b)) is amended by adding at the end the following new paragraph:

''(5) REPAYMENT ANALYSIS REQUIRED TO INCLUDE ESCROW PAYMENTS.—

''(A) IN GENERAL.—In the case of any consumer credit transaction secured by a first mortgage or lien on the principal dwelling of the consumer, other than a consumer credit transaction under an open end credit plan or a reverse mortgage, for which an impound, trust, or other type of account has been or will be established in connection with the transaction for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property, the information required to be provided under subsection (a) with respect to the number, amount, and due dates or period of payments scheduled to repay the total of payments shall take into account the amount of any monthly payment to such account for each such repayment in accordance with section 10(a)(2) of the Real Estate Settlement Procedures Act of 1974.

''(B) ASSESSMENT VALUE.—The amount taken into account under subparagraph (A) for the payment of property taxes, hazard and flood (if any) insurance premiums, or other periodic payments or premiums with respect to the property shall reflect the taxable assessed value of the real property securing the transaction after the consummation of the transaction, including the value of any improvements on the property or to be constructed on the property (whether or not such construction will be financed from the proceeds of the transaction), if known, and the replacement costs of the property for hazard insurance, in the initial year after the transaction.''.

## TITLE VI—APPRAISAL ACTIVITIES

**SEC. 601. PROPERTY APPRAISAL REQUIREMENTS.**

Section 129 of the Truth in Lending Act (15 U.S.C. 1639) is amended by inserting after subsection (v) (as added by section 303(f)) the following new subsection:

''(w) PROPERTY APPRAISAL REQUIREMENTS.—

''(1) IN GENERAL.—A creditor may not extend credit in the form of a subprime mortgage to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this subsection.

''(2) APPRAISAL REQUIREMENTS.—

''(A) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a subprime mortgage does not meet the requirement of this subsection unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

''(B) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

''(i) IN GENERAL.—If the purpose of a subprime mortgage is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

''(ii) NO COST TO APPLICANT.—The cost of any second appraisal required under clause (i) may not be charged to the applicant.

''(C) QUALIFIED APPRAISER DEFINED.—For purposes of this subsection, the term 'qualified appraiser' means a person who—

''(i) is, at a minimum, certified or licensed by the State in which the property to be appraised is located; and

''(ii) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

''(3) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this subsection in connection with a subprime mortgage to the applicant without charge, and at least 3 days prior to the transaction closing date.

''(4) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the applicant shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the applicant may choose to have a separate appraisal conducted at their own expense.

''(5) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this subsection shall be liable to the applicant or borrower for the sum of $2,000.

''(6) SUBPRIME MORTGAGE DEFINED.—For purposes of this subsection, the term 'subprime mortgage' means a residential mortgage loan with an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

''(A) by 1.5 or more percentage points for a first lien residential mortgage loan; and

''(B) by 3.5 or more percentage points for a subordinate lien residential mortgage loan.''.

**SEC. 602. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.**

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after section 129D (as added by section 501(a)) the following new section:

**''SEC. 129E. UNFAIR AND DECEPTIVE PRACTICES AND ACTS RELATING TO CERTAIN CONSUMER CREDIT TRANSACTIONS.**

''(a) IN GENERAL.—It shall be unlawful, in extending credit or in providing any services for a consumer credit transaction secured by the principal dwelling of the consumer, to engage in any

*unfair or deceptive act or practice as described in or pursuant to regulations prescribed under this section.*

*''(b) APPRAISAL INDEPENDENCE.—For purposes of subsection (a), unfair and deceptive practices shall include—*

*''(1) any appraisal of a property offered as security for repayment of the consumer credit transaction that is conducted in connection with such transaction in which a person with an interest in the underlying transaction compensates, coerces, extorts, colludes, instructs, induces, bribes, or intimidates a person conducting or involved in an appraisal, or attempts, to compensate, coerce, extort, collude, instruct, induce, bribe, or intimidate such a person, for the purpose of causing the appraised value assigned, under the appraisal, to the property to be based on any factor other than the independent judgment of the appraiser;*

*''(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of the property securing the extension of the credit;*

*''(3) seeking to influence an appraiser or otherwise to encourage a targeted value in order to facilitate the making or pricing of the transaction; and*

*''(4) withholding or threatening to withhold timely payment for an appraisal report or for appraisal services rendered.*

*''(c) EXCEPTIONS.—The requirements of subsection (b) shall not be construed as prohibiting a mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, consumer, or any other person with an interest in a real estate transaction from asking an appraiser to provide 1 or more of the following services:*

*''(1) Consider additional, appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.*

*''(2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion.*

*''(3) Correct errors in the appraisal report.*

*''(d) PROHIBITIONS ON CONFLICTS OF INTEREST.—No certified or licensed appraiser conducting, and no appraisal management company procuring or facilitating, an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer may have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal.*

*''(e) MANDATORY REPORTING.—Any mortgage lender, mortgage broker, mortgage banker, real estate broker, appraisal management company, employee of an appraisal management company, or any other person involved in a real estate transaction involving an appraisal in connection with a consumer credit transaction secured by the principal dwelling of a consumer who has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice, is violating applicable laws, or is otherwise engaging in unethical or unprofessional conduct, shall refer the matter to the applicable State appraiser certifying and licensing agency.*

*''(f) NO EXTENSION OF CREDIT.—In connection with a consumer credit transaction secured by a consumer's principal dwelling, a creditor who knows, at or before loan consummation, of a violation of the appraisal independence standards established in subsections (b) or (d) shall not extend credit based on such appraisal unless the creditor documents that the creditor has acted with reasonable diligence to determine that the appraisal does not materially misstate or misrepresent the value of such dwelling.*

*''(g) RULEMAKING PROCEEDINGS.—The Board, the Comptroller of the Currency, the Director of the Office of Thrift Supervision, the Federal Deposit Insurance Corporation, the National Credit Union Administration Board, and the Federal Trade Commission—*

*''(1) shall, for purposes of this section, jointly prescribe regulations no later than 180 days after the date of the enactment of this section, and where such regulations have an effective date of no later than 1 year after the date of the enactment of this section, defining with specificity acts or practices which are unfair or deceptive in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer or mortgage brokerage services for such a transaction and defining any terms in this section or such regulations; and*

*''(2) may jointly issue interpretive guidelines and general statements of policy with respect to unfair or deceptive acts or practices in the provision of mortgage lending services for a consumer credit transaction secured by the principal dwelling of the consumer and mortgage brokerage services for such a transaction, within the meaning of subsections (a), (b), (c), (d), (e), and (f).*

*''(h) PENALTIES.—*

*''(1) FIRST VIOLATION.—In addition to the enforcement provisions referred to in section 130, each person who violates this section shall forfeit and pay a civil penalty of not more than $10,000 for each day any such violation continues.*

*''(2) SUBSEQUENT VIOLATIONS.—In the case of any person on whom a civil penalty has been imposed under paragraph (1), paragraph (1) shall be applied by substituting '$20,000' for '$10,000' with respect to all subsequent violations.*

*''(3) ASSESSMENT.—The agency referred to in subsection (a) or (c) of section 108 with respect to any person described in paragraph (1) shall assess any penalty under this subsection to which such person is subject.''.*

*(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 129D (as added by section 501(c)) the following new item:*

*''129E. Unfair and deceptive practices and acts relating to certain consumer credit transactions.''.*

***SEC. 603. AMENDMENTS RELATING TO APPRAISAL SUBCOMMITTEE OF FIEC, APPRAISER INDEPENDENCE, AND APPROVED APPRAISER EDUCATION.***

*(a) CONSUMER PROTECTION MISSION.—*

*(1) PURPOSES.—Section 1101 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331) is amended by inserting ''and to provide the Appraisal Subcommittee with a consumer protection mandate'' before the period at the end.*

*(2) FUNCTIONS OF APPRAISAL SUBCOMMITTEE.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) is amended—*

*(A) by striking ''and'' at the end of paragraph (3);*

*(B) by striking the period at the end of paragraph (4) and inserting ';''; and*

*(C) by adding at the end the following new paragraph:*

*''(5) monitor the efforts of, and requirements established by, States and the Federal financial institutions regulatory agencies to protect consumers from improper appraisal practices and the predations of unlicensed appraisers in consumer credit transactions that are secured by a consumer's principal dwelling; and''.*

*(3) THRESHOLD LEVELS.—Section 1112(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3341(b)) is amended by inserting before the period the following: '', and that such threshold level provides reasonable protection for consumers who purchase 1–4 unit single-family residences. In determining whether a threshold level provides reasonable protection for consumers, each Federal financial institutions regulatory agency shall consult with consumer groups and convene a public hearing''.*

*(b) ANNUAL REPORT OF APPRAISAL SUBCOMMITTEE.—*

*(1) IN GENERAL.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) is amended at the end by inserting the following new paragraph:*

*''(6) transmit an annual report to the Congress not later than January 31 of each year that describes the manner in which each function assigned to the Appraisal Subcommittee has been carried out during the preceding year. The report shall also detail the activities of the Appraisal Subcommittee, including the results of all audits of State appraiser regulatory agencies, and provide an accounting of disapproved actions and warnings taken in the previous year, including a description of the conditions causing the disapproval and actions taken to achieve compliance.''.*

*(c) OPEN MEETINGS.—Section 1104(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3333(b)) is amended by inserting ''in public session after notice in the Federal Register'' after ''shall meet''.*

*(d) REGULATIONS.—Section 1106 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3335) is amended—*

*(1) by inserting ''prescribe regulations after notice and opportunity for comment,'' after ''hold hearings''; and*

*(2) at the end by inserting ''Any regulations prescribed by the Appraisal Subcommittee shall (unless otherwise provided in this title) be limited to the following functions: temporary practice, national registry, information sharing, and enforcement. For purposes of prescribing regulations, the Appraisal Subcommittee shall establish an advisory committee of industry participants, including appraisers, lenders, consumer advocates, and government agencies, and hold meetings as necessary to support the development of regulations.''.*

*(e) FIELD APPRAISALS AND APPRAISAL REVIEWS.—Section 1113 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3342) is amended—*

*(1) by striking ''In determining'' and inserting ''(a) IN GENERAL.—In determining'';*

*(2) in subsection (a) (as designated by paragraph (1)), by inserting before the period the following: '', where a complex 1-to-4 unit single family residential appraisal means an appraisal for which the property to be appraised, the form of ownership, the property characteristics, or the market conditions are atypical''; and*

*(3) by adding at the end the following new subsection:*

*''(b) APPRAISALS AND APPRAISAL REVIEWS.—All appraisals performed at a property within a State shall be prepared by appraisers licensed or certified in the State where the property is located. All appraisal reviews, including appraisal reviews by a lender, appraisal management company, or other third party organization, shall be performed by an appraiser who is duly licensed or certified by a State appraisal board.''.*

*(f) APPRAISAL MANAGEMENT SERVICES.—*

*(1) SUPERVISION OF THIRD PARTY PROVIDERS OF APPRAISAL MANAGEMENT SERVICES.—Section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3332(a)) (as previously amended by this section) is further amended—*

*(A) by amending paragraph (1) to read as follows:*

*''(1) monitor the requirements established by States—*

*''(A) for the certification and licensing of individuals who are qualified to perform appraisals in connection with federally related transactions, including a code of professional responsibility; and*

*''(B) for the registration and supervision of the operations and activities of an appraisal management company;''; and*

*(B) by adding at the end the following new paragraph:*

''(7) maintain a national registry of appraisal management companies that either are registered with and subject to supervision of a State appraiser certifying and licensing agency or are operating subsidiaries of a Federally regulated financial institution.''.

(2) APPRAISAL MANAGEMENT COMPANY MINIMUM QUALIFICATIONS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) is amended by adding at the end the following new section (and amending the table of contents accordingly):

**''SEC. 1124. APPRAISAL MANAGEMENT COMPANY MINIMUM QUALIFICATIONS.**

''(a) IN GENERAL.—The Appraiser Qualifications Board of the Appraisal Foundation shall establish minimum qualifications to be applied by a State in the registration of appraisal management companies. Such qualifications shall include a requirement that such companies—

''(1) register with and be subject to supervision by a State appraiser certifying and licensing agency in each State in which such company operates;

''(2) verify that only licensed or certified appraisers are used for federally related transactions;

''(3) require that appraisals coordinated by an appraisal management company comply with the Uniform Standards of Professional Appraisal Practice; and

''(4) require that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the Truth in Lending Act.

''(b) EXCEPTION FOR FEDERALLY REGULATED FINANCIAL INSTITUTIONS.—The requirements of subsection (a) shall not apply to an appraisal management company that is a subsidiary owned and controlled by a financial institution and regulated by a federal financial institution regulatory agency. In such case, the appropriate federal financial institutions regulatory agency shall, at a minimum, develop regulations affecting the operations of the appraisal management company to—

''(1) verify that only licensed or certified appraisers are used for federally related transactions;

''(2) require that appraisals coordinated by an institution or subsidiary providing appraisal management services comply with the Uniform Standards of Professional Appraisal Practice; and

''(3) require that appraisals are conducted independently and free from inappropriate influence and coercion pursuant to the appraisal independence standards established under section 129E of the Truth in Lending Act.

''(c) REGISTRATION LIMITATIONS.—An appraisal management company shall not be registered by a State if such company, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State. Additionally, each person that owns more than 10 percent of an appraisal management company shall be of good moral character, as determined by the State appraiser certifying and licensing agency, and shall submit to a background investigation carried out by the State appraiser certifying and licensing agency.

''(d) REGULATIONS.—The Appraisal Subcommittee shall promulgate regulations to implement the minimum qualifications developed by the Appraiser Qualifications Board under this section, as such qualifications relate to the State appraiser certifying and licensing agencies. The Appraisal Subcommittee shall also promulgate regulations for the reporting of the activities of appraisal management companies in determining the payment of the annual registry fee.

''(e) EFFECTIVE DATE.—

''(1) IN GENERAL.—No appraisal management company may perform services related to a federally related transaction in a State after the date that is 36 months after the date of the enactment of this section unless such company is registered with such State or subject to oversight by a federal financial institutions regulatory agency.

''(2) EXTENSION OF EFFECTIVE DATE.—Subject to the approval of the Council, the Appraisal Subcommittee may extend by an additional 12 months the requirements for the registration and supervision of appraisal management companies if it makes a written finding that a State has made substantial progress in establishing a State appraisal management company registration and supervision system that appears to conform with the provisions of this title.''.

(3) STATE APPRAISER CERTIFYING AND LICENSING AGENCY AUTHORITY.—Section 1117 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3346) is amended by adding at the end the following: ''The duties of such agency may additionally include the registration and supervision of appraisal management companies.''.

(4) APPRAISAL MANAGEMENT COMPANY DEFINITION.—Section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350) is amended by adding at the end the following:

''(11) APPRAISAL MANAGEMENT COMPANY.—The term 'appraisal management company' means, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any external third party authorized either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets, that oversees a network or panel of more than 10 certified or licensed appraisers in a State or 25 or more nationally within a given year—

''(A) to recruit, select, and retain appraisers;

''(B) to contract with licensed and certified appraisers to perform appraisal assignments;

''(C) to manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed; or

''(D) to review and verify the work of appraisers.''.

(g) STATE AGENCY REPORTING REQUIREMENT.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (1);

(2) by redesignating paragraph (2) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) transmit reports on sanctions, disciplinary actions, license and certification revocations, and license and certification suspensions on a timely basis to the national registry of the Appraisal Subcommittee;

''(3) transmit reports on a timely basis of supervisory activities involving appraisal management companies or other third-party providers of appraisals and appraisal management services, including investigations initiated and disciplinary actions taken; and''.

(h) REGISTRY FEES MODIFIED.—

(1) IN GENERAL.—Section 1109(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3338(a)) is amended—

(A) by amending paragraph (4) (as modified by section 603(g) of this Act) to read as follows:

''(4) collect—

''(A) from such individuals who perform or seek to perform appraisals in federally related transactions, an annual registry fee of not more than $40, such fees to be transmitted by the State agencies to the Council on an annual basis; and

''(B) from an appraisal management company that either has registered with a State appraiser certifying and licensing agency in accordance with this title or operates as a subsidiary of a federally regulated financial institution, an annual registry fee of—

''(i) in the case of such a company that has been in existence for more than a year, $25 multiplied by the number of appraisers working for or contracting with such company in such State during the previous year, but where such $25 amount may be adjusted, up to a maximum of $50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee's functions under this title; and

''(ii) in the case of such a company that has not been in existence for more than a year, $25 multiplied by an appropriate number to be determined by the Appraisal Subcommittee, and where such number will be used for determining the fee of all such companies that were not in existence for more than a year, but where such $25 amount may be adjusted, up to a maximum of $50, at the discretion of the Appraisal Subcommittee, if necessary to carry out the Subcommittee's functions under this title.''; and

(B) by amending the matter following paragraph (4), as redesignated, to read as follows:

''Subject to the approval of the Council, the Appraisal Subcommittee may adjust the dollar amount of registry fees under paragraph (4)(A), up to a maximum of $80 per annum, as necessary to carry out its functions under this title. The Appraisal Subcommittee shall consider at least once every 5 years whether to adjust the dollar amount of the registry fees to account for inflation. In implementing any change in registry fees, the Appraisal Subcommittee shall provide flexibility to the States for multi-year certifications and licenses already in place, as well as a transition period to implement the changes in registry fees. In establishing the amount of the annual registry fee for an appraisal management company, the Appraisal Subcommittee shall have the discretion to impose a minimum annual registry fee for an appraisal management company to protect against the under reporting of the number of appraisers working for or contracted by the appraisal management company.''.

(2) INCREMENTAL REVENUES.—Incremental revenues collected pursuant to the increases required by this subsection shall be placed in a separate account at the United States Treasury, entitled the ''Appraisal Subcommittee Account''.

(i) GRANTS AND REPORTS.—Section 1109(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(b)) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting a semicolon;

(3) by adding at the end the following new paragraphs:

''(5) to make grants to State appraiser certifying and licensing agencies to support the efforts of such agencies to comply with this title, including—

''(A) the complaint process, complaint investigations, and appraiser enforcement activities of such agencies; and

''(B) the submission of data on State licensed and certified appraisers and appraisal management companies to the National appraisal registry, including information affirming that the appraiser or appraisal management company meets the required qualification criteria and formal and informal disciplinary actions; and

''(6) to report to all State appraiser certifying and licensing agencies when a license or certification is surrendered, revoked, or suspended.''.

Obligations authorized under this subsection may not exceed 75 percent of the fiscal year total of incremental increase in fees collected

*and deposited in the ''Appraisal Subcommittee Account'' pursuant to subsection (h).*

*(j) CRITERIA.—Section 1116 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3345) is amended—*

*(1) in subsection (c), by inserting ''whose criteria for the licensing of a real estate appraiser currently meet or exceed the minimum criteria issued by the Appraisal Qualifications Board of The Appraisal Foundation for the licensing of real estate appraisers'' before the period at the end; and*

*(2) by striking subsection (e) and inserting the following new subsection:*

*''(e) MINIMUM QUALIFICATION REQUIREMENTS.—Any requirements established for individuals in the position of 'Trainee Appraiser' and 'Supervisory Appraiser' shall meet or exceed the minimum qualification requirements of the Appraiser Qualifications Board of The Appraisal Foundation. The Appraisal Subcommittee shall have the authority to enforce these requirements.''.*

*(k) MONITORING OF STATE APPRAISER CERTIFYING AND LICENSING AGENCIES.—Section 1118 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3347) is amended—*

*(1) by amending subsection (a) to read as follows:*

*''(a) IN GENERAL.—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purposes of determining whether such agency—*

*''(1) has policies, practices, funding, staffing, and procedures that are consistent with this title;*

*''(2) processes complaints and completes investigations in a reasonable time period;*

*''(3) appropriately disciplines sanctioned appraisers and appraisal management companies;*

*''(4) maintains an effective regulatory program; and*

*''(5) reports complaints and disciplinary actions on a timely basis to the national registries on appraisers and appraisal management companies maintained by the Appraisal Subcommittee.*

*The Appraisal Subcommittee shall have the authority to remove a State licensed or certified appraiser or a registered appraisal management company from a national registry on an interim basis pending State agency action on licensing, certification, registration, and disciplinary proceedings. The Appraisal Subcommittee and all agencies, instrumentalities, and Federally recognized entities under this title shall not recognize appraiser certifications and licenses from States whose appraisal policies, practices, funding, staffing, or procedures are found to be inconsistent with this title. The Appraisal Subcommittee shall have the authority to impose sanctions, as described in this section, against a State agency that fails to have an effective appraiser regulatory program. In determining whether such a program is effective, the Appraisal Subcommittee shall include an analyses of the licensing and certification of appraisers, the registration of appraisal management companies, the issuance of temporary licenses and certifications for appraisers, the receiving and tracking of submitted complaints against appraisers and appraisal management companies, the investigation of complaints, and enforcement actions against appraisers and appraisal management companies. The Appraisal Subcommittee shall have the authority to impose interim actions and suspensions against a State agency as an alternative to, or in advance of, the derecognition of a State agency.''.*

*(2) in subsection (b)(2), by inserting after ''authority'' the following: ''or sufficient funding''.*

*(l) RECIPROCITY.—Subsection (b) of section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(b)) is amended to read as follows:*

*''(b) RECIPROCITY.—A State appraiser certifying or licensing agency shall issue a reciprocal certification or license for an individual from another State when—*

*''(1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and*

*''(2) the appraiser holds a valid certification from a State whose requirements for certification or licensing meet or exceed the licensure standards established by the State where an individual seeks appraisal licensure.''.*

*(m) CONSIDERATION OF PROFESSIONAL APPRAISAL DESIGNATIONS.—Section 1122(d) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351(d)) is amended by striking ''shall not exclude'' and all that follows through the end of the subsection and inserting the following: ''may include education achieved, experience, sample appraisals, and references from prior clients. Membership in a nationally recognized professional appraisal organization may be a criteria considered, though lack of membership therein shall not be the sole bar against consideration for an assignment under these criteria.''.*

*(n) APPRAISER INDEPENDENCE.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by adding at the end the following new subsection:*

*''(g) APPRAISER INDEPENDENCE MONITORING.—The Appraisal Subcommittee shall monitor each State appraiser certifying and licensing agency for the purpose of determining whether such agency's policies, practices, and procedures are consistent with the purposes of maintaining appraiser independence and whether such State has adopted and maintains effective laws, regulations, and policies aimed at maintaining appraiser independence.''.*

*(o) APPRAISER EDUCATION.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended by inserting after subsection (g) (as added by subsection (l) of this section) the following new subsection:*

*''(h) APPROVED EDUCATION.—The Appraisal Subcommittee shall encourage the States to accept courses approved by the Appraiser Qualification Board's Course Approval Program.''.*

*(p) APPRAISAL COMPLAINT HOTLINE.—Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351), as amended by this section, is further amended by adding at the end the following new subsection:*

*''(i) APPRAISAL COMPLAINT NATIONAL HOTLINE.—If, 1 year after the date of the enactment of this subsection, the Appraisal Subcommittee determines that no national hotline exists to receive complaints of non-compliance with appraisal independence standards and Uniform Standards of Professional Appraisal Practice, including complaints from appraisers, individuals, or other entities concerning the improper influencing or attempted improper influencing of appraisers or the appraisal process, the Appraisal Subcommittee shall establish and operate such a national hotline, which shall include a toll-free telephone number and an email address. If the Appraisal Subcommittee operates such a national hotline, the Appraisal Subcommittee shall refer complaints for further action to appropriate governmental bodies, including a State appraiser certifying and licensing agency, a financial institution regulator, or other appropriate legal authorities. For complaints referred to State appraiser certifying and licensing agencies or to Federal regulators, the Appraisal Subcommittee shall have the authority to follow up such complaint referrals in order to determine the status of the resolution of the complaint.''.*

*(q) AUTOMATED VALUATION MODELS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is further amended by adding at the end the following new section (and amending the table of contents accordingly):*

***''SEC. 1125. AUTOMATED VALUATION MODELS USED TO VALUE CERTAIN MORTGAGES.***

*''(a) IN GENERAL.—Automated valuation models shall adhere to quality control standards designed to—*

*''(1) ensure a high level of confidence in the estimates produced by automated valuation models;*

*''(2) protect against the manipulation of data;*

*''(3) seek to avoid conflicts of interest; and*

*''(4) require random sample testing and reviews, where such testing and reviews are performed by an appraiser who is licensed or certified in the State where the testing and reviews take place.*

*''(b) ADOPTION OF REGULATIONS.—The Appraisal Subcommittee and its member agencies shall promulgate regulations to implement the quality control standards required under this section.*

*''(c) ENFORCEMENT.—Compliance with regulations issued under this subsection shall be enforced by—*

*''(1) with respect to a financial institution, or subsidiary owned and controlled by a financial institution and regulated by a federal financial institution or regulatory agency, the federal financial institution regulatory agency that acts as the primary federal supervisor of such financial institution or subsidiary; and*

*''(2) with respect to other persons, the Appraisal Subcommittee.*

*''(d) AUTOMATED VALUATION MODEL DEFINED.—For purposes of this section, the term 'automated valuation model' means any computerized model used by mortgage originators and secondary market issuers to determine the collateral worth of a mortgage secured by a consumer's principal dwelling.''.*

*(r) BROKER PRICE OPINIONS.—Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.), as amended by this section, is further amended by adding at the end the following new section (and amending the table of contents accordingly):*

***''SEC. 1126. BROKER PRICE OPINIONS.***

*''(a) GENERAL PROHIBITION.—Broker price opinions may not be used as the sole basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by such piece of property.*

*''(b) EXCEPTIONS.—Subsection (a) shall not apply to—*

*''(1) those transaction as may be designated by the federal financial institutions regulatory agencies or the Federal Housing Finance Agency; or*

*''(2) real estate brokers who produce broker price opinions or competitive market analyses solely for the purposes of the real estate listing process.*

*''(c) BROKER PRICE OPINION DEFINED.—For purposes of this section, the term 'broker price opinion' means an estimate, done in lieu of a written appraisal, prepared by a real estate broker, agent, or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model, as defined in section 1125(c).''.*

*(s) AMENDMENTS TO APPRAISAL SUBCOMMITTEE.—Section 1011 of the Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3310) is amended—*

*(1) in the first sentence, by adding before the period the following: ''and the Federal Housing Finance Agency''; and*

*(2) by inserting at the end the following: ''At all times at least one member of the Appraisal Subcommittee shall have demonstrated knowledge and competence through licensure, certification, or professional designation within the appraisal profession.''.*

*(t) TECHNICAL CORRECTIONS.—*

*(1) Section 1119(a)(2) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3348(a)(2)) is amended by striking ''council,'' and inserting ''Council,''.*

*(2) Section 1121(6) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(6)) is amended by striking ''Corporations,'' and inserting ''Corporation,''.*

*(3) Section 1121(8) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(8)) is amended by striking ''council'' and inserting ''Council''.*

*(4) Section 1122 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3351) is amended—*

*(A) in subsection (a)(1) by moving the left margin of subparagraphs (A), (B), and (C) 2 ems to the right; and*

*(B) in subsection (c)—*

*(i) by striking ''Federal Financial Institutions Examination Council'' and inserting ''Financial Institutions Examination Council''; and*

*(ii) by striking ''the council's functions'' and inserting ''the Council's functions''.*

***SEC. 604. STUDY REQUIRED ON IMPROVEMENTS IN APPRAISAL PROCESS AND COMPLIANCE PROGRAMS.***

*(a) STUDY.—The Comptroller General shall conduct a comprehensive study on possible improvements in the appraisal process generally, and specifically on the consistency in and the effectiveness of, and possible improvements in, State compliance efforts and programs in accordance with title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. In addition, this study shall examine the existing exemptions to the use of certified appraisers issued by Federal financial institutions regulatory agencies. The study shall also review the threshold level established by Federal regulators for compliance under title XI and whether there is a need to revise them to reflect the addition of consumer protection to the purposes and functions of the Appraisal Subcommittee. The study shall additionally examine the quality of different types of mortgage collateral valuations produced by broker price opinions, automated valuation models, licensed appraisals, and certified appraisals, among others, and the quality of appraisals provided through different distribution channels, including appraisal management companies, independent appraisal operations within a mortgage originator, and fee-for-service appraisals. The study shall also include an analysis and statistical breakdown of enforcement actions taken during the last 10 years against different types of appraisers, including certified, licensed, supervisory, and trainee appraisers. Furthermore, the study shall examine the benefits and costs, as well as the advantages and disadvantages, of establishing a national repository to collect data related to real estate property collateral valuations performed in the United States.*

*(b) REPORT.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report on the study under subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate, together with such recommendations for administrative or legislative action, at the Federal or State level, as the Comptroller General may determine to be appropriate.*

***SEC. 605. EQUAL CREDIT OPPORTUNITY ACT AMENDMENT.***

*Subsection (e) of section 701 of the Equal Credit Opportunity Act ( U.S.C. 1691) is amended to read as follows:*

*''(e) COPIES FURNISHED TO APPLICANTS.—*

*''(1) IN GENERAL.—Each creditor shall furnish to an applicant a copy of any and all written appraisals and valuations developed in connection with the applicant's application for a loan that is secured or would have been secured by a first lien on a dwelling promptly upon completion, but in no case later than 3 days prior to the closing of the loan, whether the creditor grants or denies the applicant's request for credit or the application is incomplete or withdrawn.*

*''(2) WAIVER.—The applicant may waive the 3 day requirement provided for in paragraph (1), except where otherwise required in law.*

*''(3) REIMBURSEMENT.—The applicant may be required to pay a reasonable fee to reimburse the creditor for the cost of the appraisal, except where otherwise required in law.*

*''(4) FREE COPY.—Notwithstanding paragraph (3), the creditor shall provide a copy of each written appraisal or valuation at no additional cost to the applicant.*

*''(5) NOTIFICATION TO APPLICANTS.—At the time of application, the creditor shall notify an applicant in writing of the right to receive a copy of each written appraisal and valuation under this subsection.*

*''(6) REGULATIONS.—The Board shall prescribe regulations to implement this subsection within 1 year of the date of the enactment of this subsection.*

*''(7) VALUATION DEFINED.—For purposes of this subsection, the term 'valuation' shall include any estimate of the value of a dwelling developed in connection with a creditor's decision to provide credit, including those values developed pursuant to a policy of a government sponsored enterprise or by an automated valuation model, a broker price opinion, or other methodology or mechanism.''.*

***SEC. 606. REAL ESTATE SETTLEMENT PROCEDURES ACT OF 1974 AMENDMENT RELATING TO CERTAIN APPRAISAL FEES.***

*Section 4 of the Real Estate Settlement Procedures Act of 1974 is amended by adding at the end the following new subsection:*

*''(c) The standard form described in subsection (a) shall include, in the case of an appraisal coordinated by an appraisal management company (as such term is defined in section 1121(11) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350(11))), a clear disclosure of—*

*''(1) the fee paid directly to the appraiser by such company; and*

*''(2) the administration fee charged by such company.''.*

***TITLE VII—SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT SPONSORED ENTERPRISES REFORM***

***SEC. 701. SENSE OF CONGRESS REGARDING THE IMPORTANCE OF GOVERNMENT-SPONSORED ENTERPRISES REFORM TO ENHANCE THE PROTECTION, LIMITATION, AND REGULATION OF THE TERMS OF RESIDENTIAL MORTGAGE CREDIT.***

*(a) FINDINGS.—The Congress finds as follows:*

*(1) The Government-sponsored enterprises, Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac), were chartered by Congress to ensure a reliable and affordable supply of mortgage funding, but enjoy a dual legal status as privately owned corporations with Government mandated affordable housing goals.*

*(2) In 1996, the Department of Housing and Urban Development required that 42 percent of Fannie Mae's and Freddie Mac's mortgage financing should go to borrowers with income levels below the median for a given area.*

*(3) In 2004, the Department of Housing and Urban Development revised those goals, increasing them to 56 percent of their overall mortgage purchases by 2008, and additionally mandated that 12 percent of all mortgage purchases by Fannie Mae and Freddie Mac be ''special affordable'' loans made to borrowers with incomes less than 60 percent of an area's median income, a target that ultimately increased to 28 percent for 2008.*

*(4) To help fulfill those mandated affordable housing goals, in 1995 the Department of Housing and Urban Development authorized Fannie Mae and Freddie Mac to purchase subprime securities that included loans made to low-income borrowers.*

*(5) After this authorization to purchase subprime securities, subprime and near-prime loans increased from 9 percent of securitized mortgages in 2001 to 40 percent in 2006, while the market share of conventional mortgages dropped from 78.8 percent in 2003 to 50.1 percent by 2007 with a corresponding increase in subprime and Alt-A loans from 10.1 percent to 32.7 percent over the same period.*

*(6) In 2004 alone, Fannie Mae and Freddie Mac purchased $175,000,000,000 in subprime mortgage securities, which accounted for 44 percent of the market that year, and from 2005 through 2007, Fannie Mae and Freddie Mac purchased approximately $1,000,000,000,000 in subprime and Alt-A loans, while Fannie Mae's acquisitions of mortgages with less than 10 percent down payments almost tripled.*

*(7) According to data from the Federal Housing Finance Agency (FHFA) for the fourth quarter of 2008, Fannie Mae and Freddie Mac own or guarantee 75 percent of all newly originated mortgages, and Fannie Mae and Freddie Mac currently own 13.3 percent of outstanding mortgage debt in the United States and have issued mortgage-backed securities for 31.0 percent of the residential debt market, a combined total of 44.3 percent of outstanding mortgage debt in the United States.*

*(8) On September 7, 2008, the FHFA placed Fannie Mae and Freddie Mac into conservatorship, with the Treasury Department subsequently agreeing to purchase at least $200,000,000,000 of preferred stock from each enterprise in exchange for warrants for the purchase of 79.9 percent of each enterprise's common stock.*

*(9) The conservatorship for Fannie Mae and Freddie Mac has potentially exposed taxpayers to upwards of $5,300,000,000,000 worth of risk.*

*(10) The hybrid public-private status of Fannie Mae and Freddie Mac is untenable and must be resolved to assure that consumers are offered and receive residential mortgage loans on terms that reasonably reflect their ability to repay the loans and that are understandable and not unfair, deceptive, or abusive.*

*(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that efforts to enhance by the protection, limitation, and regulation of the terms of residential mortgage credit and the practices related to such credit would be incomplete without enactment of meaningful structural reforms of Fannie Mae and Freddie Mac.*

The CHAIR. No amendment to the committee amendment is in order except those printed in House Report 111–98. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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AMENDMENT NO. 1 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 111–98.

Mr. FRANK of Massachusetts. I offer amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. FRANK of Massachusetts:

In section 103(cc)(2) of the Truth in Lending Act (as added by section 101 of the bill), insert at the end the following: ''All rule writing by the 'Federal banking agencies' as designated by the Mortgage Reform and Anti-Predatory Lending Act will be coordinated through the Financial Institutions Examination Council in consultation with the Chairman of the State Liaison Committee.''.

In section 103(cc)(3)(C) of the Truth in Lending Act (as added by section 101 of the bill), insert before the semicolon the following: ''and who does not advise a consumer on loan terms (including rates, fees, and other costs)''.

In section 103(cc)(3) of the Truth in Lending Act (as added by section 101 of the bill)—

(1) in subparagraph (D), strike the final ''and'';

(2) in subparagraph (E), strike the period at the end and insert ''; and''; and

(3) add at the end the following:

''(F) does not include a servicer or servicer employees, agents and contractors, including but not limited to those who offer or negotiate terms of a residential mortgage loan for purposes of renegotiating, modifying, replacing and subordinating principal of existing mortgages where borrowers are behind in their payments, in default or have a reasonable likelihood of being in default or falling behind.''.

In section 103(cc)(6) of the Truth in Lending Act (as added by section 101 of the bill), strike ''128(a)(f) and 128(b)(4)'' and insert ''and 128(f)''.

In section 129B(b)(4)(A) of the Truth in Lending Act (as added by section 102 of the bill), strike '', the Chairman of the State Liaison Committee to the Financial Institutions Examination Council,''.

In section 129B(c) of the Truth in Lending Act (as added by section 103 of the bill), insert after paragraph (1) the following (and redesignate succeeding paragraphs accordingly):

''(2) RESTRUCTURING OF FINANCING ORIGINATION FEE.—

''(A) IN GENERAL.—For any mortgage loan, a mortgage originator may not arrange for a consumer to finance through rate any origination fee or cost except bona fide third party settlement charges not retained by the creditor or mortgage originator.

''(B) EXCEPTION.—Notwithstanding paragraph subparagraph (A), a mortgage originator may arrange for a consumer to finance through rate an origination fee or cost if—

''(i) the mortgage originator does not receive any other compensation from the consumer except the compensation that is financed through rate; and

''(ii) the mortgage is a qualified mortgage.''.

In section 129B(c)(2) of the Truth in Lending Act (as added by section 103 of the bill)—

(1) in subparagraph (C), strike the final ''and'';

(2) in subparagraph (D), strike the period and insert ''; and''; and

(3) add at the end the following new subparagraph:

''(E) mortgage originators from—

''(i) mischaracterizing the credit history of a consumer or the residential mortgage loans available to a consumer;

''(ii) mischaracterizing or suborning the mischaracterization of the appraised value of the property securing the extension of credit; or

''(iii) if unable to suggest, offer, or recommend to a consumer a loan that is not more expensive than a loan for which the consumer qualifies, discouraging a consumer from seeking a home mortgage loan secured by a consumer's principal dwelling from another mortgage originator.''.

In section 129B(c)(3)(D) of the Truth in Lending Act (as added by section 103 of the bill), strike ''rate or''.

In section 129B(e)(1) of the Truth in Lending Act (as added by section 105 of the bill), insert after ''standards'' the following: ''necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section and section 129B,''.

Section 106 is amended by inserting after subsection (e) the following new subsection:

(f) STANDARDIZED DISCLOSURE FORMS.—

(1) IN GENERAL.—Any regulations proposed or issued pursuant to the requirements of this section shall include model disclosure forms.

(2) OPTION FOR MANDATORY USE.—In issuing proposed regulations under subsection (a), the Secretary of Housing and Urban Development and the Board of Governors of the Federal Reserve System shall include regulations for the mandatory use of standardized disclosure forms if they jointly determine that it would substantially benefit the consumer.

At the end of title I, add the following new section:

**SEC. 107. STUDY OF SHARED APPRECIATION MORTGAGES.**

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury and other relevant agencies, shall conduct a comprehensive study to determine prudent statutory and regulatory requirements sufficient to provide for the widespread use of shared appreciation mortgages to strengthen local housing markets, provide new opportunities for affordable homeownership, and enable homeowners at-risk of foreclosure to refinance or modify their mortgages.

(b) REPORT.—Not later than the expiration of the 6-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress on the results of the study, which shall include recommendations for the regulatory and legislative requirements referred to in subsection (a).

In paragraph (4) of section 129C(a) of the Truth in Lending Act (as added by section 201(a) of the bill), insert after subparagraph (D) the following new subparagraph:

''(E) REFINANCE OF HYBRID LOANS WITH CURRENT LENDER.—In considering any application for refinancing an existing hybrid loan by the creditor into a standard loan to be made by the same creditor in any case in which the sole net-tangible benefit to the mortgagor would be a reduction in monthly payment and the mortgagor has not been delinquent on any payment on the existing hybrid loan, the creditor may—

''(i) consider the mortgagor's good standing on the existing mortgage;

''(ii) consider if the extension of new credit would prevent a likely default should the original mortgage reset and give such concerns a higher priority as an acceptable underwriting practice; and

''(iii) offer rate discounts and other favorable terms to such mortgagor that would be available to new customers with high credit ratings based on such underwriting practice.''.

In section 129C(a)(4)(D)(ii) of the Truth in Lending Act (as added by section 201 of the bill), strike ''the contract's repayment schedule shall be used in this calculation'' and insert the following: ''the calculation shall be made (I) in accordance with regulations prescribed by the Federal banking agencies, with respect to any loan which has an annual percentage rate that does not exceed the average prime offer rate for a comparable transaction, as of the date the interest rate is set, by 1.5 or more percentage points for a first lien residential mortgage loan; and by 3.5 or more percentage points for a subordinate lien residential mortgage loan; or (II) using the contract's repayment schedule, with respect to a loan which has an annual percentage rate, as of the date the interest rate is set, that is at least 1.5 percentage points above the average prime offer rate for a first lien residential mortgage loan; and 3.5 percentage points above the average prime offer rate for a subordinate lien residential mortgage loan''.

In section 129C(c)(2)(A)(iv)(I) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) strike ''does not exceed'' and insert ''is equal to or less than''; and

(2) strike the final ''and''.

In section 129C(c)(2)(A)(iv)(II) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) strike ''exceeds'' and insert ''is more than''; and

(2) strike the semicolon on the end and insert ''; and''.

In section 129C(c)(2)(A)(iv) of the Truth in Lending Act (as added by section 203 of the bill), add at the end the following:

''(III) by 3.5 or more percentage points, in the case of a subordinate lien residential mortgage loan;''.

In section 129C(c) of the Truth in Lending Act (as added by section 203 of the bill), in the header of paragraph (3), after ''rate'' insert the following: ''and APR thresholds''.

In section 129C(c)(3) of the Truth in Lending Act (as added by section 203 of the bill)—

(1) in subparagraph (A), strike the final ''and'';

(2) in subparagraph (B), strike the period and insert ''; and''; and

(3) add at the end the following:

''(C) shall adjust the thresholds of 1.50 percentage points in paragraph (2)(A)(iv)(I), 2.50 percentage points in paragraph (2)(A)(iv)(II), and 3.50 percentage points in paragraph (2)(A)(v)(III), as necessary to reflect significant changes in market conditions and to effectuate the purposes of the Mortgage Reform and Anti-Predatory Lending Act.''.

In section 129C(c)(4)(B)(i) of the Truth in Lending Act (as added by section 203 of the bill), after ''are'' insert the following: ''necessary or proper to ensure that responsible, affordable mortgage credit remains available to consumers in a manner consistent with the purposes of this section,''.

In section 129C(c)(4)(B)(ii) of the Truth in Lending Act (as added by section 203 of the bill), after ''shall'' insert the following: '', in consultation with the Federal banking agencies,''.

In section 129C(d)(1)(B) of the Truth in Lending Act (as added by section 204 of the bill), strike ''creditor provides'' and insert ''creditor, acting in good faith,''.

In section 129C(d)(3) of the Truth in Lending Act (as added by section 204 of the bill), strike ''and (b) shall'' and insert ''and (b), consistent with reasonable due diligence practices prescribed by the Federal banking agencies, shall''.

In section 129C(d)(10) of the Truth in Lending Act (as added by section 204 of the bill)—

(1) in the header, strike ''Pools and'' and insert ''Trustees, pools, and''; and

(2) insert before ''the pools of such loans'' the following: ''any trustee that holds such loans solely for the benefit of the securitization vehicle,''.

In section 129C(g)(2) of the Truth in Lending Act (as added by section 205 of the bill), after ''designees,'' insert the following: ''subject to the rights of the consumer described in this subsection,''.

In section 129C(h) of the Truth in Lending Act (as added by section 206 of the bill),

strike paragraph (3) (and redesignate succeeding paragraphs accordingly).

In section 206, insert at the end the following new subsections:

(c) PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (k) (as added by subsection (a) of this section) the following new subsection (and designated succeeding subsections accordingly):

''(l) PROTECTION AGAINST LOSS OF ANTI-DEFICIENCY PROTECTION.—

''(1) DEFINITION.—For purposes of this subsection, the term 'anti-deficiency law' means the law of any State which provides that, in the event of foreclosure on the residential property of a consumer securing a mortgage, the consumer is not liable, in accordance with the terms and limitations of such State law, for any deficiency between the sale price obtained on such property through foreclosure and the outstanding balance of the mortgage.

''(2) NOTICE AT TIME OF CONSUMMATION.—In the case of any residential mortgage loan that is, or upon consummation will be, subject to protection under an anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before such loan is consummated.

''(3) NOTICE BEFORE REFINANCING THAT WOULD CAUSE LOSS OF PROTECTION.—In the case of any residential mortgage loan that is subject to protection under an anti-deficiency law, if a creditor or mortgage originator provides an application to a consumer, or receives an application from a consumer, for any type of refinancing for such loan that would cause the loan to lose the protection of such anti-deficiency law, the creditor or mortgage originator shall provide a written notice to the consumer describing the protection provided by the anti-deficiency law and the significance for the consumer of the loss of such protection before any agreement for any such refinancing is consummated.''.

(d) POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.—Section 129C of the Truth in Lending Act is amended by inserting after subsection (l) the following new subsection (and redesignating subsequent subsections of such section accordingly):

''(m) POLICY REGARDING ACCEPTANCE OF PARTIAL PAYMENT.—In the case of any residential mortgage loan, a creditor shall disclose prior to settlement or, in the case of a person becoming a creditor with respect to an existing residential mortgage loan, at the time such person becomes a creditor—

''(1) the creditor's policy regarding the acceptance of partial payments; and

''(2) if partial payments are accepted, how such payments will be applied to such mortgage and if such payments will be placed in escrow;''.

In section 208(b)—

(1) in paragraph (3)(B), strike the final ''or'';

(2) in paragraph (4), strike the period on the end and insert ''; or''; and

(3) add at the end the following new paragraph:

(5) notwithstanding paragraph (2), the availability of any remedies under State law against any assignee, securitizer or securitization vehicle that—

(A) are in addition to those remedies provided for in section 129C; and

(B) were in effect on the date of enactment of this Act.

In section 129C(l)(1) of the Truth in Lending Act (as added by section 213 of the bill), strike ''in section'' and insert ''under section''.

In section 129C(l)(2)(B) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) strike ''prohibit creditors'' and insert ''prohibit a creditor''; and

(2) strike ''creditors are required'' and insert ''such creditor is required''.

In section 129C(l)(2)(C) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) strike ''require creditors'' and insert ''require a creditor''; and

(2) insert before the semicolon the following: ''by such creditor''.

In section 129C(l)(3)(A) of the Truth in Lending Act (as added by section 213 of the bill), after ''authority to'' insert the following: ''jointly''.

In section 129C(l)(3)(B)(i) of the Truth in Lending Act (as added by section 213 of the bill), strike ''mortgage lenders'' and insert ''creditors that make residential mortgage loans that are not qualified mortgages''.

In section 129C(l)(3)(B)(ii) of the Truth in Lending Act (as added by section 213 of the bill), strike ''mortgage lenders'' and insert ''such creditors''.

In section 129C(l)(4) of the Truth in Lending Act (as added by section 213 of the bill)—

(1) in the heading, strike ''securitization sponsors'' and insert ''securitizers'';

(2) strike ''agencies shall have discretion to'' and insert ''agencies may jointly, in their discretion,'';

(3) strike ''non-qualified mortgages in addition to or in place of creditors that make non-qualified mortgages if the agencies determine that applying the requirements to securitization sponsors rather than originators'' and insert ''residential mortgages (or particular types of residential mortgages) that are not qualified mortgages in addition to or in substitution for any or all of the requirements that apply to creditors that make such mortgages if the agencies jointly determine that applying the requirements to such securitizers'';

(4) in subparagraph (A), strike ''mortgage lenders'' and insert ''creditors of residential mortgage loans that are not qualified mortgages''; and

(5) in subparagraph (B)—

(A) strike ''mortgage lenders, or'' and insert ''such creditors,''; and

(B) before the period, insert '', or otherwise serve the public interest''.

After section 128(a)(18) of the Truth in Lending Act (as added by section 214(a) of the bill) add the following:

''(19) In the case of a residential mortgage loan, the total amount of interest that the consumer will pay over the life of the loan as a percentage of the principal of the loan. Such amount shall be computed assuming the consumer makes each monthly payment in full and on-time, and does not make any over-payments.''.

Strike section 214(b).

In subsection (f)(1) of section 128 of the Truth in Lending Act (as added by section 215 of the bill), insert after subparagraph (F) the following new subparagraph (and redesignate the subsequent subparagraph accordingly):

''(G) The names, addresses, telephone numbers, and Internet addresses of counseling agencies or programs reasonably available to the consumer that have been certified or approved and made publicly available by the Secretary of Housing and Urban Development or a State housing finance authority (as defined in section 1301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989).''.

In subsection (c) of section 218, insert '', including an analysis of the exceptions and adjustments authorized in section 129C(l)(3)(A) of the Truth in Lending Act and a recommendation on whether a uniform standard is needed'' before the period at the end.

At the end of section 218, insert the following new subsection:

(d) ANALYSIS OF CREDIT RISK RETENTION PROVISIONS.—The report required by subsection (b) shall also include—

(1) an analysis by the Comptroller General of whether the credit risk retention provisions have significantly reduced risks to the larger credit market of the repackaging and selling of securitized loans on a secondary market; and

(2) recommendations to the Congress on adjustments that should be made, or additional measures that should be undertaken.

In section 130(e) of the Truth in Lending Act (as amended by section 219 of the bill), strike ''section 219'' and insert ''section 220''.

In section 220 of the bill, insert after subsection (b) the following new subsection (and redesignate succeeding subsections accordingly):

(c) LANDLORD NOTICE TO TENANTS.—Notwithstanding the law of any State or the terms of any consumer residential lease, each person who owns a dwelling or residential real property—

(1) which is leased to a bona fide tenant (including a tenancy terminable at will), or which the landlord offers to lease to a prospective tenant; and

(2) which, pursuant to the terms of a valid loan to such person which is secured by such dwelling or property, is or becomes subject to foreclosure or with respect to which the person is in default,

shall promptly notify any such tenant or prospective tenant of the circumstances prevailing with respect to such property and the effect of any such default or foreclosure. The requirements of this subsection shall have no effect on any State or local law that provides additional notice or other additional protections for tenants.

In section 103(aa)(4)(B) of the Truth in Lending Act (as amended by section 301(c) of the bill)—

(1) strike ''broker'' and insert ''originator''; and

(2) strike ''the originator'' and insert ''the creditor''.

In section 103(dd) of the Truth in Lending Act (as added by section 301(d) of the bill)—

(1) in the header, strike ''and prepayment penalties'';

(2) in the matter preceding paragraph (1)—

(A) strike ''(4)'' and insert ''(2)''; and

(B) strike ''may'' and insert ''shall'';

(3) redesignate paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(4) in paragraph (4), as redesignated by paragraph (3), strike ''paragraph (1)'' and insert ''paragraphs (1) and (2)''; and

(5) strike paragraph (1) and insert the following:

''(1) Up to and including 2 bona fide discount points payable by the consumer in connection with the mortgage, but only if the interest rate from which the mortgage's interest rate will be discounted does not exceed by more than 1 percentage point—

''(A) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater; or

''(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).

''(2) Unless 2 bona fide discount points have been excluded under paragraph (1), up to and including 1 bona fide discount point payable by the consumer in connection with the mortgage, but only if the interest rate from

which the mortgage's interest rate will be discounted does not exceed by more than 2 percentage points—

''(A) the required net yield for a 90-day standard mandatory delivery commitment for a reasonably comparable loan from either the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, whichever is greater; or

''(B) if secured by a personal property loan, the average rate on a loan in connection with which insurance is provided under title I of the National Housing Act (12 U.S.C. 1702 et seq.).''.

In subsection (r) of section 129 of the Truth in Lending Act, as added by section 303(c) of the bill, strike ''DEFERRAL FEES PROHIBITED.—A creditor'' and insert ''DEFERRAL FEES PROHIBITED.—

''(1) CREDITORS.—A creditor''.

At the end of paragraph (1) of subsection (r) of section 129 of the Truth in Lending Act, (as so designated by the preceding amendment) insert the following new paragraphs:

''(2) THIRD PARTIES.— A third-party may not charge a consumer any fee to—

''(A) modify, renew, extend, or amend a high-cost mortgage, or defer any payment due under the terms of such mortgage;

''(B) negotiate with a creditor on behalf of a consumer, the modification, renewal, extension, or amendment of a high-cost mortgage; or

''(C) negotiate with a creditor on behalf of a consumer, the deferral of any payment due under the terms of such mortgage,

unless the modification renewal, extension or amendment results in a significantly lower annual percentage rate on the mortgage, or a significant reduction in the amount of the outstanding principal on the mortgage, for the consumer and then only if the amount of the fee is comparable to fees imposed for similar transactions in connection with consumer credit transactions that are secured by a consumer's principal dwelling and are not high-cost mortgages.

''(3) ENFORCEMENT.—Section 130 shall be applied for purposes of paragraph (2) by—

''(A) substituting 'third party' for 'creditor'each place such term appears; and

''(B) substituting 'any fee charged by a third party' for 'finance charge' each place such term appears.''.

In subsection (g)(3)(B)(ix) of section 4 of the Department of Housing and Urban Development Act (as added by section 402) insert '', including underdeveloped areas that lack basic water and sewer systems, electricity services, and safe, sanitary housing'' before the period at the end.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(1)(B)(xi), strike ''and'' after the semicolon.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(1)(B)(xii), strike the period at the end and insert ''; and''.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, after clause (xii) of subsection (g)(1)(B) add the following:

''(xiii) section 106 of the Energy Policy Act of 1992 (42 U.S.C. 12712 note).''.

In the matter proposed to be inserted by the amendment made by section 403(a) of the bill, in subsection (g)(5), strike ''and home repair loans'' and insert the following: ''home repair loans, and where appropriate by region, any requirements and costs associated with obtaining flood or other disaster-specific insurance coverage''.

In subparagraph (C) of paragraph (4) of the matter proposed to be inserted by the amendment made by section 404 of the bill, before the period at the end insert the following: ''and that ensures adequate distribution of amounts for rural areas having traditionally low levels of access to such counseling services, including areas with insufficient access to the Internet''.

In section 406, insert '', and the role of computer registries of mortgages, including those used for trading mortgage loans'' before the period at the end of the 2nd sentence.

After section 406, insert the following new section (and redesignate succeeding sections in title IV accordingly):

**SEC. 407. DEFAULT AND FORECLOSURE DATABASE.**

(a) ESTABLISHMENT.—The Secretary of Housing and Urban Development, in consultation with the Federal agencies responsible for regulation of banking and financial institutions involved in residential mortgage lending and servicing, shall establish and maintain a database of information on foreclosures and defaults on mortgage loans for one- to four-unit residential properties and shall make such information publicly available.

(b) CENSUS TRACT DATA.—Information in the database shall be collected, aggregated, and made available on a census tract basis.

(c) REQUIREMENTS.—Information collected and made available through the database shall include—

(1) the number and percentage of such mortgage loans that are delinquent by more than 30 days;

(2) the number and percentage of such mortgage loans that are delinquent by more than 90 days;

(3) the number and percentage of such properties that are real estate-owned;

(4) number and percentage of such mortgage loans that are in the foreclosure process;

(5) the number and percentage of such mortgage loans that have an outstanding principal obligation amount that is greater than the value of the property for which the loan was made; and

(6) such other information as the Secretary considers appropriate.

In section 6(l)(1)(B) of the Real Estate Settlement Procedures Act of 1974 (as added by section 503 of the bill), strike ''clauses'' and insert ''clause''.

In section 129D(b) of the Truth in Lending Act (as added by section 501 of the bill), amend paragraph (3) to read as follows:

''(3) the transaction is secured by a first mortgage or lien on the consumer's principal dwelling having an original principal obligation amount that—

''(A) does not exceed the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate for a comparable transaction by 1.5 or more percentage points; or

''(B) exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)), and the annual percentage rate will exceed the average prime offer rate for a comparable transaction by 2.5 or more percentage points; or''.

Redesignate section 128(b)(5) of the Truth in Lending Act (as added by section 505 of the bill) as section 128(b)(4) of the Truth in Lending Act.

Section 601 is amended to read as follows:

**SEC. 601. PROPERTY APPRAISAL REQUIREMENTS.**

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by inserting after 129G (as added by section 504) the following new section:

**''SEC. 129H PROPERTY APPRAISAL REQUIREMENTS.**

''(a) IN GENERAL.—A creditor may not extend credit in the form of a subprime mortgage to any consumer without first obtaining a written appraisal of the property to be mortgaged prepared in accordance with the requirements of this section.

''(b) APPRAISAL REQUIREMENTS.—

''(1) PHYSICAL PROPERTY VISIT.—An appraisal of property to be secured by a subprime mortgage does not meet the requirement of this section unless it is performed by a qualified appraiser who conducts a physical property visit of the interior of the mortgaged property.

''(2) SECOND APPRAISAL UNDER CERTAIN CIRCUMSTANCES.—

''(A) IN GENERAL.—If the purpose of a subprime mortgage is to finance the purchase or acquisition of the mortgaged property from a person within 180 days of the purchase or acquisition of such property by that person at a price that was lower than the current sale price of the property, the creditor shall obtain a second appraisal from a different qualified appraiser. The second appraisal shall include an analysis of the difference in sale prices, changes in market conditions, and any improvements made to the property between the date of the previous sale and the current sale.

''(B) NO COST TO APPLICANT.—The cost of any second appraisal required under subparagraph (A) may not be charged to the applicant.

''(3) QUALIFIED APPRAISER DEFINED.—For purposes of this section, the term 'qualified appraiser' means a person who—

''(A) is, at a minimum, certified or licensed by the State in which the property to be appraised is located; and

''(B) performs each appraisal in conformity with the Uniform Standards of Professional Appraisal Practice and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and the regulations prescribed under such title, as in effect on the date of the appraisal.

''(c) FREE COPY OF APPRAISAL.—A creditor shall provide 1 copy of each appraisal conducted in accordance with this section in connection with a subprime mortgage to the applicant without charge, and at least 3 days prior to the transaction closing date.

''(d) CONSUMER NOTIFICATION.—At the time of the initial mortgage application, the applicant shall be provided with a statement by the creditor that any appraisal prepared for the mortgage is for the sole use of the creditor, and that the applicant may choose to have a separate appraisal conducted at their own expense.

''(e) VIOLATIONS.—In addition to any other liability to any person under this title, a creditor found to have willfully failed to obtain an appraisal as required in this section shall be liable to the applicant or borrower for the sum of $2,000.

''(f) SUBPRIME MORTGAGE DEFINED.—For purposes of this section, the term 'subprime mortgage' means a residential mortgage loan secured by a principal dwelling with an annual percentage rate that exceeds the average prime offer rate for a comparable transaction, as of the date the interest rate is set—

''(1) by 1.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that does not exceed the amount of

the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2));

''(2) by 2.5 or more percentage points, in the case of a first lien residential mortgage loan having an original principal obligation amount that exceeds the amount of the maximum limitation on the original principal obligation of mortgage in effect for a residence of the applicable size, as of the date of such interest rate set, pursuant to the sixth sentence of section 305(a)(2) the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)); and

''(3) by 3.5 or more percentage points for a subordinate lien residential mortgage loan''.

In section 603, amend the header to read as follows: ''Amendments relating to Appraisal Subcommittee of FIEC, Appraiser Independence Monitoring, Approved Appraiser Education, Appraisal Management Companies, Appraiser Complaint Hotline, Automated Valuation Models, and Broker Price Opinions''.

Strike section 603(a)(2)(B) (and redesignate succeeding subparagraphs accordingly).

In section 1103(a) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as amended by sections 603(a) and 603(b) of the bill)—

(1) in paragraph (5), strike ''; and'' and insert a period; and

(2) strike paragraph (4) and redesignate paragraph (6) as paragraph (4).

In the header of section 603(e), strike ''Field''.

In section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(e)(4) of the bill), strike ''10 certified'' and insert ''15 certified''.

In section 1125(b) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(q) of the bill), after ''member agencies'' insert the following: '', in consultation with the Appraisal Standards Board of the Appraisal Foundation and other interested parties,''.

In section 1125(c)(1) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(q) of the bill), strike ''institution or regulatory'' and insert ''institution regulatory''.

In section 1126 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (as added by section 603(r) of the bill), strike subsections (a), (b), and (c), and insert the following:

''(a) GENERAL PROHIBITION.—In conjunction with the purchase of a consumer's principal dwelling, broker price opinions may not be used as the primary basis to determine the value of a piece of property for the purpose of a loan origination of a residential mortgage loan secured by such piece of property.

''(b) BROKER PRICE OPINION DEFINED.—For purposes of this section, the term 'broker price opinion' means an estimate prepared by a real estate broker, agent, or sales person that details the probable selling price of a particular piece of real estate property and provides a varying level of detail about the property's condition, market, and neighborhood, and information on comparable sales, but does not include an automated valuation model, as defined in section 1125(c).''.

In section 604, add at the end the following:

(c) ADDITIONAL STUDY REQUIRED.—The Comptroller General shall conduct an additional study to determine the effects that the changes to the seller-guide appraisal requirements of Fannie Mae and Freddie Mac contained in the Home Valuation Code of Conduct have on small business, like mortgage brokers and independent appraisers, and consumers, including the effect on the—

(1) quality and costs of appraisals;

(2) length of time for obtaining appraisals;

(3) impact on consumer protection, especially regarding maintaining appraisal independence, abating appraisal inflation, and mitigating acts of appraisal fraud;

(4) structure of the appraisal industry, especially regarding appraisal management companies, fee-for-service appraisers, and the regulation of appraisal management companies by the states; and

(5) impact on mortgage brokers and other small business professionals in the financial services industry.

(d) ADDITIONAL REPORT.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit an additional report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate containing the findings and conclusions of the Comptroller General with respect to the study conducted pursuant to subsection (c). Such additional report shall take into consideration the Small Business Administration's views on how small businesses are affected by the Home Valuation Code of Conduct.

Insert after title VII the following new title (and conform the table of contents accordingly):

**TITLE VIII—REPORTS**

**SEC. 801. GAO STUDY REPORT ON GOVERNMENT EFFORTS TO COMBAT MORTGAGE FORECLOSURE RESCUE SCAMS AND LOAN MODIFICATION FRAUD.**

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the current inter-agency efforts of the Secretary of the Treasury, the Secretary of Housing and Urban Development, the Attorney General, and the Federal Trade Commission to crackdown on mortgage foreclosure rescue scams and loan modification fraud in order to advise the Congress to the risks and vulnerabilities of emerging schemes in the loan modification arena.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General shall submit a report to the Congress on the study conducted under subsection (a) containing such recommendations for legislative and administrative actions as the Comptroller General may determine to be appropriate in addition to the recommendations required under paragraph (2).

(2) SPECIFIC TOPICS.—The report made under paragraph (1) shall include—

(A) an evaluation of the effectiveness of the inter-agency task force current efforts to combat mortgage foreclosure rescue scams and loan modification fraud scams;

(B) specific recommendations on agency or legislative action that are essential to properly protect homeowners from mortgage foreclosure rescue scams and loan modification fraud scams; and

(C) the adequacy of financial resources that the Federal Government is allocating to—

(i) crackdown on loan modification and foreclosure rescue scams; and

(ii) the education of homeowners about fraudulent scams relating to loan modification and foreclosure rescues.

Insert after title VIII the following new title (and conform the table of contents accordingly):

**TITLE IX—MULTIFAMILY MORTGAGE RESOLUTION**

**SEC. 901. MULTIFAMILY MORTGAGE RESOLUTION PROGRAM.**

(a) ESTABLISHMENT.—Subject to subsection (e), the Secretary of the Treasury, in consultation with the Secretary of Housing and Urban Development, shall develop a program to stabilize multifamily properties which are delinquent, at risk of default or disinvestment, or in foreclosure.

(b) FOCUS OF PROGRAM.—The program developed under this section shall be used to ensure the protection of current and future tenants of at risk multifamily properties, where feasible, by—

(1) creating sustainable financing of such properties that is based on—

(A) the current rental income generated by such properties; and

(B) the preservation of adequate operating reserves;

(2) maintaining the level of Federal, State, and city subsidies in effect as of the date of enactment of this Act; and

(3) facilitating the transfer, when necessary, of such properties to responsible new owners.

(c) COORDINATION.—The Secretary of the Treasury shall in carrying out the program developed under this section coordinate with the Secretary of Housing and Urban Development, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, the Federal Housing Finance Agency, and any other Federal Government agency that the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term ''multifamily properties'' means a residential structure that consists of 5 or more dwelling units.

(e) AUTHORITY.—This section shall not limit the ability of the Secretary of the Treasury to use any existing authority to carry out the program under this section.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, this is a somewhat bigger than usual manager's amendment because, frankly, we are responding to the interest of the Members in trying to leave. I prevailed on some Members who had amendments to put them in the manager's amendment. They are not 100 percent agreed to, I think, in every case, but none of them are major changes. There are some major changes that we will be dealing with separately. So my intention during the time that I have will be to yield to those Members who very graciously have agreed to have their amendments put in the manager's amendment.

Mr. Chairman, I will begin by yielding 1½ minutes to the gentleman from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. Chairman, I rise in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

I want to express my thanks to Chairman FRANK for incorporating into the manager's amendment a proposal we developed to fight back against a new class of predators which is emerging right now. These are third-party consultants that see the chance to make fast money promising to help people on their loan modifications.

I want to emphasize that not all counseling services by third parties are bad and not all middlemen are bad, but

there is a group that is always ready to take advantage of people. They're like sharks that are circling, and in Maryland we've seen the Department of Licensing Labor and Regulation has 70 open cases right now looking into fraudulent mortgage modifications.

What has been incorporated in the manager's amendment that we put forward would prohibit third parties from charging fees to consumers for providing or negotiating on a consumer's behalf a modification to a high-cost mortgage unless these actions result in a benefit to the consumer through a significant reduction in principal or a significantly lower annual percentage rate on the mortgage. This will protect a lot of people, and I thank Chairman FRANK for including this in the manager's amendment.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 15 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

There are some provisions in this amendment that I support and there are some that I don't.

One of the parts of it that I do support is the amendment does call for a GAO study to analyze the effectiveness of the risk-retention provisions of this bill and make recommendations to Congress. My only regret is I wish we could have done a study before we implement this particular piece of legislation.

As you know, section 213 of the bill requires creditors to retain an economic interest in at least 5 percent of the credit risk of each loan that is not a qualified mortgage that the creditor transfers, sells, or conveys to a third party.

I think a lot of people feel that this skin in the game may be a good provision. I think the question that arises is what will be the impact on small lenders and small community banks across the country? One of the things that we want to make sure is that the bill is not really clear about the mechanism or the mechanics of how this provision would be implemented, and we're going to have to have regulatory clarification on that. I wish that, again, we could have had a study in advance of that so that we could then make sure that, as we are implementing this bill, that the regulators have some direction of how to go to make sure we implement this provision without causing major disruption in the mortgage process. Again, I wish we could have done that before.

There are concerns that I have about the manager's amendment as well, Mr. Chairman. First of all, rather than clarifying provisions related to broker compensation, yield-spread premiums, and ensuring all types of mortgage creditors are covered by equal antisteering provisions, this amendment adds further inequity and confusion.

Congressman MILLER offered an amendment during the Financial Services Committee markup that would have preserved the careful balance of banning steering while preserving a consumer's ability to finance the closing costs and origination fees associated with their loan.

In committee, Chairman FRANK said he felt that he and Mr. MILLER had agreed in principle about only banning incentivized compensation and not direct compensation. Mr. MILLER withdrew his amendment, given the agreement by the chairman to work with him on details of the language. The manager's amendment does not reflect that agreement, and the Rules Committee did not make in order an amendment submitted by Mr. MILLER. Really instead of clarifying the ability of consumers to finance closing costs and origination fees through rate or principal, the manager's amendment removes that option to finance through the rate completely.

Additionally, the manager's amendment says all origination fees must be collected either up front or all fees shall be in the rate. This means consumers, again, will no longer have the option of paying some closing costs up front and some through the rate.

Consumers should be able to finance closing costs and origination fees as they deem appropriate for their individual circumstances. Clarifications were expected to ensure the preservation of this option, but the only clarification made was that the bill will now only prohibit this option in the manager's amendment.

What does that mean? Well, that means when an individual goes to their mortgage lender or to their local community bank, in the past they have had an option to say, you know, I would need to put a certain amount of my closing costs in the loan and maybe that would be reflected in the rate. Maybe part of it would be reflected in the principal balance. But now we're going to take away the option for the banker to offer that to the individuals. And I think that's what our opposition has been to this bill from the very beginning, that while we are trying to prevent predatory lending, and everybody is against predatory lending, at the same time we've started down a road where we are going to limit the available products to individuals. We're going to raise the cost of these mortgages to individuals, and, more importantly, we're going to cause mass confusion in the marketplace.

There are some very punitive things in this bill that if someone is ''steering,'' that could result in a lawsuit. And steering could be, well, I think this mortgage, if I offered you this one, it would be beneficial to you but I also think if I offered you this mortgage. But I think it's going to deter a lot of mortgage bankers and community bankers from offering two different options to individuals because they're going to be afraid that somehow they are steering.

I have some other concerns which I will express further into the debate here.

At this time, Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas is correct. I did tell my friend Mr. MILLER from California we will work on it. It slipped. But I have spoken to him. The gentleman presented things very accurately. As I talked to Mr. MILLER, I think what we have to do, and we will do this before this bill becomes law, is spell out exactly what's allowed. I think we have conceptual agreement on what should be banned and what should be allowed. Sometimes people want to leave too much implicit. I'm a great believer that redundancy is better than ambiguity. So I have given the gentleman from California my commitment that before this bill becomes law, if it does, we will spell out what is permitted, much of what the gentleman said.

Mr. Chairman, I submit the following correspondence:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON THE JUDICIARY,
*Washington, DC, May 7, 2009.*

Hon. BARNEY FRANK,
*Chairman, Committee on Financial Services, House of Representatives, Washington, DC.*

DEAR CHAIRMAN FRANK: This is to advise you that, as a result of your having consulted with us on provisions in H.R. 1728, the ''Mortgage Reform and Anti-Predatory Lending Act,'' that fall within the rule X jurisdiction of the Committee on the Judiciary, we are able to agree to discharging our committee from further consideration of the bill in order that it may proceed without delay to the House floor for consideration.

The Judiciary Committee takes this action with the understanding that by foregoing further consideration of H.R. 1728 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation. We appreciate your continued willingness to consider further clarifications and refinements to the provisions in our jurisdiction as the legislation moves forward. Finally, we reserve the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this important legislation, and request your support if such a request is made.

I would appreciate your including this letter in the Congressional Record during consideration of the bill on the House floor. Thank you for your attention to this request, and for the cooperative relationship between our two committees.

Sincerely,

JOHN CONYERS, Jr.,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
*Washington, DC, May 6, 2009.*

Hon. JOHN CONYERS, *Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR CHAIRMAN CONYERS: Thank you for your letter concerning H.R. 1728, the ''Mortgage Reform and Anti-Predatory Lending Act.'' This bill will be considered by the House shortly.

I want to confirm our mutual understanding with respect to the consideration of

this bill. I acknowledge that portions of the bill as reported fall within the jurisdiction of the Committee on the Judiciary and I appreciate your cooperation in moving the bill to the House floor expeditiously. I further agree that your decision to not to proceed with a markup on this bill will not prejudice the Committee on the Judiciary with respect to its prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction in the event of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record. Thank you again for your assistance.

BARNEY FRANK,
*Chairman.*

With that, Mr. Chairman, I will now yield 1½ minutes to a very diligent member of the committee who has an amendment in the manager's amendment, the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. Let me thank the Chair for his shepherding this critically important piece of legislation to the floor and getting us to this point.

Mr. Chairman, I am very grateful that the Chair and all the members of the committee were able to include in the manager's amendment what I believe is almost the very heart of the problem here, and that is that people who qualified for certain kinds of loans were steered to loans that made certain other folks more wealthy and other people who were out to seek loans had their credit ratings mischaracterized. Sometimes people had appraisals that were false and not true, and then, of course, people who were eligible for certain loans were literally discouraged from shopping around to get a better loan.

This type of steering is not ambiguous; it's not middle-of-the-road stuff. It is just wrong. And I am glad that the manager's amendment is going to direct the Secretary to promulgate rules that will put certain no-nos into the bill that would prevent steering.

I think if we had not had the level of steering that we had, we would not have the number of exotic subprime loans that we had, predatory loans. And if we didn't have that, we very likely would not be at the depth of trouble that we're in right now.

So I'm very happy that this is included in the manager's amendment, that we will have some clear don'ts that we will ask rules to be promulgated on, prohibiting mischaracterizing of appraisals, prohibiting discouraging shopping around, prohibiting mischaracterization of credit scores and others.

Mr. NEUGEBAUER. Mr. Chairman, I appreciate the chairman's sensitivity to this because I think it is a very important issue that we need to resolve in this legislation before it becomes law.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. NEUGEBAUER. I yield to the gentleman.

Mr. FRANK of Massachusetts. It's my fault it wasn't done. I guarantee to you it will be done before the bill, and I appreciate the indulgence. And I have apologized to Mr. MILLER.

Mr. NEUGEBAUER. Thank you.

Mr. Chairman, at this time it's my privilege to yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. I would like to thank the gentleman for yielding to me.

I would like to talk about the bill in general, Mr. Chairman. This legislation was just introduced on March 23, and less than a month later, which included our 2-week District Work Period, we had one hearing and then it was followed by a 2-week markup, and we're hearing now where things are still needing to be clarified, which I think goes to my first point. I think it's important for my colleagues to realize that this legislation has the potential to forever change the mortgage market, and I have concerns that, while changes are indeed needed, maybe we may be moving too briskly on broad legislation that could have some serious unintended consequences.

The credit risk-retention provision, the skin-in-the-game provision, while it's supported in concept by most, it's still being worked out. There is no consensus on whom the scope of this provision would encompass or what the effect would be on the liquidity in the market. According to the Mortgage Bankers Association, a record number of borrowers are delinquent, the housing market is still very fragile, and what is needed is a sense of certainty that we can accept a floor in the market. We don't need constant tinkering and changing so that that stability is not there.

A glaring omission in this legislation, also, is it does nothing to address the future of the GSEs Fannie and Freddie. These two entities provide the lion's share of liquidity in the mortgage market, and any mortgage reform legislation should include provisions defining the future role of GSEs in the market.

I supported this legislation last week in the Financial Services Committee and I will support it again today, but I do have real concerns about some of the provisions that are still left in limbo. I don't believe, and I don't think anybody does, we should be cutting off dollars to homebuyers and homeowners while trying to prevent a problem from happening again.

Mr. FRANK of Massachusetts. Mr. Chairman, I now yield 1½ minutes to one of the Members of the House who has been most concerned with stopping this abuse, the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS of Maryland. Mr. Chairman, I rise today in support of Chairman FRANK's manager's amendment, and I want to thank the chairman, with whom I worked diligently to modify the preemption language in section 208 in a way that would allow the preservation of State laws that provide for ''additional remedies against any assignee, securitizer, or securitization vehicle,'' which is the case in my home State of Maryland.

My home State of Maryland has been very aggressive at addressing the foreclosure crisis to protect consumers from fraud and predatory lenders. Maryland was one of the first States to enact an ability to repay mortgage law and has worked closely with the Department of Justice in these efforts on behalf of consumers.

□ 1215

This important amendment would respect States like Maryland that already have stringent laws to address some of these issues.

I would like to thank Chairman FRANK and particularly Mr. MILLER and Mr. WATT for their years of work on behalf of consumers.

I urge all of my colleagues to support Chairman FRANK's manager's amendment and the underlying bill. Many of these mortgage products should never have been on the market in the first place, and now we will get it right on behalf of consumers.

Mr. NEUGEBAUER. I want to speak to the gentlewoman's provision in this bill, and one of the concerns I have, I mean, there is a lot of people that want to debate States' rights versus Federal rights. One of the concerns I have about the provision in the manager's amendment is that it says yes. It says, yes, there is Federal jurisdiction and, yes, there is State jurisdiction.

What I am concerned about is that could cause some potential conflicts, and that States would think they had jurisdiction, the Federal Government would think they have jurisdiction, and that States might get the opinion that they might have jurisdiction on some of the other provisions in this bill.

And so one of the things that I think we need to make sure of, as we move forward on this legislation, is we have, maybe, clearer lines on this preemption statute to make sure that everybody understands what the rules of engagement are, as this particular piece of legislation is being implemented.

So one of the other pieces of opposition that we have to this is that we need a clear, I think a clearer preemption wording in this bill to make sure that we understand what the States' jurisdiction is over this bill and what the Federal jurisdiction is over this bill.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first I would say to my friend from Texas that we wanted some protection to States that don't have the option of seceding. States that could secede don't need this protection. But those that plan to stay in the Union, we thought we would try to recognize it to try to protect them.

I yield 1½ minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 1718, the Mortgage Reform and Anti-Predatory Lending Act and the manager's amendment that's before us today, which I know will bring greater transparency to lending practices nationwide.

Unconventional mortgages have left countless Americans facing foreclosure, and this is especially true in my home state of Rhode Island, with one of the highest foreclosure rates in the country.

With this bill, we will combat unscrupulous lending practices and bring transparency to the process by requiring mortgage originators to be licensed and mandating full disclosure of loan terms. Perhaps, most importantly, mortgage originators would certify that consumers have a reasonable ability to pay back the loans that they were applying for and that they are not predatory in nature.

We have seen too many lenders steer consumers into loans that they cannot afford. We cannot allow that practice to continue or to ever happen again. I am also pleased that this measure includes protections to renters of foreclosed property.

H.R. 1728 will address persistent problems in the housing market, bring financial stability to families and ensure that the appropriate measures are in place to prevent this kind of mortgage foreclosure crisis from ever happening again in the future.

I want to thank and commend the gentleman from Massachusetts, Chairman FRANK, for his outstanding leadership on this important measure. I urge support of this bill and the manager's amendment before us today.

Mr. NEUGEBAUER. Mr. Chairman, another provision in this that has caused concern is the tenant provisions.

This amendment would require property owners to promptly notify any tenants or potential tenants upon becoming subject to foreclosure or defaulting on their mortgage loan. This language requires the owner to provide information on the circumstances with respect to the property and the effect of the default or foreclosure.

Notice to tenants is important. However, in multifamily projects such as apartments, a receiver is typically put in place to manage the property so that residents can remain in their apartments with no disruption. Mandating a notice to residents, if not done correctly, could cause alarm and maybe not even needed alarm.

I have a letter from the National Apartment Association where they have concerns about this very issue, that if you have got an apartment complex, the owner may be temporarily in default. You give notice to the tenants that you are temporarily in default. The tenants get scared, they start looking for other places to live, and, basically, creating vacancies, and, in fact, maybe making the default permanent by the fact that there will not be sufficient revenues to make the payments. So I have very large concerns about that.

Additionally, the amendment allows HUD to step in to troubled properties, transfer a multiproperty project, if delinquent, at the risk of fault or disinvestment or foreclosure.

This is a fairly major expansion of HUD's authority and could be considered to be a property taking. Property of this type may not be in foreclosure as yet, yet the provision would force properties into foreclosure or over into government control, again, a major expansion, quite honestly, a move away from what the original intent of this legislation was.

The original intent of this legislation was to prevent predatory lending. And now we are prescribing how tenants are going to be treated, whether we are going to force property owners to make disclosures about their financial condition, a major diversion from what I think is the intent of this legislation, and, again, one of the reasons that I do not support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I, again, rise in opposition to this amendment. One of the purposes of this legislation, again, we said, was to prevent predatory lending. But, unfortunately, the consequences of this legislation are going to be to increase the cost of mortgage financing for consumers.

It's going to raise the monthly payments for many consumers over what their choices would have originally been. It's going to limit the choices that are available to them. It's going to force lenders to provide maybe only one choice. It's also, I think, going to continue to cause a major disruption in the mortgage system.

As one of the speakers originally said, the market is very fragile right now, and some of the provisions in this amendment, I think, contribute to that.

With that, I encourage Members to vote against this.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, how much time do I have remaining?

The CHAIR. The gentleman from Massachusetts has 8 minutes remaining.

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The amendment was agreed to.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. PERLMUTTER) assumed the Chair.

## MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

The Committee resumed its sitting.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 111–98.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer amendment No. 2.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

Strike section 216(e) and insert the following:

(e) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

(1) IN GENERAL.—None of the amounts made available under this section shall be distributed to—

(A) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

(B) any organization which employs applicable individuals.

(2) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subsection, the term ''applicable individual'' means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been convicted for a violation under Federal law relating to an election for Federal office.

Strike section 106(a)(4)(D) of the Housing and Urban Development Act of 1968 (as added by section 404 of the bill) and insert the following:

''(D) LIMITATION ON DISTRIBUTION OF ASSISTANCE.—

''(i) IN GENERAL.—None of the amounts made available under this paragraph shall be distributed to—

''(I) any organization which has been convicted for a violation under Federal law relating to an election for Federal office; or

''(II) any organization which employs applicable individuals.

''(i) DEFINITION OF APPLICABLE INDIVIDUALS.—In this subparagraph, the term 'applicable individual' means an individual who—

''(I) is—

''(aa) employed by the organization in a permanent or temporary capacity;

''(bb) contracted or retained by the organization; or

''(cc) acting on behalf of, or with the express or apparent authority of, the organization; and

''(II) has been convicted for a violation under Federal law relating to an election for Federal office.''.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am here to correct a mistake I made in my haste to get the markup concluded so we could have plenty of time to get the reports done, the bill on the floor. I agreed to an amendment that I had not read carefully.

The amendment would ban any organization, any organization in America, from receiving housing counseling funds if anybody in that organization is indicted by any prosecutor anywhere for Federal election or voter fraud.

So I rise to vindicate an important principle of American law that indictment should not be a cause of serious penalty, that people should continue to be presumed innocent until proven guilty.

To allow any prosecutor, anywhere in America, to tell any organization that it is ineligible for these funds, simply by an indictment, is, it seems to me, inappropriate.

I would point out that while there is an effort to claim that somehow this is specific to one organization, that may be the intent, but this bill earmarks no funds for any organization.

And it says, here is what it says about the funds: The Secretary shall make financial assistance available to HUD-approved housing counseling agencies and State housing finance agencies. So we have HUD-approved counseling agencies—these are approved now on the list from the last administration—and State housing finance agencies.

I have some confidence in them and those who are worried, my amendment says if there is a conviction and the person isn't fired, you cut off the funds.

But to cut off funds that were given by an approved HUD counseling agency because once persons anywhere in America were indicted by some prosecutor, is a violation of the basic principle of fairness.

I reserve the balance of my time.

Mrs. BACHMANN. Mr. Chairman, I claim the time in opposition.

The CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Mrs. BACHMANN. I rise in opposition to this amendment, which strips down language in the bill designed to keep tax dollars from falling into the hands of organizations indicted for voter fraud or its related crimes.

It was last week during our Financial Services Committee markup of the underlying bill, I offered a straightforward amendment to limit eligibility for the housing counseling grants and the legal assistance grants authorized by the bill to exclude organizations indicted for voter fraud or that employed people indicted for such crimes.

Plain and simple, Mr. Chair, it should sound familiar to everyone here in this Chamber, because the exact same language was passed as part of the Housing and Economic Recovery Act of 2008 to prohibit groups, such as ACORN, from obtaining taxpayer-funded grants.

272 Members of this body, including the gentleman from Massachusetts who just spoke, voted for that legislation, which became law last July. But not only is it legitimate for Congress to decide the threshold for accessing taxpayer funds, it's incumbent upon this body to do so in our fiduciary capacity to the taxpayers of this great country. And for far too long Congress has cavalierly distributed taxpayer money.

Every day we can go on record saying we will no longer set the bar this low. We are all saying, fool me once, shame on you; fool me twice, shame on me. But ACORN and organizations like it have fooled us not once, not twice, but seemingly after every election. The stories of their indictments for voter fraud for violating their tax status for voter registration improprieties abound. Grand juries across the Nation have found them and their employees lacking. Yet we continue to funnel millions of dollars to their coffers.

Just last week, on Monday, the headlines out of Nevada read ''39 counts of voter registration fraud against ACORN and two of its former employees.'' It was just several hours ago, hot off the presses, that the Pittsburgh Post-Gazette reported breaking news, an Allegheny County district attorney charged seven employees with ACORN ''with forgery and election law violations, saying they filed hundreds of fraudulent voter registrations during last year's general election.''

Can't this body do something about this, Mr. Chairman? How many felony charges does it take to see that this organization has violated the public trust?

Congress isn't the arbitrator of guilt or innocence. Congress does decide to spend the people's money. At what point do we finally say that this organization is simply not worthy of the hard-earned money of the American people.

According to recent testimony at the House Judiciary Committee, ACORN has been under investigation in States, for, among other things, violations of the Tax Code, 501(c)(3); violations of the Federal Election Campaign Act of 1971; fraudulent voter registration activities; and failure to comply with State law in voter registration drives.

And here are just a few more headlines of late: January, 2009, a voter registration worker for ACORN in East Saint Louis was indicted on two counts of voter fraud for submitting forged cards for residents at nursing homes without their knowledge.

According to the AP in October of 2008, ''a suburban Philadelphia man was charged with forgery, allegedly altering 18 voter-registration applications during his employment with an organization [ACORN] whose voter-outreach efforts have become a flash point in the presidential campaign.''

CNN reported October 28 about an ACORN worker who helped register nearly 2,000 voters for the community group ACORN, not one of them actually existing, and he was convicted last year and spent nearly 3 months in prison.

The gentleman from Massachusetts says that his amendment is about due process. But I am sorry, Mr. Chairman, the American people are smarter than that. They deserve better than such an oratory sleight of hand. His amendment is about our duty as stewards of the taxpayers' dollar and mine.

Others say this is about the importance of the underlying grant program. But there are plenty of legitimate law-abiding nonprofits who have never seen an indictment that could still apply for these grants.

□ 1230

The bottom line is this: either you're against allowing organizations that engage in or employ individuals under investigation for voter fraud to receive tax dollars, or you aren't.

Mr. Chair, our votes on this amendment make our positions crystal clear to the people we serve. Are we on the people's side or are we on ACORN's side? We owe it to our constituents who are already tired, frustrated, and outraged by this cycle of spending and bailout and taxing and borrowing to at least show them that we aren't going to pick their pockets to fund groups that are about abusing their trust over and over again.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I reserve the balance of my time.

Mrs. BACHMANN. Mr. Chair, I would just end by saying I urge the people of this body to oppose this amendment, because as we stand in our fiduciary duty before the taxpayers, we need to make our vote clear—and our vote will say we either stand with the taxpayers of this great country, or we stand with ACORN.

Mr. Chair, I would yield 15 seconds to the gentleman from Alabama.

Mr. BACHUS. First of all, I want to acknowledge that the funding for this bill is a good thing for mortgage foreclosure efforts. I would point out that I think the Bachmann amendment is the same amendment we adopted in the GSE Affordable Housing Fund. So we did adopt that in that legislation. So her amendment would be consistent with what this body did last year.

Mr. FRANK of Massachusetts. How much time remains to me, Mr. Chairman?

The CHAIR. The gentleman from Massachusetts has 3½ minutes remaining.

Mr. FRANK of Massachusetts. I yield myself such time as I may consume. The gentlewoman from Minnesota said, ''Do we want to allow funding for people who employ people who are under investigation?'' Yes. I don't want to live in a society where the mere instituting of an investigation by any prosecutor anywhere shuts down lawful activities.

Now, she said an organization that's under indictment, but the amendment

goes far beyond that. Any individual member of an organization, no matter how far flung, apparently, according to the gentlewoman from Minnesota, if an investigation begins of anybody, you shut them down.

The gentlewoman from Minnesota mentioned someone who has been convicted. Under the amendment I offered, that would end it. We would either have to fire that person or lose the funding.

Mrs. BACHMANN. Will the gentleman yield?

Mr. FRANK of Massachusetts. No. The conviction triggers it. No question. That's what is in the amendment. My amendment says if you are convicted, it's triggered. But to say that any individual who works for any organization who's indicted, shuts it down. The gentlewoman said, Are you on the side of ACORN?

Mrs. BACHMANN. Will the gentleman yield to answer your point?

Mr. FRANK of Massachusetts. No.

The CHAIR. The gentleman from Massachusetts controls the time.

Mr. FRANK of Massachusetts. The issue is this: the gentlewoman, I think, inaccurately says, Are you for ACORN or the American people? This bill says nothing about ACORN. This bill says that approved HUD counseling agencies and State financing agencies can make the choice.

What I think the amendment says is this: Are you for the principle of American justice that says the mere institution of an indictment by any prosecutor anywhere, at any level?

Mrs. BACHMANN. Would the gentleman yield?

Mr. FRANK of Massachusetts. Mr. Chair, I have told the gentlewoman I would not yield. Could she be instructed that that is the answer that she's going to get, and to stop interrupting?

The CHAIR. It is apparent the gentleman is not going to yield. When a Member has asked a Member under recognition to yield several times, and it becomes apparent that the Member under recognition is not going to yield, the Member shouldn't continue to ask him to yield or otherwise interrupt him.

Mr. FRANK of Massachusetts. There are some basic rules like the ones of debate. Also, the fact that I said that to empower any prosecutor anywhere, at any level. And this isn't about ACORN. We don't sit here to judge on this or that organization. The gentlewoman said we don't judge guilt or innocence. Well, the amendment tries to do that.

The amendment says: a guilty finding by statute; in the absence of a guilty finding, in a court of law. Because if there's a guilty finding in a court of law, under my amendment, then this denies funding to people.

There are a lot of prosecutors. And it's not just ACORN. There are a lot of organizations, including political parties in the State of New Hampshire, near me. The Republican Party operatives were convicted of election fraud. I don't think that means you go after everybody else. It certainly didn't mean pending indictment you do this. There ought to be a bright line between penalties for indictment and for conviction.

Now if the amendment had said a pattern of indictments, that's a different story. It might have been a better argument. But this says a single indictment of any individual by any prosecutor for any organization anywhere in American has these negative consequences.

I think we have seen enough of prosecutorial misconduct, whether it was Senator Stevens or whether it was Members on both sides of the aisle, whether it has been organizations that have been prosecuted. I don't think we want to set that principle. Remember, this is precedential. Once we set as a body the legal principle—apparently, it was in the earlier bill. It shouldn't have been. If I missed that, I apologize.

I want to now repudiate the notion that the action of a single prosecutor who may be politically motivated to indict anybody anywhere for election fraud, disables that organization, forces the organization to fire an individual who may later be vindicated.

Yes, the gentlewoman said one of the employees of the organization that has motivated her amendment was convicted. My amendment says: in that case, you either fire the person or you lose the money.

Conviction ought to be the standard. But a single indictment by a single prosecutor anywhere, I do not think that is the rule of law under which Americans wants to live.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK ).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mrs. BACHMANN. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BACHUS

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 111–98.

Mr. BACHUS. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BACHUS:

At the end of title IV, add the following new section:

**SEC. 410. WARNINGS TO HOMEOWNERS OF FORECLOSURE RESCUE SCAMS.**

(a) ASSISTANCE TO NRC.—Notwithstanding any other provision of law, of any amounts made available for any fiscal year pursuant to section 106(a)(4)(F) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(4)(F)) (as added by section 404 of this Act), 10 percent shall be used only for assistance to the Neighborhood Reinvestment Corporation for activities, in consultation with servicers of residential mortgage loans, to provide notice to borrowers under such loans who are delinquent with respect to payments due under such loans that makes such borrowers aware of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE.—The Neighborhood Reinvestment Corporation, in consultation with servicers of residential mortgage loans, shall use the amounts provided pursuant to subsection (a) to carry out activities to inform borrowers under residential mortgage loans—

(1) that the foreclosure process is complex and can be confusing;

(2) that the borrower may be approached during the foreclosure process by persons regarding saving their home and they should use caution in any such dealings;

(3) that there are Federal Government and nonprofit agencies that may provide information about the foreclosure process, including the Department of Housing and Urban Development; and

(4) that they should contact their lender immediately, contact the Department of Housing and Urban Development to find a housing counseling agency certified by the Department to assist in avoiding foreclosure, or visit the Department's website regarding tips for avoiding foreclosure; and

(5) of the telephone number of the loan servicer or successor, the telephone number of the Department of Housing and Urban Development housing counseling line, and the Uniform Resource Locators (URLs) for the Department of Housing and Urban Development websites for housing counseling and for tips for avoiding foreclosure.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Alabama (Mr. BACHUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alabama.

Mr. BACHUS. Before I discuss my amendment, I'd like to thank Chairman FRANK and really, first of all, acknowledge his efforts over the past few years to combat predatory lending practices. I think as early as 2005, he was aggressively trying to stop some of these practices.

I also appreciate the chairman working with me to bring this amendment to the floor. Originally, my amendment funded foreclosure rescue scam awareness and prevention efforts. And that's what the amendment is about. It's about so-called foreclosure rescue scams. I had proposed using money from the legal assistance fund and, after consultation with Chairman FRANK, I revised my amendment to use the bill's counseling authorization as a funding source.

Although the chairman and I disagree on the underlying merits of the bill, I do appreciate the spirit of bipartisanship which the chairman has shown in our discussions on this amendment and the bill as a whole.

I earlier acknowledged your efforts since I think at least 2005 to come up with a bipartisan bill. I don't think we were successful this year, but I think had our efforts been successful in prior years, we could have avoided some of

this. And I'm sorry the other body didn't show the urgency that we did.

Mr. FRANK of Massachusetts. If the gentleman would yield, he said he is sorry the other body didn't move. There's a lot of that going around

Mrs. BACHUS. That's right. There is. But I'd say to the Members, there's an unprecedented number of homeowners that are delinquent on their mortgages and entering foreclosures. In fact, the Mortgage Bankers Association estimates that at least 11 percent of the mortgages now are delinquent and will probably go into foreclosure. This is creating really a desperate situation across the country.

Unfortunately, as all desperate situations, this situation has created opportunities for scam artists to take advantage of homeowners in desperate situations through so-called foreclosure rescue schemes. My amendment is designed to at least offer some protection to those homeowners from being victimized in this way.

It's just amazing that, whether it was in Katrina or other natural disasters or gas shortages, that people seem to take advantage and act their worst during times of struggle and crisis.

This amendment allows mortgage servicers to work together with the Neighborhood Reinvestment Corporation, which is a congressionally chartered organization, to make delinquent borrowers aware that they may be targets of fraud and inform them on how best to protect themselves.

The amendment is funded by dedicating 10 percent of the funds authorized under section 404 to this much needed form of housing counseling.

Many scam artists use publicly available information about defaults and foreclosures starts to contact troubled borrowers. In States with judicial foreclosures, lenders file a foreclosure action in a local court. In States where there's nonjudicial foreclosure regimes, lenders file a notice of default with the county recorder. All these records are available to the public and provide raw material for fraud artists to prey upon troubled borrowers.

In a classic loan modification scam, borrowers are duped into paying upfront fees for a loan modification that never occurs. In some cases, borrowers are told that in order to complete a mortgage refinancing needed to avoid foreclosure, they must sign over the title of the property. Another scam promises homeowners they can stay in their home as renters and buy back their properties at a later date.

On February 10, 2009, the administration released the Home Affordable Refinance Program and a Home Affordable Modification Program. Unfortunately, with the introduction of these new programs, unscrupulous persons or companies have yet again found new opportunities to defraud unsuspecting borrowers.

In fact, April 6, about a month ago, Treasury's FinCEN announced guidance to financial institutions on filing suspicious activity reports regarding loan modification and foreclosure rescue scams.

The CHAIR. The time of the gentleman has expired.

□ 1245

Mr. FRANK of Massachusetts. Mr. Chairman, in the absence of anyone else, I will claim this time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman from Alabama has very accurately stated this. He worked with us until we got an amendment that did some good, that avoided some problems we thought we would have. So I hope the amendment is agreed to.

Mr. BACHUS. If the gentleman would yield me 30 seconds?

Mr. FRANK of Massachusetts. I yield to the gentleman for 30 seconds.

Mr. BACHUS. Mr. Chairman, I think this is a very good amendment. I want to close and thank the gentleman for that time.

Mr. FRANK and I both agree, and I think most Members of this body, we must stop these outrageous mortgage fraud rescue scams. Congress shuts off one avenue for fraud, and we did that with the National Mortgaging Licensing and Registration System now being instituted by the Conference of State Banking Supervisors. But every time you shut one door, these innovative crooks find a back door, and now they have moved into the fertile field of foreclosure.

We must protect unsuspecting and vulnerable homeowners from being cheated by these rogues and frauds.

I close by urging my colleagues to vote ''yes.''

Mr. FRANK of Massachusetts. I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Alabama (Mr. BACHUS).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. PERLMUTTER

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 111–98.

Mr. PERLMUTTER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PERLMUTTER:

In section 220(a)(2)(B)—

(1) insert ''(i)'' before ''such notice to vacate''; and

(2) insert before the period the following: ''; and (ii) with respect to a single-family residence for which the borrower rented the unit in violation of the mortgage contract, such notice to vacate shall be provided by the purchaser to the tenant in such unit at least 30 days before the effective date of such notice, and shall include a copy of the mortgage contract prohibiting the rental of the unit''.

Amend section 129(l) of the Truth in Lending Act (as added by section 303 of the bill) to read as follows:

''(l) ACCELERATION OF DEBT.—No high-cost mortgage may contain a provision which permits the creditor to accelerate the indebtedness, except when repayment of the loan has been accelerated by default in payment, or pursuant to a due-on-sale provision, or pursuant to a material violation of some other provision of the loan document unrelated to payment schedule.''.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Colorado (Mr. PERLMUTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. PERLMUTTER. Mr. Chairman, the amendment that I propose to the House today is twofold. The first part deals with a section of the bill that provides 90 days for tenants to stay in a home or an apartment house that has been foreclosed upon.

The purpose of this amendment, and it is very narrowly drawn, is only as to those properties that are owner-occupied homes where the owner has covenanted with the lender that they are going to occupy the house. What happens is often the owner moves out, leases the property to someone, foreclosure begins. The lender has no chain of title, no connection with this particular tenant, nor is there any expectation that there would be a tenant because the owner said ''I am going to live there.''

Under the law today, there is no additional time beyond the foreclosure for a tenant to remain in that owner-occupied house. Under the bill that is proposed, that timeline is extended to 90 days beyond the foreclosure. My amendment shrinks that back to 30 days. So it is 30 days more than the law allows today, but less than what is proposed in the bill, because the lender has never had any dealings with that particular tenant. This is not like a multifamily apartment house where the lender expects that there are going to be tenants or an investor type of a loan where the lender expects a tenant to be in place. Ninety days is probably a reasonable amount in that situation, but not here, so I have asked to shrink it down to 30 days. That is the first part of the amendment.

The second part of the amendment is something I talked to Mr. MILLER about, which is to clarify the language about when acceleration of a loan can occur. Now what we have said is acceleration occurs upon a default in payment or a due-on-sale clause or a material violation in the contract. So those are the two sections of this amendment.

I reserve the balance of my time.

Mr. ELLISON. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. ELLISON. Let me first thank my friend from Colorado who has worked diligently. He is an excellent legislator and was a fine lawyer and I think still is licensed to practice law, and so it is a pleasure working with him. On this issue, unfortunately, we don't quite see it the same.

I think that the 90-day provision is fine and should remain in the bill as it exists now. To cut down by 60 days the opportunity for a renter to find a new place to live after they may have done nothing wrong, made every payment, paid every penny on time, really is not fair and is not good for public policy.

The fact is that, when a house goes into foreclosure, that neighborhood and that home are best preserved by keeping that occupant in there. If they are required to leave just after 30 days, which is very, very fast, that means that we could end up with an empty building where it is subject to copper strippers. It will be an attractive nuisance for people who want to commit, perhaps, crime. It will be a very difficult and bad situation. And we know that once a house goes into foreclosure and then is not occupied, that is a direct blow to the property values of people who live everywhere in the neighborhood.

So this provision, this 90 days actually makes a lot of sense. It should stay in harmony with the bill as it exists and not be reduced. I will acknowledge appreciation that the author of this amendment does allow for 30 days. I appreciate that, but I think it should be more. It should be the 90 days that is already there.

This amendment, if adopted, would work to penalize the one person who has not had anything to do with the foreclosure crisis. They were not party to the foreclosure. They were not party to the mortgage in the beginning. They weren't party to the securitization, nor did they engage in any derivatives or anything like that which have brought us to this very difficult point.

The fact is that the tenant who may have been paying every rent every month, month after month, has no control or responsibility over the owner who may have violated certain conditions of the mortgage agreement, and this extra 60 days that the existing bill provides is not a major detriment to the lender.

Let me just also say, the fact is this is not just an individual problem. To take a very legalistic view of this problem and say they are not in the chain of title, therefore, they are out, ignores the fact that this problem of foreclosures has spread across the Nation, is a community problem, is a problem of everyone, not just a narrow, fixed party-to-party agreement. Therefore, there needs to be a solution that takes into consideration the broader interests as well.

Again, I thank the gentleman from Colorado for his diligent work on this issue.

I reserve the balance of my time.

Mr. PERLMUTTER. I would ask my friend from Minnesota whether he has any other speakers? If not, I have the right to close on my amendment.

Mr. ELLISON. Mr. Chair, I thought I had the right to close.

The CHAIR. The gentleman from Minnesota actually has the right to close. The gentleman is the manager opposed to the amendment.

Mr. PERLMUTTER. Well, I would say to my friend from Minnesota that I appreciate your comments, although I would disagree with you.

When it comes to a situation where tenants are expected to be in a property, whether it is a multifamily apartment house or something where there is this expectation on the lender, I would agree with my friend's points. But not here, not where there has been a covenant that it is going to be owner occupied. And often, that covenant comes along with a reduction in the interest rate, so there is consideration for it.

So I appreciate your point about not being too narrow and legalistic, but this is an important point, and it is one that deals with the contract itself and the certainty of the contract.

Secondly, the lender may have somebody else who is ready to come in and buy, and there are a lot of people who want to buy these homes, too. I would say to my friend from Minnesota, and they shouldn't be deprived of the opportunity to purchase them. The lender also may want to continue to lease the property out to the individual who is occupying the home.

So there are a number of reasons why, at 30 days, I think we are giving substantial time to these individuals to vacate the premises. That should be the cutoff date.

I would also remind my friend that, in the manager's amendment, Mr. FILNER has an amendment that is part of it that gives notice to the tenant at the outset of the foreclosure that something is going on with the property so that there is not a surprise. So I would urge a ''yes'' vote on the Perlmutter amendment.

I yield back the balance of my time.

Mr. ELLISON. Let me just point out that tenants are hard hit by this foreclosure crisis even though the mortgage is not their responsibility.

As of February 2009, at least 20 percent of the properties in foreclosure were rental properties, and roughly 40 percent of the families facing eviction due to foreclosure are tenants. Only seven States and the District of Columbia provide clear protection for tenants.

The fact is that, if this amendment is adopted, it will add to the pain of some tenants when we don't have to do it. The 90 days in the bill is more than adequate, and 30 days is too short. We will put pressure on our homeless shelters if we adopt this amendment. We will put pressure on families who really had no part in making this foreclosure crisis occur.

I thank my friend from Colorado.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. PERLMUTTER).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The CHAIR. It is now in order to consider amendment No. 5 printed in House Report 111–98.

Mr. HENSARLING. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HENSARLING:

In section 129C(d) of the Truth in Lending Act (as added by section 204 of the bill), strike paragraphs (2) and (3) and insert the following (and redesignate succeeding paragraphs accordingly):

''(2) ASSIGNEE AND SECURITIZER EXEMPTION.—No assignee or securitizer of a residential mortgage loan shall be liable under this subsection.''.

In section 129C(d)(6) of the Truth in Lending Act (as added by section 204 of the bill), strike '', assignee, or securitizer'' each place it appears.

In section 129C(d)(7) of the Truth in Lending Act (as added by section 204 of the bill), strike '', assignee, or securitizer'' each place it appears.

Strike section 129C(d)(8) of the Truth in Lending Act (as added by section 204 of the bill) (and redesignate succeeding paragraphs accordingly).

In section 129C(d)(9) of the Truth in Lending Act (as added by section 204 of the bill)—

(1) strike '', assignee, or securitizer''; and

(2) strike ''or an assignee or securitizer under paragraph (2)''.

In section 129C(d)(10) of the Truth in Lending Act (as added by section 204 of the bill), strike ''the terms 'assignee' and 'securitizer', as used in this section, do not include''.

In section 129C(e) of the Truth in Lending Act (as added by section 205 of the bill), strike ''or any assignee or securitizer'' each place it appears.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, the subject of mortgage reform is a very serious subject. And although there are certain laudable aspects of the underlying legislation, I fear that although it is a serious subject, it is difficult to take the legislation seriously.

How can you have mortgage reform when you leave out the single biggest root cause of the economic debacle we find ourselves in, and that is reform of Fannie and Freddie? How can you seriously deal with mortgage reform and be absolutely silent to at least half of the fraud equation, and that is those who lied about their income, lied about their occupancy, lied about their net worth?

The underlying legislation, Mr. Chairman, unfortunately, is going to ensure that consumers lose their choices. It will make interest more expensive. It will protect—''protect,'' a term we hear from our friends on the side of the aisle—protect people out of their homes and effectively take away the American Dream from millions and millions of Americans.

Now, we need effective disclosure. We need effective policing of fraud and misrepresentation. We also need some personal responsibility, and we need to quit bailing out failed institutions, and

we shouldn't force people who are struggling to pay their own mortgages to pay their neighbors' as well.

Now, Mr. Chairman, one particularly bad and onerous aspect of this legislation is something called assignee liability. What this means is that once the mortgage is entered into, that those who securitize the mortgage, those who may invest in the mortgage, that all of a sudden new legal liability will attach to them as well.

The bill introduces legal liability for the originator. It doesn't introduce any new legal liability on behalf of the borrower, but introduces new legal liability saying that, with respect to refinancing, that there must be a ''net tangible benefit''; and, if the lender fails this standard, he has legal liability. On all financing, there must be a ''reasonable ability to pay.''

Well, what do these standards mean? Net tangible benefit. So if somebody decides to refinance, take equity out of their home and start a small business, is that a net tangible benefit? Or does it depend on how successful the small business is?

How about if an individual refinances their home, they take out equity, and they decide to put a swimming pool in the backyard? Well, maybe that is not a net tangible benefit. Maybe it is, maybe it isn't. I don't know.

Maybe they refinance, because in their particular situation they need a lower monthly payment but yet they are willing to pay a larger sum. Is that a net tangible benefit?

I would be happy to yield to anybody on the other side of the aisle who could tell me if those examples constitute net tangible benefits. Hearing nobody on the other side of the aisle take me up on it, it kind of proves my point: We don't know what these terms mean, nor do we know about reasonable ability to pay.

So all of a sudden, if a lender figures out that there is a tragic divorce going on in a family, does he have a legal obligation now to deny homeownership opportunity because maybe there is no longer a reasonable ability to pay?

How about if somebody has the tragic discovery that they have breast cancer? All of a sudden, is there a legal obligation that maybe this person can no longer have a reasonable ability to pay?

We don't know what these legal standards are, Mr. Chairman. And so now they are getting passed on to the assignees, these fuzzy, muddy, cloudy, amorphous terms. It is a plaintiff's lawyer's dream, and so we will have an explosion of liability exposure. Why would people want to invest? Why would people want to securitize?

You know, when people invested in the stock of Enron, they were the victims. They weren't the victimizers. And now, all of a sudden, we are turning this on their head, and at the end of the day there is going to be less mortgage money available to anybody who wants to have their American Dream realized.

I reserve the balance of my time.

Mr. WATT. Mr. Chairman, I rise to claim time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I keep waiting on the gentleman to address his proposed amendment. I haven't heard anything about the proposed amendment, but I want to address the points that he addressed since he wants to have a general debate.

First of all, he says he can't support this bill because we didn't deal with Fannie and Freddie. That is kind of like me saying I am not going to vote for the earned income tax credit because it doesn't deal with all of what caused poverty in America.

You can't deal with every subject in every bill. We passed a bill that has dealt with Fannie and Freddie, and it has been over there in the Senate for a long time. And we are going to pass some other legislation to deal with Fannie and Freddie at some point, but it is not addressed in this bill, just like the whole totality of poverty is not addressed when we passed an earned income tax credit or when we passed health care. That is just a non sequitur, as far as I am concerned.

□ 1300

He talks about, we didn't deal with disclosure so I'm not going to vote for the bill.

Everybody in America that got a loan that is in foreclosure now, everybody who is in default now got full disclosures of what the terms of their loans were. And they were ineffective to prevent the kind of predatory lending and policies that this bill addresses. So I don't know what the gentleman is talking about when he says ''we didn't deal with disclosure.''

We intentionally didn't deal with disclosure because we acknowledge that disclosure and telling people that we are giving you a bad loan is not enough to protect them any more than disclosure that a doctor may not be the best doctor in America is going to stop people from going to the doctor.

So now that I have dealt with those, maybe he will want to address the amendment itself.

And I will reserve the balance of my time to address the amendment.

Mr. HENSARLING. I yield myself such time as I may consume.

To my friend from North Carolina, there are many reasons not to support the bill. I didn't say I wasn't supporting it for these reasons. I said it was hard to take a mortgage reform bill seriously that didn't treat this.

At the end of the day, Mr. Chairman, again, what is going to happen is that we are functionally outlawing certain types of loans here, and we know particularly subprime, with these amorphous legal standards, applying them to securitizers, applying them to investors, functionally, you are outlawing this.

Well, that hurts people. It hurts the Taylor family of Forney, Texas, that wrote to me, ''If it hadn't been for subprime lending, I wouldn't have my house now. My credit was destroyed because of a divorce. I worked hard for 5 years to clean up bad credit.''

These people still ought to have an opportunity to realize their American Dream, and we ought to quit protecting them out of their homes.

I urge adoption of the amendment.

Mr. WATT. Would the Chair advise me how much time remains.

The CHAIR. The gentleman from North Carolina has 2½ minutes remaining.

Mr. WATT. I will yield 1 minute to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, on two successive days now, Mr. HENSARLING has said in the course of addressing the body, ''Can anyone over there tell me what 'net tangible benefit' is?'' And then a second later saying, ''Hearing nothing, they must not have an answer.'' I don't believe anybody watching on C–SPAN is under the impression that we are all paying rapt attention to every word that comes out of Mr. HENSARLING's mouth. And the reason we didn't hop up isn't because we didn't know what the answer is. It is more the case that we kind of lean over to each other and say, What did he just say?

''Net tangible benefit'' is based very closely on a rule of law in securities law called, that gets at churning or making transactions in a stock market account just to generate fees for the broker. The problem this gets at is flipping of loans, of coming back to a homeowner and persuading them to refinance just to create more fees for everyone involved in the mortgage system, to refinance so they can get the home owner deeper and deeper in debt. Rather than trying to delineate every possible net tangible benefit, the bill gives the regulatory authorities, the banking agencies, the authority to say exactly what a net tangible benefit is.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Members are reminded to direct their remarks to the Chair.

Mr. WATT. Mr. Chairman, I yield myself such time as I may consume.

I would now like to address the gentleman's amendment which he still never has addressed. I acknowledged from the very beginning that we walked a delicate balance between protecting consumers and protecting the availability of funds. But the balance that the gentleman would have us address says this, ''no assignee or securitizer of a residential mortgage loan shall be liable under this subsection.''

Let me tell you what that would lead to. I will close a loan one day, I will assign it to somebody the next day, and we will be right back where we are right now because nobody in the chain of custody of that loan, other than the original lender, will have any liability.

That would be as irresponsible as not passing any bill or not doing anything, which is exactly what a number of my colleagues would like to have us do, but which is not an option in this posture at this moment.

So I want my colleagues to be clear. This is a destructive amendment and should be opposed.

With that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HENSARLING. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. MOORE OF KANSAS

The CHAIR. It is now in order to consider amendment No. 6 printed in House Report 111–98.

Mr. MOORE of Kansas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MOORE of Kansas:

In section 129C(a) of the Truth in Lending Act (as added by section 201(a) of the bill), insert after paragraph (3) the following (and redesignate succeeding paragraphs accordingly):

''(4) INCOME VERIFICATION.—In order to safeguard against fraudulent reporting, any consideration of a consumer's income history in making a determination under this subsection shall include the verification of such income by the use of—

''(A) Internal Revenue Service transcripts of tax returns provided by a third party; or

''(B) such other similar method that quickly and effectively verifies income documentation by a third party as the Federal banking agencies may jointly prescribe.''.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Kansas (Mr. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kansas.

Mr. MOORE of Kansas. Mr. Chairman, I yield myself as much time as I may consume.

The CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. MOORE of Kansas. I rise today with my colleagues from Maryland and Ohio, Congressman FRANK KRATOVIL and Congresswoman MARY JO KILROY, in offering this income verification amendment to H.R. 1728.

It is well known that the misrepresentation and the unverified nature of a borrower's income was a contributing factor to the mortgage crisis. Some borrowers purposely misstated or altered their incomes on documents in order to qualify for loans they couldn't afford, and some lenders either ignored or encouraged that practice.

Columnist Gretchen Morgenson wrote last year: ''While borrowers may have misrepresented their incomes, either on their own or at the urging of their mortgage brokers, lenders had the tools to identify these fibs before making the loans. All they had to do was ask the IRS.''

Our amendment would require lenders to do this by simply verifying the borrower's income documentation with the IRS. They already have a program to do this, the Income Verification Express Service. This program utilizes IRS tax transcripts to verify a borrower's income within 2 business days, often the same day, for less than $5. This simple step will help catch fraudulent behavior before a lender closes on a loan that a borrower may not be able to afford.

In his recent report to Congress, the special investigator inspector general for TARP recommended third-party verification of income like this IRS tax transcript program to prevent fraud. Income verification will strengthen the integrity of our mortgage system by ensuring borrowers receive a loan they can repay, lenders underwrite loans that are less likely to default, investors regain their confidence in the securitization process, and in the case of government-supported loans, taxpayers are protected.

I urge my colleagues to support our income verification amendment.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I appreciate the gentleman offering this amendment. I think it does make the underlying bill better. Income verification is an important criteria in determining whether somebody qualifies for a mortgage or not and has the ability to repay. Providing a low-cost way to be able to do that, I think, is an important step in this process. And I commend the gentleman.

With that, I yield back my time.

Mr. MOORE of Kansas. Mr. Chairman, I yield 1 minute to Congressman FRANK KRATOVIL of Maryland.

Mr. KRATOVIL. Mr. Chairman, studies suggest that almost 50 percent of all subprime loans were accepted by lenders without verification of stated income. In some cases, borrowers provided their lenders with fraudulent information in order to qualify for a mortgage and deceive the lenders. In other cases, the lenders actually encouraged the borrowers to do so, or simply looked the other way despite obvious questions of credibility. How can we avoid this from happening again?

Mr. Chairman, we can do this by passing the Moore-Kratovil-Kilroy amendment to H.R. 1728, which can appropriately be referred to, as a prosecutor might say, a ''trust but verify'' amendment.

The Moore-Kratovil-Kilroy amendment to H.R. 1728 would help stabilize the mortgage markets and help protect against fraud by requiring mortgage lenders to verify the income history of each home loan applicant by obtaining a IRS tax return transcript from a third-party provider prior to closing a loan. IRS tax transcripts can be used to verify income and avoid possible fraud or eventual foreclosure. Verification of stated income through IRS tax transcripts will protect the taxpayers, investors, and mortgage market by discouraging fraud, reducing foreclosures and strengthening the market.

This past April, as was mentioned, the TARP special inspector——

The CHAIR. The time of the gentleman has expired.

Mr. MOORE of Kansas. I yield the gentleman 30 additional seconds.

Mr. KRATOVIL. This past April, the TARP Special Inspector General recommended the Treasury use third-party income verification to prevent fraud in the newly announced mortgage modification system. As a former prosecutor, I certainly had experience prosecuting fraud in the courtroom. What this amendment does is stop fraud before it even gets there by eliminating the ability to misrepresent or encourage a misrepresentation of income.

I urge my colleagues to support it.

Mr. MOORE of Kansas. Mr. Chairman, I yield 2 minutes to Congresswoman MARY JO KILROY from Ohio.

Ms. KILROY. Thank you, Chairman MOORE and Chairman FRANK, for your leadership on these issues.

I'm glad to join with my colleague, Mr. KRATOVIL, on this commonsense amendment that provides a cost-effective and simple way to verify income to address the issue of mortgage fraud.

It is well known that misrepresentation and the unverified nature of a borrower's income was a contributing factor to the mortgage crisis and the foreclosure crisis that we find ourselves in. Lenders either routinely ignored or encouraged this practice, leading to a higher risk of default, delinquency and foreclosure for borrowers and for America's families. In fact, according to the Comptroller of the Currency, nearly 50 percent of all subprime mortgages relied on stated income, no verification. And the Mortgage Asset Research Institute found that 90 percent of the borrowers reported incomes higher than those found in the IRS files. And even more disturbing, almost 60 percent of the income amounts were exaggerated by more than 50 percent.

In my district, foreclosure is a very serious issue. There were over 79,000 foreclosure filings in 2006, compared to 15,000 in 1995. One in seven of these homes was subprime lending.

A quick, reliable and confidential income verification process will improve things so much. It will catch fraudulent behavior before the lender closes on a loan or before a borrower gets involved in a loan that he or she can't afford, strengthening the integrity of the

mortgage market. And one of the things that this amendment will accomplish will help to restore integrity and confidence to the mortgage lending process, and in the case of the government-supported loans, give more support and confidence to the American taxpayer as well.

This third-party income verification can be obtained simply and quickly. And it is affordable and confidential.

The CHAIR. All time has expired.

The question is on the amendment offered by the gentleman from Kansas (Mr. MOORE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 7 printed in House Report 111–98.

Mr. PRICE of Georgia. I have an amendment made in order by the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. PRICE of Georgia:

Add at the end the following:

**TITLE VIII—EFFECTIVE DATE**

**SEC. 801. EFFECTIVE DATE.**

Notwithstanding any other provision of this Act, titles I, II, and III of this Act shall not take effect until 90 days after the Board of Governors of the Federal Reserve System provides written certification to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate that such titles will not reduce the availability or increase the price of credit for qualified mortgages (as defined in section 129C(c)(2) of the Truth in Lending Act).

The CHAIR. Pursuant to House Resolution 406, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, we all agree that we want to increase credit and get the housing market moving again. My amendment is a simple amendment and addresses that specific issue. It simply says that the Federal Reserve ought to be able to provide written certification to the appropriate committees in the House and the Senate that this bill will not reduce the availability or increase the price of credit for qualified mortgages.

As we are considering ways to free up credit in the market, this legislation may just be the wrong thing at the wrong time. When the Federal Reserve testified before our committee on the impact of this legislation, the witnesses had reservations regarding the impact of this bill on access to credit. In fact, they felt that there was a significant possibility that the adoption of this bill would actually decrease the availability of credit.

□ 1315

My amendment would ensure that prime borrowers will not be punished with increased rates. It simply requires that the Federal Reserve certify that the provisions of this bill will not reduce the availability or increase the price of credit for qualified mortgages. This certification will protect responsible borrowers that played no role whatsoever in the meltdown of the mortgage market.

It is clear to me and others from the language in this bill that a routine, vanilla, 30-year fixed-rate mortgage is being put forward as the mortgage of choice. If that is going to be the case moving forward, and originators are not going to be comfortable offering other types of mortgage products because of the narrowness of the safe harbor provisions and the risk-retention provisions, then we need to ensure that qualified borrowers will have access to those types of mortgages.

Many of us are concerned because of the other provisions in this bill that it is going to become more difficult for qualified borrowers to have access to affordable credit. So if the proponents of this bill don't believe it will restrict credit or raise the cost on borrowers, then they shouldn't have any trouble voting for this amendment. The amendment simply stipulates that the Federal Reserve will certify that that would be the case.

But if they don't think that the bill will pass this review from the Federal Reserve with flying colors, then I think it would be time for them to reconsider whether or not this legislation is what we need at this time.

I urge my colleagues to support this commonsense amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise to claim the time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. FRANK of Massachusetts. First, Mr. Chairman, the gentleman's description of the safe harbor refers to an earlier version of the bill. In the committee, a bipartisan amendment offered by the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Illinois (Ms. BEAN) significantly increased the safe harbor so it is not a 30-year fixed mortgage only that is allowed. Variants of time, certain ARMs, it is much more flexible.

The gentleman's comments apply accurately to a provision that is no longer in the bill; but it does not apply to what is in the bill.

My second point is that I am surprised at the back-and-forth attitude some of my most conservative colleagues have toward the Federal Reserve system. On the one hand, there has been a great deal of concern, which I share, about the unlimited power of the Federal Reserve in some areas. But time and again we are being told, as in this amendment, we should yield to the Federal Reserve our constitutional power to legislate.

This amendment says we will vote, but the bill will not go into effect until the Federal Reserve gives us permission. Now I have a good deal of confidence in Mr. Bernanke, but the notion that we would cede to the Federal Reserve the power to enact legislation, where is Ron Paul when we need him? When did the Federal Reserve become the constitutional equal of the Congress of the United States?

So on that ground alone, I would oppose this amendment.

I reserve the balance of my time.

Mr. PRICE of Georgia. Mr. Chairman, I want to thank the chairman of the committee for requesting from the Rules Committee that amendments be made in order. I appreciate that because I think these are getting to important issues.

The gentleman talks about the expansion of the safe harbor provisions, and they are. But that doesn't have anything to do with whether or not the Federal Reserve, or some entity, ought to stipulate that the cost of credit won't be greater, or the availability of credit won't be less, if this bill is adopted. That is the heart of the amendment.

My friend from Massachusetts talks about being surprised by various protestations about the role of the Federal Reserve. Well, I would be the first to stand with him if in fact he wants to support maintaining, or returning the Federal Reserve to stipulating only about monetary policy. But the fact of the matter is that the Federal Reserve has jurisdiction over this area. In fact, the Federal Reserve has put forward particular rules regarding mortgages. And, in fact, many of them address the very issues that are being addressed in this bill today.

So again, the heart of my amendment says if in fact this bill will not decrease the availability of credit or will not increase the cost of credit, then it's fine. Just move it on forward. But if it will decrease the availability of credit, or increase the cost of credit to folks out there across this land, then we ought not move forward with it. We ought not punish those individuals who, through no fault of their own, find themselves in a challenging situation finding credit. I once again urge adoption of the amendment.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, first I guess I have to apologize to the gentleman from Georgia after listening to what he said. He chided me, mildly, in a friendly manner, for mentioning the dimensions of the safe harbor, he said it wasn't part of the bill, but I was only responding to his description of it. So I listened to him; he said the safe harbor was too narrow, it would push people into a 30-year. I responded. I thought when he raised it that it was relevant.

Beyond that, though, we do have this issue: do you tell the Federal Reserve that it will decide whether or not this goes forward? It also says, and there is a lack of balance here. If it says it will reduce the availability by any amount. Well, to some extent the purpose of

this bill is to reduce the availability of credit.

If Members believe that people got mortgages who shouldn't have been able to get them, then they ought to support a bill that will reduce the availability of credit. Frankly, the profligate availability of credit is a major reason for the current problem. So, yes, there are people who used to get mortgages who won't get them under this bill. Some lenders don't like that. There are lenders who made loans and they won't be able to make the loans under this bill, but that is precisely the point. The point is not to allow credit to be as loosely granted as it was even for qualified mortgages. People got mortgages who shouldn't have gotten them.

Now if you believe that not everyone who got a mortgage in the past should get a mortgage now, then it would seem to me you want to reduce the availability of credit. The question is: how do you do it? Do you do it in a sensible way? What is the balance? That is what we think is achieved in this bill.

I reserve the balance of my time.

Mr. PRICE of Georgia. May I inquire as to the time available on each side?

The CHAIR. The gentleman from Georgia has 1 minute remaining. The gentleman from Massachusetts has 90 seconds.

Mr. PRICE of Georgia. Thank you, Mr. Chairman.

I appreciate the comments of my friend, the chairman of the committee. But I would point out that the heart of this amendment gets to whether or not through this bill we are going to increase the availability of credit and decrease the cost of credit. If we are not going to do those things, then it seems to me that the American people ought to be very suspect about the nature of the bill.

The amendment simply says that the Federal Reserve, the entity in the Federal Government that has jurisdiction over this area, would simply have to say that we will not decrease the availability of credit and we will not increase the cost of credit, especially at this time, at this time when so many of our fellow citizens across this land are having extreme difficulty finding credit, realizing their dream and being able to either stay in their home or find a home in which they will be able to gain credit to purchase.

It is a simple amendment, Mr. Chairman. It gets to the heart of the matter. Are we as a Congress going to increase the availability of credit and decrease the cost? Or are we going to simply decrease the availability of credit and, therefore, decrease the ability of the American people to realize their dream? I urge adoption of the amendment.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

Yes, that is exactly the issue. The gentleman says, surprisingly to me, we want to increase the availability of credit.

Let's understand the problem. Too many loans were made to people who shouldn't have gotten them. In some cases it was the fault of the borrower; in some cases it was the fault of the lender; and in some cases the fault lies elsewhere. Yes, one of the important purposes of this bill is to reduce the pattern of people getting loans who shouldn't have gotten them because they couldn't repay them.

So to say that the purpose of this bill is to increase the availability of credit, is it to have more subprime loans, more borrowers who can't pay back?

Now you want to do it with balance and you want to do it in a reasonable way. I believe we deal with that. If there are questions do we go too far one way or the other, those are legitimate. We discussed a lot of those in committee. There were a lot of amendments that were adopted.

But I accept my colleague from Georgia's definition as the heart of the matter: Does this bill, if it is enacted, mean that fewer mortgage loans will be granted going forward than were granted in that period from 2002 to 2006, as the gentleman from Texas' amendment shows, when subprime mortgages shot up? I hope so. I hope that we will have fewer mortgages granted to people who couldn't have paid them.

Now other people, we hope things will go better. With the FHA piece, we hope to do even more in making credit available.

Mr. PRICE of Georgia. Will the gentleman yield?

Mr. FRANK of Massachusetts. Yes.

Mr. PRICE of Georgia. My amendment addresses qualified borrowers.

Mr. FRANK of Massachusetts. No, it says ''qualified mortgages.'' But part of the problem has been that people got mortgages with bad judgments by the people who made them.

The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. MCNERNEY

The CHAIR. It is now in order to consider amendment No. 8 printed in House Report 111–98.

Mr. MCNERNEY. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. MCNERNEY:

In the matter proposed to be inserted by the amendment made by section 404 of the bill, after the period at the end of paragraph (4)(C) insert the following: ''In distributing such assistance, the Secretary may give priority consideration to entities serving areas with the highest home foreclosure rates.''.

The CHAIR. Pursuant to House Resolution 406, the gentleman from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am proud to offer this amendment to the Mortgage Reform and Anti-Predatory Lending Act. This important bill will crack down on many of the most common predatory lending practices that have contributed to the housing crisis. H.R. 1728 also includes essential provisions to establish an office of housing counseling to provide consumers with the information they need to make informed mortgage decisions.

I am proud to represent the city of Stockton, California, a city that unfortunately suffers from one of the Nation's highest foreclosure rates. Back home, I have hosted several foreclosure assistance workshops where mortgage counselors approved by the Department of Housing and Urban Development provided unbiased advice to struggling homeowners. I have seen firsthand how effective these counselors are. But counseling resources remain very stretched.

The amendment I offer today simply helps counseling agencies serving areas with high rates of foreclosures to get their fair share of grant funding. I am proud to support the bill we are considering today, and I would ask all of my colleagues to join me in making sure that the areas most hard hit by the housing crisis receive the counseling resources they need.

Mr. Chairman, I reserve the balance of my time.

Mrs. BIGGERT. Mr. Chairman, I rise to claim the time in opposition, though I am not opposed to the amendment.

The CHAIR. Without objection, the gentlewoman from Illinois is recognized for 5 minutes.

There was no objection.

Mrs. BIGGERT. I rise in support of the gentleman from California's amendment, which gives the HUD Secretary the option of prioritizing funding for HUD-certified housing counseling entities located in areas experiencing high foreclosure rates.

As was said, we really have to look at the resources that we have and make sure that they are going to be used in a very well-thought-out way. I support the amendment.

I would also like to thank Ranking Member BACHUS for his earlier amendment to title IV, to dedicate housing counseling funds to help homeowners avoid fraudulent foreclosure rescue scams.

Both amendments strengthen title IV. As the author of title IV of the bill, which is the same as my bill, H.R. 47, I cannot emphasize enough the importance of housing counseling, especially when it comes to helping homeowners in trouble.

In my congressional district, HUD-certified housing counselors have the patience, expertise, and experience to help homeowners who are at the end of their rope. These counselors have been a lifeline to struggling families, often helping families get their budget in order, improve communications with the lender or servicer, and most importantly, help save their homes.

So many of the problems out there could have been avoided if consumers secured this kind of financial literacy before signing on the dotted line for a mortgage. They would be armed with the ability to make better decisions about a mortgage. However, many homeowners did not secure this advice and are in dire straits today.

Therefore, I ask my colleagues to support this amendment.

I yield back the balance of my time.

□ 1330

Mr. MCNERNEY. Mr. Chairman, I just want to say I thank the gentlewoman from Illinois for her leadership on this issue for housing counseling. Again, I have seen too many families that are in trouble and could have used help early on in the process or that are in trouble and could use help now to salvage the best of a bad situation.

With that, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCNERNEY).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MR. MCHENRY

The CHAIR. It is now in order to consider amendment No. 9 printed in House Report 111–98.

Mr. MCHENRY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 Offered by Mr. MCHENRY:

Strike title III (relating to high-cost mortgages).

The CHAIR. Pursuant to House Resolution 406, the gentleman from North Carolina (Mr. MCHENRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MCHENRY. Mr. Chairman, in 2007 this bill passed the House with no subsequent action in the Senate. Since then, the Federal Reserve has finalized rules establishing a new category of ''high-priced mortgages'' under HOEPA that will virtually eliminate all subprime lending.

When the Fed released these new regulations, Chairman FRANK described the Fed's response to tighten the HOEPA restrictions as a ''very strong consumer protection position.'' I have heard the arguments made by my colleagues on the other side of the aisle that the Fed's regulations eliminating all subprime lending don't go far enough, that even more lending in the marketplace needs to be eliminated. Now, I say ''eliminated'' instead of ''prohibited'' because by defining a class of loans under HOEPA, you are essentially killing that class of loans, never mind the fact that they may be a reasonable option for a number of consumers.

Now, I say ''eliminate'' because these loans under HOEPA are simply not originated, financed, or securitized in a normal marketplace, much less the severely restricted marketplace we currently have in lending that is very clear to the American people. The reason why there is not lending under HOEPA is due to the significant risk of loss on the holder of these loans.

In 2006, when we had a normal functioning mortgage marketplace, of the 10 million loans made, less than 1 percent were HOEPA loans. By expanding the loans that would fall under HOEPA even further than the Fed has already done, we would be killing options for millions of people to get future lending and ensuring that in an already restricted marketplace, things will become even more restricted.

Mr. Chairman, Members need to ask themselves, if the marketplace for mortgages is going to become so heavily regulated, further regulated with so many new protections included in the rest of this bill, then why in the world do we need title III of this bill? My amendment strikes title III.

During the committee hearing earlier this month, Massachusetts Bank Supervisor Steven Antonakes expressed his concern that the dramatic expansion of HOEPA will result in much fewer loans being made. Is this really the direction the Congress wants to take right now, further restricting the mortgage marketplace?

Mr. Chairman, I ask support of my colleagues for striking title III of this bill.

I reserve the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I rise to claim time in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Chairman, Mr. MCHENRY and other opponents of this bill have said that the bill will have the effect of outlawing certain kinds of loans and limiting choices. Yes, Mr. Chairman, we do intend to limit choices. They say they would defend to the death the right of consumers to choose to get cheated blind, to get cheated out of their income, to get cheated out of their life savings. And we want to limit that choice because we don't think that consumers really choose that. When someone needs to borrow money to buy a house or borrow money against their house or get a credit card or on overdraft fees, or whatever else, they shouldn't have to swim in waters filled with fins. There should be some protections.

This amendment changes, in a fairly modest way, the protections of HOEPA for high-cost loans, which are highly regulated loans. And because they are highly regulated, they are fairly rarely made. But it allows loans up to 6.5 percent higher interest rate than prime—that is well more than twice prime—on subordinate loans, 8.5 percent above prime. And it raises the up-front cost that triggers a HOEPA loan, a high-cost loan, from 8 percent to 5 percent and closes some of the triggers. Do we want fewer loans like that made? Yes, Mr. Chairman, we do. That is exactly what we intend.

North Carolina did something very much like this in 1999. The Commissioner of Banks of North Carolina has testified repeatedly before Congress. There was a study at the University of North Carolina at Chapel Hill Business School. At least one business publication, industry publication, looked into it and found there was no change, there was no diminution in the availability or terms of mortgage credit in North Carolina. Did people make fewer loans like this? Yes. That was the whole point; they got better loans. That is the point, making sure that people get better loans.

Mr. Chairman, I reserve the balance of my time.

Mr. MCHENRY. As a proponent of the legislation, do I have the right to close?

The CHAIR. The gentleman from North Carolina (Mr. MILLER) has the right to close because he is the manager in opposition to the amendment and a member of the committee.

Mr. MCHENRY. Mr. Chairman, in summation, my colleague from North Carolina has made the argument why you should strike section III. His quote is, ''Yes, we intend to limit choices, Mr. Chairman.'' I think that is the wrong attitude this Congress should take.

The fact is, for those that have less than perfect credit, this section of the legislation will hamper their ability to get mortgages and purchase homes. That is the simple fact. In fact, my colleague from North Carolina says that, yes, they intend to limit choices, they want to eliminate choices in the marketplace for lending and for further restricting lending. I think that is the wrong path, Mr. Chairman. I think that is the wrong attitude this Congress should take. I think it limits choices for our consumers.

Mr. Chairman, when this becomes law, if we do not strike this section, Members will have to go home and answer to their constituents, Why can't I get the lending I need to purchase a home? And we can point to this very vote on whether or not they are in favor of more options in the marketplace or fewer, restricting choices, restricting opportunities, eliminating certain types of mortgages in the marketplace. I think we should eliminate section III.

Mr. Chairman, I yield back the balance of my time.

Mr. MILLER of North Carolina. Mr. Chairman, I am happy to go home to North Carolina and explain to voters

that I did vote against allowing loans that would be more than 6.5 percent higher than prime, except very highly regulated loans in very unusual circumstances. These loans are made, they are rare, they should be rare. We need better loans.

Does anyone really think there were not enough bad loans made in the last few years? It has been in the papers. We have had a foreclosure crisis. We now have a financial crisis. We need better loans. Those loans were not about making credit available to people who couldn't get it otherwise; it was people being taken advantage of and cheated, and we need to do better by the American people.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MCHENRY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 10 OFFERED BY MRS. DAHLKEMPER

The CHAIR. It is now in order to consider amendment No. 10 printed in House Report 111–98.

Mrs. DAHLKEMPER. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 Offered by Mrs. DAHLKEMPER:

In section 5(b)(1) of the Real Estate Settlement Procedures Act of 1974 (as amended by section 408 of the bill)—

(1) in subparagraph (B), strike ''and''; and

(2) insert after subparagraph (B) the following (and redesignate succeeding subparagraphs accordingly):

''(C) the advantages of prepayment; and''.

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Mrs. DAHLKEMPER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act, legislation that will curb predatory lending and other egregious industry practices that caused the subprime lending boom and the Nation's highest home foreclosure rate in 25 years.

My amendment in this crucial legislation adds a financial literacy component to the underlying bill. Especially during this period of economic recession, it is critical that borrowers have all the necessary information to make smart financial decisions when purchasing a home.

H.R. 1728 requires that the Department of Housing and Urban Development publish a guide for prospective borrowers at least every 5 years. This guide explains the concepts of balloon payments, prepayment penalties, and the tradeoff between paying up-front closing costs and the resulting interest rate over the life of the loan.

Prepayment penalties are limited in many circumstances under the base bill and even prohibited in others. Prepayment penalties often limit a consumer's choice to refinance when interest rates become more favorable or make partial payments when the consumer has the means and the desire to do so.

My amendment adds a requirement that the advantages of loan prepayment also be included in the HUD consumer education guide. I believe it is important to provide prospective borrowers with an advance explanation of the substantial and positive economic impact that even modest prepayments during the early years of a loan term may have. Having this knowledge prior to committing to a mortgage will allow borrowers to weigh the pros and cons of the prepayment penalty clause that are often found in mortgage documents before they lose the opportunity to either bargain them out of their loan document or seek out other options.

I urge my colleagues to join me in supporting my amendment to promote greater financial literacy as well as the underlying legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. The gentlewoman offers a thoughtful amendment. Prepayment is an important option for mortgage holders. I appreciate her amendment, and we support that.

Mr. Chairman, I yield back the balance of my time.

Mrs. DAHLKEMPER. I want to thank my colleague from Texas, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Mrs. DAHLKEMPER).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MS. GINNY BROWN-WAITE OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 11 printed in House Report 111–98.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 Offered by Ms. GINNY BROWN-WAITE of Florida:

In section 218(a), strike ''homebuyers and mortgage lending'' and insert ''consumers, small businesses, homebuyers, and mortgage lending''.

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, in the face of continuing economic uncertainty, I rise today in support of careful consideration, reasoned reluctance, and above all, the need for due diligence.

As we have seen over the last 18 months, rapid changes in the structure of mortgage lending can have a profound consequence for the broader economy. No matter how one feels about the underlying legislation or its implications, we can all agree that this bill is designed to change the structure of lending.

Among other things, H.R. 1728 will require lenders who make and sell nonqualified mortgages to retain a 5-percent stake in those mortgages if they choose to securitize or sell them. All other things being equal, that policy will increase banks' risk exposure. And given the close proximity between banks' risk exposure and the capital that they are required to hold in reserve, any significant change in one piece will clearly have an effect on the other. In other words, if mortgage risk increases, financial institutions will either have to hold more capital in reserve, or they will have to reduce their risk exposure elsewhere. That includes consumer loans and small business lending.

While the underlying bill addresses the impact on lenders' capital reserves, the study required under this bill stops a little bit short of directing GAO to monitor and report on any changes in other types of lending, such as consumer or small business loans.

Mr. Chairman, while it is not at all clear what the effects of this legislation will be, it is certainly reasonable to expect that there will be consequences—hopefully some good, and perhaps some not so good. The availability of small business loans may well increase as creditors shift away from nonqualified mortgage lending and into other forms of lending. Then again, it may not. The point is that we just don't know.

This amendment acknowledges that there are uncertainties inherent in any major reform, and that affects people's lives and businesses. And it makes certain then that if there are any unanticipated consequences, those consequences will be quantified and reported so that Congress can make any adjustments, as necessary.

In closing, I would like to ask my colleagues to remember that hundreds of billions of taxpayer dollars have either been loaned or invested in banks precisely to ensure that those financial

institutions remain sound, that they meet their regulatory capital requirements, and that they regain their ability to loan to those who need it most.

I urge adoption of the amendment.

I reserve the balance of my time.

□ 1345

Mr. WATT. Mr. Chairman, I rise to claim the time in opposition, although I do not intend to oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. WATT. I want to just thank the gentlewoman for offering the amendment. We have been saying throughout this process that there are uncertainties and we need to know if we've made the balance the wrong way, and this study would help us determine that in a constructive way.

Mr. Chairman, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman from North Carolina. I enjoyed serving with him while I was on the Financial Services Committee.

At this point I would urge the adoption of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. TITUS

The CHAIR. It is now in order to consider amendment No. 12 printed in House Report 111–98.

Ms. TITUS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. TITUS:

In that portion of subparagraph (C) of section 129B(b)(1) of the Truth in Lending Act (as added by section 102(a) of the bill) that appears before clause (i) of such subparagraph, insert ''in writing, the receipt and understanding of which shall be acknowledged by the signature of the mortgage originator and the consumer,'' after ''timely disclosure to each such consumer''.

In clause (i) of section 129B(b)(1)(C) of the Truth in Lending Act (as added by section 102(a) of the bill) insert ''(and such comparative costs and benefits for each such product shall be presented side by side and the disclosures for each such product shall have equal prominence)'' before the semicolon at the end.

The CHAIR. Pursuant to House Resolution 406, the gentlewoman from Nevada (Ms. TITUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Nevada.

Ms. TITUS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today with an amendment that's offered along with my friend from California (Mr. CARDOZA) to H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

As currently written, H.R. 1728 requires mortgage originators to diligently work to present the consumer with a range of mortgage products for which the consumer likely qualifies. These products must be appropriate to the consumer's existing circumstances. The originator must disclose the comparative costs and benefits of these options.

Our amendment simply specifies how this new disclosure must be made. The amendment requires that the costs and benefits of each option are presented side by side in a simple fashion like this chart, side by side, and that the disclosures for each product have equal prominence. It would further require that this disclosure be made in writing, the understanding of which will be acknowledged by the signature of the mortgage originator and the consumer.

This amendment would add further transparency to the process of securing a residential mortgage loan and ensure that information is presented to consumers in a way that will give them the ability to easily and clearly compare all the options that are available to them. By requiring the disclosure to be presented in writing and requiring the signature of both the originator and the consumer on the document, we will ensure that the importance of this information is highlighted for the consumer.

The Las Vegas area is ground zero of the home foreclosure crisis. It is projected that just this year there will be nearly 75,000 homes lost to foreclosure in my State. The vast majority of these are in southern Nevada and in my district. It is more than likely that many of these foreclosures could have been avoided from the start if important rules such as those set forth in this bill had been implemented earlier. I believe that this amendment will help facilitate discussions about what's good for a family and, together with the underlying bill with its elimination of incentive payments and antisteering provisions, will help curb predatory lending and prevent future foreclosures in Nevada and across the country.

I would like to thank Chairman FRANK, Mr. WATT, and Mr. MILLER for their dedication and persistence on this important piece of legislation and Chairwoman SLAUGHTER for accepting our amendment as part of the order.

COMPARISON OF SAMPLE MORTGAGE FEATURES

[For illustrative and educational purposes only—does not represent actual terms of loans available from any particular lender.]

| | A Typical Mortgage Transaction | | | | |
|---|---|---|---|---|---|
| | Loan Amount $180,000—30-Year Term | | | | |
| | Mortgage with a Fixed Interest Rate | | Mortgage with an Adjustable Interest Rate (ARM) | | |
| | Principal and Interest | Interest Only | 5/1 ARM | Interest Only | Option Payment |
| | Fixed Rate (6.7%) | Fixed Rate (6.7%) Interest Only for First 5 Years. | Fixed Rate for First 5 Years; Adjustable Each Year After First 5 Years (Initial rate for years 1 to 5 is 6.5%; Maximum Rate is 11.5%) | Interest Only and Fixed Rate for First 5 Years; Adjustable Rate Each Year After First 5 Years (Initial rate for years 1 to 5 is 6.6%; Maximum Rate is 11.6%) | Adjustable Rate for Entire Term of the Mortgage (Rate in month 1 is 1.25%; Rate in month 2 through year 5 is 6.4%; Maximum Rate is 11.4%) |
| Minimum Monthly Payment Years 1–5, except as noted | $1,162* | $1,005 | $1,138 | $990 | $600*** (1st year only) |
| Monthly Payment Year 6—no change in rates | $1,162 | $1,238** | $1,138 | $1,227 | $1,324 |
| Monthly Payment Year 6—2% rise in rates | $1,162 | $1,238 | $1,357 | $1,462 | $1,581 |
| Maximum Monthly Payment Year 8—5% rise in rates | $1,162 | $1,238 | $1,702 | $1,832 | 1,985 |
| How Much Will You Owe after 5 Years? | $168,862 | $180,000 | $168,500 | $180,000 | $197,945 |
| Have You Reduced Your Loan Balance after 5 Years of Payments? | Yes Your loan balance was reduced by $11,118 | No You did not reduce your loan balance | Yes Your loan balance was reduced by $11,500 | No You did not reduce your loan balance | No Your loan balance increased by $17,945 |

*This illustrates an interest rate and payments that are fixed for the life of the loan.

**This illustrates payments that are fixed after the first 5 years of the loan at a higher amount because they cover both principal and interest.

***This illustrates minimum monthly payments that are based on an interest rate that is in effect during the first month only. The payments required during the first year will not be sufficient to cover all of the interest that's due when the rate increases in the second month of the loan. Any unpaid interest amount will be added to the loan balance. Minimum payments for years 2–5 are based on the higher interest rate in effect at the time, subject to any contract limits on payment increases. Minimum payments will be recast (recalculated) after 5 years, or when the loan balance reaches a certain limit, to cover both principal and interest at the applicable rate.

Mr. Chairman, I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Chairman, I appreciate the spirit by which the gentlewoman is introducing this amendment, but what we are all trying to do with disclosure, I think, is simplify it in a way that consumers actually understand the terms and conditions of the contract.

I have worked with Representative BIGGERT and Congressman HINOJOSA to ensure that HUD, for example, and the Fed work together to have a simple

disclosure that is uniform and universal so that when people are taking credit out, they understand the terms and conditions of that and it's the same terms and conditions that they're presented when they get to closing.

Now, what the gentlewoman's amendment says is that all products offered or discussed or referred by the originator must be put in this spreadsheet. What does that mean? Well, that means that in order to cut down on the amount of paperwork that an originator is going to want to do, they're not going to discuss very many options and they're going to be asked to make assumptions of what are the benefits of a particular product over the other product.

One of the things that this bill does is it moves in a direction to begin to simplify that disclosure process, and now we're kind of truncating that with this new disclosure; so now we are going to add another piece of paper.

I would submit to you that a lot of people took on mortgages that they didn't understand the terms and conditions of. I don't know that there was any predatory lending necessarily going on. In some cases there may have been. But in many cases the disclosures are very hard to read, they're multipages, and the terms and conditions, unless you read many, many pages, you didn't understand.

One of the things that I believe is the best way to do that is that on a one-page form you have all of the more important conditions of this loan so that the person that's taking out that mortgage understands what they are getting. But I think we are going down a road here of what's going to happen in this legislation, if this amendment is passed is, we are going to tell the American people the government knows best what mortgage you should take out because we're going to make it so onerous for originators to display their products and to sit down and counsel with their prospective borrowers that they are going to only give them one choice. And, in fact, I think in many ways that's what this bill does.

It begins to say, you know what, the Federal Government is going to tell you what kind of mortgage that you should have. That's not the role of the Federal Government. The role of the Federal Government here is to make sure there are fair and ethical practices going on and not for the Federal Government to force originators of mortgages to be telling borrowers what kind of mortgages they should take out because they're afraid that they will fall under some of the provisions of this bill.

So I am very much opposed to this. I think it goes down the wrong direction. We are working in a bipartisan way to simplify disclosure for mortgages and we should stay that course.

Mr. Chairman, I reserve the balance of my time.

Ms. TITUS. Mr. Chairman, just briefly, I would present this simple chart of side by side. With all due respect, I think it's easy to draw up and even easier for an individual to understand. This is in the best interest of the banks so they can make good loans and the families so they can take out good loans to stay in their homes. Buying a house is a big decision, and people deserve all the information in a simple form.

Mr. Chairman, I now yield 2 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Chairman, this is a simplified disclosure. Ms. TITUS's amendment is good work. It is a helpful clarification.

The bill elsewhere already requires disclosure at the outset in a timely way. It requires the originator to present the consumer, the homebuyer, the homeowner with an array of mortgage products that are suitable to that consumer, mortgages that the consumer likely qualifies for and are appropriate to the consumer's existing circumstances, and requires a disclosure of comparative costs and benefits of each of the mortgage products offered. This simply requires that it be in a form. It doesn't bring down the thumb on one side of the scale. It really lets the consumer make the decision and make the decision based upon good information.

Elsewhere in the bill, we also require standardized forms designed by the bank regulators, not by the lenders, so we make sure that this is being presented in a way that's designed so that consumers can understand it, not designed in a way so consumers won't understand it.

This amendment is a helpful clarification. It will help consumers understand what they're doing. I support Ms. TITUS's amendment.

Mr. NEUGEBAUER. Mr. Chairman, somehow adding more forms doesn't sound simpler to me, and basically that's what we are doing here.

In the underlying legislation, we're working together for a simple, uniform form. And by the way, what would happen in that case is, as the lender is talking about different products, they would have that simplified one-page disclosure for this product and that product, and then it's up to the consumer to be able to say, I'm going to look through this information and make a determination.

And if the gentleman would like to answer this question: Do you believe that a lender that maybe has 15 or 20 products available to him for an individual borrower is going to display 15 or 20 products to you if he's going to have to do a spreadsheet that's 15 or 16 columns wide?

I yield to the gentleman.

Mr. MILLER of North Carolina. The bill elsewhere requires a full, complete, and timely disclosure to each consumer of the comparative costs and benefits of each residential mortgage loan product.

Mr. NEUGEBAUER. That wasn't the question. The question was, do you think that someone is going to offer 15 choices if they're going to have to do a spreadsheet that's 15 columns wide?

Mr. MILLER of North Carolina. Well, if it's done on a standardized form, it probably is very helpful if it's on a standardized form. What's the disadvantage of putting it in writing rather than its being oral?

Mr. NEUGEBAUER. Reclaiming my time, Mr. Chairman, the answer to that question is going to be ''no,'' because the people that are offering those are going to offer one or two choices because now they've got additional paperwork and they're going to have to be drawing assumptions of the cost/benefits.

If we go back to the underlying bill, which says you've got to make a disclosure, and it's going to be in a simplified form hopefully, and with government that's a stretch to simplify anything, but if we do get HUD and the Fed together to come up with one form, then we're going to be able to offer them products where we have a uniform disclosure. So they're going to be able to draw their own conclusions and not rely on the lender or the originator to make some kind of assumptions on a spreadsheet.

The CHAIR. The gentleman's time has expired.

Ms. TITUS. Mr. Chairman, I would just still say that the banks want to make good loans and families want to get loans so they can that stay in their homes. And the paperwork is just a simple chart, side by side, that a second grader could make, and I show that to you again.

I would like to once again thank Chairman FRANK, Mr. WATT, and Mr. MILLER for their assistance on this legislation. I would urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Nevada (Ms. TITUS).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 13 printed in House Report 111–98.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. MARIO DIAZ-BALART of Florida:

At the end of the bill add the following new title:

**TITLE VIII—STUDY OF EFFECT OF DRYWALL PRESENCE ON FORECLOSURES**

**SEC. 801. STUDY OF EFFECT OF DRYWALL PRESENCE ON FORECLOSURES.**

(a) STUDY.—The Secretary of Housing and Urban Development, in consultation with the Secretary of the Treasury, shall conduct a study of the effect on residential mortgage loan foreclosures of—

(1) the presence in residential structures subject to such mortgage loans of drywall

that was imported from China during the period beginning with 2004 tand ending at the end of 2007; and

(2) the availability of property insurance for residential structures in which such drywall is present.

(b) REPORT.—Not later than the expiration of the 120-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit to the Congress a report on the study conducted under subsection (a) containing its findings, conclusions, and recommendations.

The CHAIR. Pursuant to House Resolution 406, the gentleman from Florida (Mr. MARIO DIAZ-BALART) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Before anything else, I want to thank the chairman and also I want to thank Mr. WEXLER. Mr. WEXLER has been a leader on this issue from day one, and he's a leader also on this amendment, but it's more than just this amendment. He has done an incredible job on this issue. And I want to explain the issue and the amendment.

Mr. Chairman, we have all heard about this problem, I'm sure, with the Chinese drywall. Recent reports are that about 100,000 homes could be affected. This imported drywall from China contains sulfuric gas, which actually has corroded copper electrical wiring. It's corroded air conditioning units and copper pipes, including to the point where there have been fire hazards. It's also a health issue. It has created sinus problems, created bloody noses, headaches. It has created bronchitis and pneumonia in children, and now we hear that it's also harmful to pregnant women. As a matter of fact, Mr. Chairman, on April 17, the Wall Street Journal stated that the University of Southern California's School of Medicine, a professor there, stated ''that sulfur compound gasses, even at low levels, have been found to cause respiratory problems such as asthma.''

So here's the problem. There is this drywall that has been imported from China that has been installed in a number of homes, again maybe up to 100,000. Homeowners are stuck with these homes. It's more than just smell. It's potentially dangerous, and, again, it eats even wiring and copper.

□ 1400

Individuals, homeowners, are stuck with these homes. They can't sell them. They can't live in them, and they are stuck with them.

So what this amendment does, very simply, is the following. It authorizes a study by the Secretary of HUD, in consultation with the Secretary of the Treasury, on the effects of Chinese drywall on residential mortgage loan foreclosures and the availability of property insurance. And, again, then, it's to report to Congress within 120 days. It's critical that we have all the information, that we have the actual information in a timely fashion.

I want to thank, again, the chairman for his consideration. And, as I said before, I want to thank Mr. WEXLER for his leadership. There are dozens and hundreds of homeowners who are desperately seeking relief, and this is one more way to try to do that.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise, in the absence of any other claimant, to claim the time in opposition.

The CHAIR. Without objection, the gentleman from Massachusetts is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I commend this bipartisan effort to address an issue that is particularly important in their district.

I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. I would like to yield as much time as he would consume to the gentleman from Florida (Mr. BUCHANAN).

Mr. BUCHANAN. I want to thank the gentleman for yielding.

I rise in support of this important bipartisan amendment.

Defective Chinese drywall has taken a toll on thousands of homeowners. Many, including my constituent, John Medico of Bradenton, are now finding their homes uninhabitable.

John left his new home and now rents a place. He is forced to not only to pay the mortgage, but he is paying rent on his new place. And this has happened to a lot of people in my area in southwest Florida.

Earlier this year I wrote the U.S. Trade Representative and the Federal Trade Commission asking them to take the appropriate steps to confront this problem.

I am concerned about the public health effects of the problem. Anecdotal evidence points to the Chinese drywall being responsible for the chronic respiratory problems in our region. Also, pregnant women have been advised to move out of their homes for the safety of the unborn.

I am grateful to the gentleman for bringing this amendment forward. I look forward to working with my colleagues on both sides of the aisle of Florida on this important issue and helping our constituents resolve this problem.

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent to reconsider my hasty action and take back my time.

The CHAIR. Without objection, the gentleman from Massachusetts may reclaim his remaining time.

There was no objection.

Mr. FRANK of Massachusetts. I yield 3 minutes to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. I especially thank the chairman, and I want to point out the extraordinary effort that Congressman DIAZ-BALART has made to push this issue forward. I rise in strong support of this amendment, because my constituents in Florida and citizens throughout our Nation are facing a real and a growing emergency from dangerous and harmful drywall imported from China.

The level of threat to the health and homes of our citizens is akin to a natural disaster. This danger is much more like a silent hurricane, and it is touching down not just in Florida, but in Louisiana, Mississippi, Texas, Virginia and a growing list of other States.

The Federal Government must take immediate steps to protect Americans whose homes are afflicted with defective drywall. This amendment is an important step forward.

I again want to thank Mr. DIAZ-BALART for his leadership on this crucial issue.

The affected drywall emits a foul odor. It produces gases that corrode copper, electrical wiring, and is likely responsible for chronic health problems for the occupants of the homes. This is an acute and growing crisis with an estimated 35,000 homes in Florida affected and tens of thousands more throughout the country.

Over the past few weeks, I have had the opportunity to meet parents and visit with them in their homes, where young children have developed bronchitis, pneumonia and other respiratory illnesses that have required hospitalization and surgery. Pregnant women in my district have been advised by their physicians to move out of their homes, and children have been waking up regularly to bloody noses and sinus infections.

It is in this vein that I, along with Mr. DIAZ-BALART, under his leadership, have introduced H.R. 1977, the Drywall Safety Act of 2009, which would require the Consumer Product Safety Commission to ban dangerous drywall, study drywall imported from China and make recommendations on new safety standards.

Currently the Consumer Product Safety Commission, the Centers for Disease Control and Prevention and the EPA are conducting tests. While these tests are essential, the current timeframe for completion is unacceptable and results may not be known for months, especially considering the problem is expected to grow during the hot and humid summer months.

We are, therefore, urging the EPA and CDC to exhaust all possible resources to expedite drywall testing. Furthermore, we have requested critical emergency funding that would allow relevant agencies to conduct the necessary investigations into the health and safety impacts of this drywall, as well as provide public information resources to alert those impacted about the risks they may be facing.

I want to applaud the efforts of Governor Charlie Crist and the Florida Department of Public Health for their

leadership. This is a complex and growing problem. We still don't know the extent.

I want to thank the chairman, thank Mr. DIAZ-BALART, and please support this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield back the balance of my time.

Mr. MARIO DIAZ-BALART of Florida. Again, I do want to thank the chairman of the committee, Mr. FRANK; again, Mr. WEXLER in particular for his leadership.

This is a critical issue not only for Florida, but for thousands and thousands of other homeowners. With that, I would urge a ''yes'' vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MR. WEINER, AS MODIFIED

The CHAIR. It is now in order to consider amendment No. 14 printed in House Report 111–98.

Mr. WEINER. Mr. Chairman, I offer the said amendment made in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. WEINER:

At the end of the bill, add the following new title:

**TITLE VIII—FANNIE MAE GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES**

**SEC. 801. GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES.**

The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall take actions as are appropriate to establish and revise fee schedules, occupancy and pre-sale guidelines, and other relevant underwriting standards in order to ensure the availability of affordable mortgage credit for condominium and cooperative housing, consistent with appropriate levels of credit risk. In setting such fees, guidelines, and standards, each association may consider factors such as the relative health of the local or regional housing market in which such housing is located, and whether the housing is in a new or existing development.

The CHAIR. Pursuant to House Resolution 406, the gentleman from New York (Mr. WEINER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. WEINER. Mr. Chairman, I request unanimous consent to modify the amendment with the version that is at the desk.

The CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 14 offered by Mr. WEINER, as modified:

At the end of the bill, add the following new title:

**TITLE VIII—FANNIE MAE GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES**

**SEC. 801. GUIDELINES FOR PURCHASE OF CONDOMINIUM AND COOPERATIVE HOUSING MORTGAGES.**

The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall take actions as are appropriate to establish and revise fee schedules, occupancy and pre-sale guidelines, and other relevant underwriting standards for the purchase of condominium and cooperative housing, consistent with appropriate levels of credit risk. In setting such fees, guidelines, and standards, each association may consider factors such as the relative health of the local or regional housing market in which such housing is located, and whether the housing is in a new or existing development.

Mr. WEINER (during the reading). I request unanimous consent that the modification be considered as read.

The CHAIR. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIR. Is there objection to the modification?

Mr. NEUGEBAUER. I do not object, but I would like for the gentleman to clarify what his amendment does.

The CHAIR. Without objection, the amendment is modified.

There was no objection.

Mr. WEINER. First, I want to begin by offering my gratitude to the chairman of the committee and the minority, including their staff: Scott Olson, majority staff; and Dave Oxner on the minority staff.

I don't intend to take the full time. You know, we have a phenomenon going on that we are trying, at the same time, to get people the credit that they want in order to be able to make purchases.

We also want Fannie and Freddie not to take unnecessary risks. We are trying to strike that balance. This legislation does it, I believe.

One of the challenges we have in some parts of the country, though, we have a large number of co-ops and condos that are in the stock that are now starting to find buyers. People are saying, you know what, the prices have come down, we want to make these purchases.

At the same time, the standards have been raised by Fannie and Freddie such that, according to the regulation, that you need to have 70 percent of the units in any co-op or condo purchased before the first one will be financed and guaranteed by Fannie and Freddie.

The problem is that you create this dynamic that people say I am interested, I am interested, I am interested. In order to reach that 70 percent threshold it's very, very difficult and you wind up chasing away people who simply don't want to wait that long. They leave with their deposits in hand, and, frankly we get into this cycle where these units remain on the markets.

We need to clear out the stock. We also want to give credit where it's due.

So what my amendment does is, it says listen, taking a look at the guidelines, taking a look at our desires not to have unnecessary risk taken, if you want to change, based on regional consideration, say, the gentleman from Florida, me from New York, Las Vegas, places that have a disproportionate number of these condos and co-ops on the market, we encourage Fannie and Freddie with this amendment to make those regional changes and requirements.

Let me stress we are not saying we want them to make bad loans. That doesn't do that in this amendment, and I don't think we want to do that in this Congress. But we do want them to be flexible to say, you know what, if you have communities like New York, where people are saying I want to get involved in that market, I want to buy co-ops and condos, to make the limit, the threshold so high you wind up putting a damper on the investment that we want to see happen.

I encourage a ''yes'' vote.

I reserve the balance of my time.

Mr. NEUGEBAUER. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIR. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. NEUGEBAUER. I am sorry I didn't make the question clear to the gentleman, in his UC, he was trying to fix a PAYGO issue.

Could you explain how your unanimous consent request addressed that PAYGO issue?

Mr. WEINER. I will do that the best I can, although it was a fairly obscure thing. I was commenting to the chairman earlier, we have outsourced so much of our authority to bureaucrats at the CBO, but they apparently were concerned that language in my bill would have required them to make loans or make certain changes in regulations.

So what we did is we dialed down some of the language, and we said take actions that are appropriate to establish and revise schedules. I think we made some changes to make it clear we weren't requiring any specific action that might trigger a budget implication.

I think the Parliamentarian has told us that this new language doesn't trigger PAYGO. And I didn't want—even at the thought that it might happen, I didn't want it to drag down the whole bill, so we made the changes they recommended.

Mr. NEUGEBAUER. Thank you.

I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. The gentleman is correct. This does resolve the PAYGO issue. It makes it clear that this is not mandating, it's encouraging and that solves the problem.

Mr. NEUGEBAUER. So instead of being mandatory, it's discretionary.

Mr. FRANK of Massachusetts. The gentleman is correct.

Mr. SKELTON. Madam Chair, let me take this opportunity to express my support for an amendment offered by my good friend and colleague from New York, Congressman ANTHONY WEINER.

Like the gentleman, I have heard concerns about how Fannie Mae and Freddie Mac have established new, nationwide requirements relating to the guarantee of mortgages for condominiums. These new rules require condominium buildings to place 70 percent of the units under contract before any one mortgage will be guaranteed. Fannie and Freddie had previously required 51 percent of condo units to be under contract.

In areas of the country experiencing a severe glut in the condominium market and large numbers of foreclosures, restrictive requirements may be appropriate. But in parts of our nation that have not experienced the same degree of foreclosures, like rural Missouri, this one-size-fits-all approach is hindering the sale of condominiums to creditworthy borrowers.

Congressman WEINER's amendment would give Fannie and Freddie the flexibility to consider the health of a local or regional housing market when determining pre-sale thresholds. This flexibility is very important to realtors, bankers, and prospective homeowners in Missouri and especially those near the Lake of the Ozarks.

I would ask that letters from Central Bank of Lake of the Ozarks and from Lake Ozark Property, which explain how the rules are hindering business in Missouri, be submitted.

I commend Congressman WEINER for offering this amendment and look forward to working with him and with Financial Services Committee Chairman FRANK to ensure the language can be retained in a conference with the Senate.

I urge my colleagues to support passage of this amendment.

CENTRAL BANK
OF LAKE OF THE OZARKS,
*Osage Beach, MO, April 20, 2009.*

Re Legislative appeal

Hon. IKE SKELTON,
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN SKELTON: I would like to bring your attention to a couple of issues that have negatively impacted the economy and the lives of thousands of condominium owners at Lake of the Ozarks. These issues have to do with the changes concerning the financing of condominiums implemented by two of the GSEs (Government-Sponsored Enterprise): Freddie Mac and Fannie, Mae.

For as long as we can remember, we have been operating under a Master Agreement that contained special waivers approved by Freddie Mac and Fannie Mae, which allowed us to make condominium loans on new condo projects. These waivers had been predicated on the resiliency of our condominium market at the Lake of the Ozarks and Central Bank of Lake of the Ozarks' history of quality underwriting on loans sold to Freddie Mac and Fannie Mae. While our condominium sales have slowed too in response to economic conditions, neither Fannie Mae nor Freddie Mac have incurred any significant losses on the portfolio of condominium loans our bank has sold them. In spite of this stellar performance, both Freddie Mac and Fannie Mae have now eliminated the waiver that allowed us to finance condominiums in new projects already under construction and for condominium projects that have an on-site nightly rental desk. By taking these actions without regard to the specific performance of local markets they are sure to make the issues of a handful of states a national crisis.

While it is undeniable that Fannie Mae and Freddie Mac have incurred unprecedented losses in the so called ''sand states'' of Florida, California, Nevada and Arizona, our market has remained stable but that stability is now being threatened by these shortsighted, ''one size fits all'' restrictions.

Freddie Mac and Fannie Mae have implemented presale requirements of 70 percent on new condominium developments. This single change in midstream for many projects that are in various stages of development will cause catastrophic damage to an otherwise stable market. You talk about changing the rules in the middle of the game and tanking a segment of the real estate market. This means that consumers who want to purchase a new condo in a new development cannot get 30 year fixed rate financing. If the consumer cannot purchase, then a developer cannot sell, and if a developer cannot sell, then a bank cannot be repaid for the commercial loan, and everyone involved loses. This change will work to make a regional crisis a national crisis. The Freddie and Fannie Account Representative abilities to negotiate agreements that are common and customary to local markets have been eliminated. Freddie Mac and Fannie Mae have removed the ability to lend in established condominium projects where there are nightly rental desks that are diminutive in size and impact the project very little. This will decrease the marketability and value of the units in those projects where consumers cannot get 30 year fixed-rate financing.

The consumers, condominium owners, and developers are losing out on the opportunity to purchase, refinance, and sell condominiums in a very favorable interest rate environment. We think the President of the United States, Department of the Treasury, Federal Reserve, and Congress are working hard to create a favorable market to sell real estate and stabilize the market. Freddie Mac and Fannie Mae policy changes, as they pertain to the condominium market at the Lake of the Ozarks, have done just the opposite. They have managed to take a market segment of the real estate market at the Lake of the Ozarks and bring it to a standstill.

The primary reason we have been given for the removal of these waivers by Freddie Mac and Fannie Mae is because of problems they have experienced with condos in the ''sand states''. This is a prime example of Freddie Mac and Fannie Mae painting every market and bank (underwriter) with a broad brush and then making decisions that have a negative impact on good markets and banks (underwriters) with a long history of outstanding performance.

We need your help. Please contact the people in charge at Freddie Mac and Fannie Mae and ask them to get in touch with us to address these issues.

Thank you for your time and help in this matter.

Very truly yours,

GREGORY J. GAGNON,
*President & CEO.*
RUSSELL CLAY,
*Vice President, Mortgage Department Head*

LAKE OZARK PROPERTY,
*Gravois Mills, MO, March 31, 2009.*

*Re Regulation Changes for Freddie Mac and Fannie Mae*

Congressman IKE SKELTON,
*4th District of Missouri, N. Adams Street, Lebanon, Missouri.*

DEAR CONGRESSMAN SKELTON: I am a real estate broker with my own company here at Lake of the Ozarks. My main source of business is the sale of new condominiums.

Just today I spoke to Mr. Russ Clay from Central Bank. He informed me that the regulations for Freddie Mac will follow along with Fannie Mae by changing from the newly imposed 51 percent sold to 70 percent sold on any new condominium project.

As the Lake of the Ozark is a large portion of your district, you are aware that our economy is based on resort and vacation visitors. Many people come to the lake to purchase second homes and spend their discretionary income.

The area directly around the lake has not suffered with the foreclosure problems like Florida and California and yet Freddie and Fannie have decided to paint a broad stroke to include our area in these newly imposed restrictions.

The economic problems they are trying to dig out of in those areas will be created here by these new changes. The very tools they are using to stop the bleeding in other areas will create problems right here in our area. Many of our condominium projects are new and have not yet reached the 52 percent mark let alone the 70 percent mark and yet they are selling and are successful.

I am asking you to speak out for us here at the Lake. Freddie and Fannie should create criteria based on the needs of the area. Surely they have enough employees available to prepare market reports on the main districts within each state and create programs based on how well or how poorly we have preformed in the past.

Also, as you meet regarding the regulations of appraisals for boat slips and dock values, please keep in mind that we are, basically, a community of water. Our area was created from the lake, therefore, for two-thirds of the year a place to park our boat is the same as a place to park our cars.

Thank you for reading this letter through. Please let me know what I can do to make Freddie Mac or Fannie Mae more aware of our plight here at Lake of the Ozarks.

Regards,

VICKI BROWN,
*Broker/Owner.*

Mr. NEUGEBAUER. I yield back the balance of my time

Mr. WEINER. I yield back the balance of my time.

The Acting CHAIR (Ms. DEGETTE). The question is on the amendment offered by the gentleman from New York (Mr. WEINER), as modified.

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 111–98 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. FRANK of Massachusetts.

Amendment No. 5 by Mr. HENSARLING of Texas.

Amendment No. 7 by Mr. PRICE of Georgia.

Amendment No. 9 by Mr. MCHENRY of North Carolina.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 176, not voting 18, as follows:

[Roll No. 238]

AYES—245

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kirkpatrick (AZ)
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOES—176

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jones
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Minnick
Mitchell
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Berry
Blunt
Capps
Culberson
Fortenberry
Heller
Hinojosa
Holt
Johnson (GA)
McIntyre
Mollohan
Moore (KS)
Nadler (NY)
Pierluisi
Scalise
Stark
Thompson (MS)
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Members are advised that there are 2 minutes left in this vote.

□ 1445

Ms. MARKEY of Colorado changed her vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. HELLER. Madam Chair, on rollcall No. 238, the Frank Amendment No. 2 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. HENSARLING

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. HENSARLING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 252, not voting 16, as follows:

[Roll No. 239]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Kratovil
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMahon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—252

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—16

Berry
Blunt
Capps
DeFazio
Edwards (TX)
Fortenberry
Heller
Hinojosa
Holt
Nadler (NY)
Pierluisi
Scalise
Stark
Thompson (MS)
Velázquez
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes remain on this vote.

□ 1453

Mrs. MALONEY changed her vote from ''aye'' to ''no.''

Mr. MCMAHON changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 239, the Hensarling Amendment No. 5 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. PRICE OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 259, not voting 13, as follows:

[Roll No. 240]

AYES—167

Aderholt
Akin
Alexander
Arcuri
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy (NY)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Reichert
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—259

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Berry
Blunt
Capps
Fortenberry
Heller
Hinojosa
Holt
Nadler (NY)
Pierluisi
Scalise
Stark
Thompson (MS)
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes are remaining.

□ 1503

Ms. WATSON changed her vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 240, the Price (GA) Amendment No. 7 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "aye."

AMENDMENT NO. 9 OFFERED BY MR. MCHENRY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. MCHENRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 255, not voting 13, as follows:

[Roll No. 241]

AYES—171

Aderholt
Akin
Alexander
Austria
Bachmann
Bachus
Barrett (SC)
Bartlett
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp
Campbell
Cantor
Cao
Capito
Carter
Cassidy
Castle
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Culberson
Davis (KY)
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dreier
Duncan
Ehlers
Emerson
Fallin
Flake
Fleming
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson (IL)
Johnson, Sam
Jordan (OH)
King (IA)
King (NY)
Kingston
Kirk
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Lance
Latham
LaTourette
Latta
Lee (NY)
Lewis (CA)
Linder
LoBiondo
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Petri
Pitts
Platts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Schmidt
Schock
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thompson (PA)
Thornberry
Tiahrt
Tiberi
Upton
Walden
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Young (AK)
Young (FL)

NOES—255

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bordallo
Boren
Boswell
Boucher
Boyd
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Childers
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Driehaus
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Fudge
Giffords
Gonzalez
Gordon (TN)
Grayson
Green, Al
Green, Gene
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
Kind
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Norton
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Pingree (ME)
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sablan
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schrader
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Thompson (CA)
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

NOT VOTING—13

Berry
Blunt
Capps
Fortenberry
Heller
Hinojosa
Holt
Nadler (NY)
Pierluisi
Scalise
Stark
Thompson (MS)
Wamp

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). Two minutes are remaining.

□ 1511

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HELLER. Madam Chair, on rollcall No. 241, the McHenry Amendment No. 9 to H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "aye."

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Ms. DEGETTE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes, pursuant to House Resolution 406, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT

Mr. SESSIONS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SESSIONS. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sessions moves to recommit the bill, H.R. 1728, to the Committee on Financial Services with instructions to report the same back to the House forthwith with the following amendment:

After section 407, insert the following new section:

**SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR GRANT RECIPIENTS.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following:

''(i) ACCOUNTABILITY FOR RECIPIENTS OF COVERED ASSISTANCE.—

''(1) TRACKING OF FUNDS.—The Secretary shall—

''(A) develop and maintain a system to ensure that any organization or entity that receives any covered assistance uses all amounts of covered assistance in accordance with this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

''(B) require any organization or entity, as a condition of receipt of any covered assistance, to agree to comply with such requirements regarding covered assistance as the Secretary shall establish, which shall include—

''(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the covered assistance to the organization or entity to ensure compliance with the limitations and requirements of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

''(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(2) MISUSE OF FUNDS.—If any organization or entity that receives any covered assistance is determined by the Secretary to have used any covered assistance in a manner that is materially in violation of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, or any requirements or conditions under which such assistance was provided—

''(A) the Secretary shall require that, within 12 months after the determination of such misuse, the organization or entity shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use; and

''(B) such organization or entity shall be ineligible, at any time after such determination, to apply for or receive any further covered assistance.

The remedies under this paragraph are in addition to any other remedies that may be available under law.

''(3) COVERED ASSISTANCE.—For purposes of this subsection, the term 'covered assistance' means any grant or other financial assistance provided under—

''(A) this section; or

''(B) section 216 of the Mortgage Reform and Anti-Predatory Lending Act.''.

Mr. SESSIONS (during the reading). Madam Speaker, I ask unanimous consent to dispense with the reading of the motion.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Madam Speaker, yesterday in the Rules Committee I offered two amendments to this legislation. My first amendment asked for the courts to limit fees for attorneys filing lawsuits created by this legislation to reasonable levels to ensure that real victims of predatory lending, not trial lawyers, are fairly compensated for wrongdoing.

□ 1515

Unsurprisingly, this amendment was rejected by the committee Democrats on a party-line vote of 9–4. In rejecting this amendment, my Democrat colleagues chose to put trial lawyer fees over victims' compensation in cases where homeowners have been defrauded.

My second amendment would require that ACORN meet the same transparency and reporting requirements that Democrats demanded from any financial institutions receiving TARP funds. My amendment would have ensured accountability and transparency for any taxpayer funds distributed as a result of this legislation. I will repeat that: my amendment would have ensured accountability and transparency for any taxpayer funds distributed as a result of this legislation, just like TARP funding that we have already passed in this body. But, once again, my colleagues in the Rules Committee decided to vote against this and in favor of special interests, and the amendment failed.

Madam Speaker, the main component of this amendment really was not received because it singled out ACORN as a group. And I note that it has a well-documented history of deceit and fraud, which, just again this week, ACORN has been accused in 26 counts of breaking the law in the State of Nevada, and today, seven more counts brought against them by a Democratic prosecutor in Pennsylvania.

So to answer this criticism, I am offering this motion to recommit to extend transparency and good government provisions from my original amendment to any group that is receiving government grants for legal or housing counseling.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. FRANK of Massachusetts. I appreciate the gentleman accommodating my objection. I support the recommit, and I hope it is adopted.

Mr. SESSIONS. I appreciate the gentleman doing that, for him accepting this, in the spirit of what you have done. I appreciate that because it lives up to the gentleman's word of accepting. It is my hope that by what I am going to do now, it will ensure it will be in the final bill. Madam Speaker, I will ask for a recorded vote.

I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I believe it was premature to ask for a recorded vote because I had not yet been given my time and maybe cooler heads will prevail.

The SPEAKER pro tempore. Does the gentleman seek time in opposition?

Mr. FRANK of Massachusetts. Yes, in the absence of any other Member, I will seek the time in opposition.

The SPEAKER pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. FRANK of Massachusetts. We are going to support the amendment. I am puzzled as to what a rollcall would accomplish, except some missed planes.

So I will now yield back the balance of my time and promise to vote ''yes'' very loudly.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Members will record their vote by electronic device.

This is a 15-minute vote.

Without objection, the premature proceedings on passage are vacated and the Chair will entertain a forthwith report from the manager of the bill.

There was no objection.

Mr. FRANK of Massachusetts. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1728, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

After section 407, insert the following new section:

**SEC. 408. ACCOUNTABILITY AND TRANSPARENCY FOR GRANT RECIPIENTS.**

Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x), as amended by the preceding provisions of this title, is further amended by adding at the end the following:

''(i) ACCOUNTABILITY FOR RECIPIENTS OF COVERED ASSISTANCE.—

''(1) TRACKING OF FUNDS.—The Secretary shall—

''(A) develop and maintain a system to ensure that any organization or entity that receives any covered assistance uses all amounts of covered assistance in accordance

with this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

''(B) require any organization or entity, as a condition of receipt of any covered assistance, to agree to comply with such requirements regarding covered assistance as the Secretary shall establish, which shall include—

''(i) appropriate periodic financial and grant activity reporting, record retention, and audit requirements for the duration of the covered assistance to the organization or entity to ensure compliance with the limitations and requirements of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations under this section or such section 216, as applicable, and any requirements or conditions under which such amounts were provided; and

''(ii) any other requirements that the Secretary determines are necessary to ensure appropriate administration and compliance.

''(2) MISUSE OF FUNDS.—If any organization or entity that receives any covered assistance is determined by the Secretary to have used any covered assistance in a manner that is materially in violation of this section or section 216 of the Mortgage Reform and Anti-Predatory Lending Act, as applicable, the regulations issued under this section or such section 216, as applicable, or any requirements or conditions under which such assistance was provided—

''(A) the Secretary shall require that, within 12 months after the determination of such misuse, the organization or entity shall reimburse the Secretary for such misused amounts and return to the Secretary any such amounts that remain unused or uncommitted for use; and

''(B) such organization or entity shall be ineligible, at any time after such determination, to apply for or receive any further covered assistance.

The remedies under this paragraph are in addition to any other remedies that may be available under law.

''(3) COVERED ASSISTANCE.—For purposes of this subsection, the term 'covered assistance' means any grant or other financial assistance provided under—

''(A) this section; or

''(B) section 216 of the Mortgage Reform and Anti-Predatory Lending Act.''.

Mr. FRANK of Massachusetts (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 300, nays 114, not voting 19, as follows:

[Roll No. 242]

YEAS—300

Abercrombie
Ackerman
Adler (NJ)
Altmire
Andrews
Arcuri
Austria
Baird
Baldwin
Barrow
Bartlett
Bean
Becerra
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boccieri
Bono Mack
Boren
Boswell
Boucher
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Capito
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castle
Castor (FL)
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Culberson
Cummings
Dahlkemper
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Dreier
Driehaus
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Forbes
Foster
Frank (MA)
Fudge
Gerlach
Giffords
Gonzalez
Goodlatte
Gordon (TN)
Grayson
Green, Al
Griffith
Grijalva
Gutierrez
Hall (NY)
Halvorson
Hare
Harman
Hastings (FL)
Heinrich
Herseth Sandlin
Higgins
Hill
Himes
Hinchey
Hirono
Hodes
Holden
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick (MI)
Kilroy
King (NY)
Kirk
Kissell
Klein (FL)
Kosmas
Kratovil
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lungren, Daniel E.
Lynch
Maffei
Maloney
Markey (CO)
Markey (MA)
Marshall
Massa
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McDermott
McGovern
McHugh
McIntyre
McMahon
McNerney
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Minnick
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy (NY)
Murphy, Patrick
Murphy, Tim
Murtha
Napolitano
Neal (MA)
Nye
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Perriello
Peters
Peterson
Petri
Pingree (ME)
Platts
Polis (CO)
Pomeroy
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Rohrabacher
Rooney
Ros-Lehtinen
Ross
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schauer
Schiff
Schock
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Teague
Terry
Thompson (CA)
Tiberi
Tierney
Titus
Tonko
Towns
Tsongas
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch
Wexler
Wilson (OH)
Wittman
Wolf
Woolsey
Wu
Yarmuth
Young (FL)

NAYS—114

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Bright
Broun (GA)
Brown (SC)
Camp
Cantor
Cao
Carter
Cassidy
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Crenshaw
Davis (KY)
Deal (GA)
Duncan
Fallin
Flake
Fleming
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey (GA)
Gohmert
Granger
Graves
Guthrie
Hall (TX)
Harper
Hastings (WA)
Hensarling
Herger
Hoekstra
Hunter
Inglis
Issa
Jenkins
Johnson, Sam
Jordan (OH)
King (IA)
Kingston
Kirkpatrick (AZ)
Kline (MN)
Lamborn
Latta
Lee (NY)
Lewis (CA)
Lucas
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Nunes
Olson
Paul
Paulsen
Pence
Pitts
Poe (TX)
Posey
Price (GA)
Putnam
Radanovich
Rehberg
Roe (TN)
Rogers (KY)
Roskam
Royce
Ryan (WI)
Schmidt
Schrader
Sensenbrenner
Sessions
Shadegg
Shuster
Smith (NE)
Smith (TX)
Sullivan
Thompson (PA)
Thornberry
Tiahrt
Westmoreland
Whitfield
Wilson (SC)
Young (AK)

NOT VOTING—19

Baca
Berry
Blunt
Boyd
Campbell
Capps
Fortenberry
Green, Gene
Heller
Hinojosa
Holt
Kind
Linder
Nadler (NY)
Scalise
Slaughter
Stark
Thompson (MS)
Wamp

□ 1543

Messrs. BROUN of Georgia and REHBERG changed their vote from ''yea'' to ''nay.''

Messrs. PERLMUTTER and BURTON of Indiana changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for

Mr. HELLER. Mr. Speaker, on rollcall No. 242, final passage of H.R. 1728, I was absent from the House at a family obligation. Had I been present, I would have voted "yea."

Mr. BOYD. Mr. Speaker, due to personal reasons, I was unable to attend a vote. Had I been present, my vote would have been "yea" on rollcall 242 for final passage of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote 242. Had I been present, I would have voted "aye" on rollcall No. 242.

THE HONORABLE LOIS CAPPS PERSONAL EXPLANATION

Mrs. CAPPS, Mr. Speaker, I was not able to be present for the following rollcall votes on May 7, 2009 and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 237: "yea"; rollcall No. 238: "aye"; rollcall No. 240: "no"; rollcall No. 241: "no"; rollcall No. 242: "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1728, MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 1728, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. GRIFFITH). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 454. An act to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

□ 1545

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE ACTIONS OF THE GOVERNMENT OF SYRIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–38)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2009.

The actions of the Government of Syria in supporting terrorism, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009.*

LEGISLATIVE PROGRAM

(Mr. CANTOR asked and was given permission to address the House for 1 minute.)

Mr. CANTOR. Mr. Speaker, I yield to the gentleman from Maryland, the majority leader, for the purpose of announcing next week's schedule.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet in pro forma session at 2 p.m. On Tuesday, the House will meet at 12:30 p.m. for morning-hour debate and 2 p.m. for legislative business, with votes postponed until 6:30. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, the House will meet at 9 a.m. for legislative business.

We will consider several bills under suspension of the rules. A complete list of those bills will be provided by the end of business tomorrow.

In addition, we will consider H.R. 2187, the 21st Century Green High-Performing Public Schools Facilities Act; H.R. 2101, the Weapons Acquisition Systems Reform Through Enhancing Technical Knowledge and Oversight Act; and the fiscal 2009 war supplemental appropriations bill.

Mr. CANTOR. I would ask the gentleman what days he would think that the measures he discussed would come to the floor next week.

Mr. HOYER. I think that the 21st Century Green High-Performing Public Schools Facility Act will probably be on the floor on Wednesday. The weapons acquisition system and supplemental, I would expect the supplemental on Thursday or Friday, depending upon how our business proceeds.

Mr. CANTOR. Mr. Speaker, as the gentleman has discussed next week's schedule, I would like to ask the gentleman if he could give the House and the public a sense of what to expect for the following week as well.

Mr. HOYER. Well, we have a number of pieces of legislation. We have done a lot over this work period. We did the National Water Research Development and Initiative Act, credit card legislation, hate crimes, budget conference report, Mortgage Reform and Anti-Predatory Lending Act, which we passed, and the Fight Fraud Act, which we passed yesterday, and we did the predatory lending.

In addition to the items that I already mentioned for next week, we will be keeping, obviously, in touch with the Senate as to what they are passing. We get a number of these items at conference before we have a break on Memorial Day. We hope that will happen as well.

But we have a number of items that will be pending.

I hope to be able to move the D.C. vote bill, we are working on that, before the Memorial Day break, and we will see what the committees are able to report out in the coming week that we can put on the floor the last week.

Mr. CANTOR. I would ask the gentleman to follow up on the prospect of a vote on the D.C. bill and ask whether he could assure the Members on, frankly, both sides of the aisle who are concerned about the Second Amendment, whether there will be the necessary protections for the Second Amendment rights in that measure.

Mr. HOYER. I think all of us are concerned about the Second Amendment. I hope all of us are also concerned about 600,000 citizens in the United States of America who have a Representative in this House who can't vote. Unfortunately, too many people, in my view, voted against that bill.

So what we have now done is undermine the home rule rights of the District of Columbia, as well as preventing them from voting on this floor. I think that is very unfortunate.

As the gentleman is well aware, there are, obviously, significant differences on the amendment that was offered in the Senate. We are going to be considering how we can try to get this bill through. Because the reality is, neither position might enjoy a majority in the final analysis, either in the Senate or perhaps here.

So I am trying to figure out how we can give 600,000 of our citizens—an awful lot of us get up on this floor and we talked about how important it is, in the 1980s, behind the Iron Curtain, to get people free. We talk about, in Cuba, how it's important to get people free. We talk about how it's important, in some Middle East states, to give people a vote.

But here, in the Nation's capital, the center of freedom and democracy, we do not have a representative. Unlike any other capital of any other democratic nation in the world, their representative cannot vote in this parliament.

I think that's a tragedy. I think it's a diminishment of our democracy. And I will tell the gentleman that I would hope that this House would rise up as one voice saying this is not right, and we will pass the D.C. voting rights. We

can deal with other issues that are very important, but it certainly seems to me that we ought to deal with that issue directly.

Unfortunately, as you know, when Mr. DAVIS introduced that bill, a majority of your party, an overwhelming majority of your party, Mr. DAVIS being of your party, a leader in your party, did not support that bill.

There is no doubt that the amendment that was added in the Senate complicates its consideration here, which is why it hasn't come to the floor a long time ago. But we are trying to figure it out.

Mr. CANTOR. My question was not to get into the substance of the D.C. bill, but just to make sure that those of us who are ardent supporters of the Second Amendment rights would see that actually the citizens of the District of Columbia could enjoy those rights as well.

Mr. Speaker, I would ask the gentleman about the omission of the cap-and-trade bill in his discussion for the schedule for the next several weeks. The reports have indicated that Chairman WAXMAN has now committed to bringing that bill that has been debated, at least, in subcommittee, forward, or at least beyond that subcommittee, to the full committee instead of the discussion in the subcommittee.

It has given some of our Members some cause for alarm because, you know, this is a significant shift in policy. Some of us are very opposed to what this bill would do and have the consequences in mind of what this bill would do.

If we look, Mr. Speaker, at Members on our side of the aisle who are on that subcommittee who would like to have a say in the crafting of any legislation, especially in the area of energy, somebody like JOHN SHIMKUS who has a district that is very rich with coal, very, very concerning to him in terms of the economy and jobs. People like, on your side of the aisle, the gentleman from Louisiana, CHARLIE MELANCON on that subcommittee, very interested in industry; BARON HILL of Indiana, who also has big concerns on the coal issue; RICK BOUCHER, from my own State of Virginia. Southwest Virginia is abundant with coal and natural resources. It would devastate that region if such a bill were to go forward.

All of these Members, Mr. Speaker, do have a desire, I am sure, to be a part of the debate.

I would ask, is it the leader's intention that this is a good move? He is the leader. And his chairmen, one of them has decided to move the bill beyond the subcommittee. Is that something he supports?

And then is it the intention, I would ask of the leader, to bring the bill directly to the floor once, I assume, it passes the full committee?

Mr. HOYER. First of all, I want to say to the gentleman, the reason it's not on the calendar for the next 2 weeks, it was never intended to be on the calendar over the next 2 weeks. The intention, as I have articulated all along, and the chairman's intention, was to have a target of marking up the bill in committee prior to the Memorial Day break. So there was never any intention that a bill would be on the floor prior to the Memorial Day break.

Secondly, I would tell the gentleman, I don't know that the chairman has made a decision on whether to mark it up in subcommittee or mark it up in full committee.

I do know that it's going to be marked up in committee and open to an amendment in committee, open to debate and open to a vote. Now, whether it's in subcommittee or full committee, that determination, as I understand it, has not been made. But it will be, certainly, marked up in committee and subject to full debate.

Mr. CANTOR. Returning to next week's agenda, Mr. Speaker, for a moment, he mentions that the war supplemental will be coming to the floor, and it provides us with a chance, I know he agrees, to accomplish one of the most important things that we have to do here as a Member of Congress, which is to provide for the national defense of our country.

And as the gentleman knows, many of us, most of us, if not all Republicans, stand with this President in support of his strategy in Afghanistan and the general region, and Pakistan, Iraq, and we stand with the President in his support of our troops there.

I know that there have been, Mr. Speaker, some agreements on the gentleman's side of the aisle as far as the issues having to do with timetables, the issues of having to do with cutting off funding, of transfer of detainees from the Guantanamo Bay detention center facility.

So I assume, and maybe it's an improper assumption, Mr. Speaker, and I would ask the gentleman if he could comment, if he believes that he will need the help and bipartisan support to pass this bill that we are interested on this side in helping pass for our troops, is it his intention that we will have an opportunity to address some of these concerns on the floor, specifically if he could tell us whether an amendment such as that proposed by Mr. TIAHRT from Kansas and the Appropriations Committee banning any further appropriations being allowed in the area of transferring detainees from the Guantanamo Bay facility?

Mr. HOYER. The markup was just concluded. I have not reviewed the Tiahrt amendment, nor have I had discussions with the chairman regarding the rule and what amendments would be asked for or what amendments would be made in order.

Very frankly, I will tell my friend, it's not the majority that needs your help in passing this bill; our troops need your help in passing this bill, our country needs your help. And I appreciate your comments that you support the President in his efforts in Afghanistan and Pakistan.

□ 1600

We are confronted with an extraordinarily difficult situation, destabilizing situation, dangerous situation, and this supplemental obviously is directed at making sure that our troops have the resources they need to pursue the objectives that we and the President have given to them. We look forward to having that bill passed with bipartisan support.

Mr. CANTOR. I thank the gentleman. Mr. Speaker, I would say that, just to reiterate my point, my sense is—and I'm not the one that counts votes on his side of the aisle, but as a former whip, I know he knows that there is some difficulty, and it is my hunch that without the support of Republicans that the American people wouldn't see the money flow to their troops.

But I'd like to at this time, Mr. Speaker, if I could, yield to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. The majority leader is correct: the committee just finished consideration of this legislation and the Tiahrt amendment. During our debate, Congressman WOLF highlighted reports that he had received from law enforcement that three terrorists from the East Turkmenistan Islamist movement were scheduled to be released in McLean, Virginia, last Friday. But for his objection, that might have happened.

And so it gave an urgency to the Tiahrt amendment, since former Chairman WOLF, now Ranking Member WOLF, had received this report from local law enforcement in his district and was concerned that things were moving much quicker than otherwise we would have thought.

Mr. CANTOR. I thank the gentleman. Again, I would say to the majority leader, I think that that underscores the importance of a bipartisan effort here on this bill and, frankly, if he were to see coming forward a rule that would allow for us to have the disposition of these issues on the floor, I do believe the American people would be better served, and certainly our men and women in uniform.

With that, Mr. Speaker, I yield back the balance of my time.

## ADJOURNMENT TO MONDAY, MAY 11, 2009

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 12, 2009, for morning-hour debate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111–3)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and ordered to be printed:

*To the Congress of the United States:*

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 2010*.

In my February 26th budget overview, *A New Era of Responsibility: Renewing America's Promise*, I provided a broad outline of how our Nation came to this moment of economic, financial, and fiscal crisis; and how my Administration plans to move this economy from recession to recovery and lay a new foundation for long-term economic growth and prosperity. This Budget fills out this picture by providing full programmatic details and proposing appropriations language and other required information for the Congress to put these plans fully into effect.

Specifically, this Budget details the pillars of the stable and broad economic growth we seek: making long overdue investments and reforms in education so that every child can compete in the global economy, undertaking health care reform so that we can control costs while boosting coverage and quality, and investing in renewable sources of energy so that we can reduce our dependence on foreign oil and become the world leader in the new clean energy economy.

Fiscal discipline is another critical pillar in this economic foundation. My Administration came into office facing a budget deficit of $1.3 trillion for this year alone, and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, it is impossible to put our Nation on a course for long-term growth without beginning to rein in unsustainable deficits and debt. We no longer can afford to tolerate investments in programs that are outdated, duplicative, ineffective, or wasteful.

That is why the Budget I am sending to you includes a separate volume of terminations, reductions, and savings that my Administration has identified since we sent the budget overview to you 10 weeks ago. In it, we identify programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative. Overall, we have targeted more than 100 programs that should be ended or substantially changed, moves that will save nearly $17 billion next year alone.

These efforts are just the next phase of a larger and longer effort needed to change how Washington does business and put our fiscal house in order. To that end, the Budget includes billions of dollars in savings from steps ranging from ending subsidies for big oil and gas companies, to eliminating entitlements to banks and lenders making student loans. It provides an historic down payment on health care reform, the key to our long-term fiscal future, and was constructed without commonly used budget gimmicks that, for instance, hide the true costs of war and natural disasters. Even with these costs on the books, the Budget will cut the deficit in half by the end of my first term, and we will bring non-defense discretionary spending to its lowest level as a share of GDP since 1962.

Finally, in order to keep America strong and secure, the Budget includes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because we need to use all elements of our power to provide for our national security. We are not only proposing significant funding for our national security, but also being careful with those investments by, for instance, reforming defense contracting so that we are using our defense dollars to their maximum effect.

I have little doubt that there will be various interests—vocal and powerful—who will oppose different aspects of this Budget. Change is never easy. However, I believe that after an era of profound irresponsibility, Americans are ready to embrace the shared responsibilities we have to each other and to generations to come. They want to put old arguments and the divisions of the past behind us, put problem-solving ahead of point-scoring, and reconstruct an economy that is built on a solid new foundation. If we do that, America once again will teem with new industry and commerce, hum with the energy of new discoveries and inventions, and be a place where anyone with a good idea and the will to work can live their dreams.

I am gratified and encouraged by the support I have received from the Congress thus far, and I look forward to working with you in the weeks ahead as we put these plans into practice and make this vision of America a reality.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009*.

## JASON'S LAW

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. As I have previously stated on this House floor, tragically, on March 5, 2009, one of Schoharie County's citizens from my district, Jason Rivenburg, pulled his truck into an abandoned gas station frequently used by truckers in South Carolina as a rest stop, and was then and there violently and senselessly shot and murdered, robbed of a meager $7.

At the time of his death, Jason was a mere 12 miles from the destination that he was to arrive at, but was unable to make his delivery because he was too early.

Jason Rivenburg was 35 years old, leaving his wife Hope and son Josh behind. They had just moved into a new home. As if that stress was not enough, shortly after his death, Jason's widow delivered two healthy twins—a boy named Hezekiah, after his grandfather, and a girl named Logan.

Rivenburg's death sparked outrage and an outpouring of support for the family across our country. Truckers and family members are demanding that the government do more to protect truckers who risk their lives following rules that require that they pull over and rest after a certain amount of driving time.

There are few resources telling truck drivers, who are often unfamiliar with the local area, where a safe place to rest might be. Moreover, there are few safe places to rest in the first place.

Mr. Speaker, we must do more to support these incredibly important men and women. That is why trade groups such as the American Truckers Association, the Owner-Operator Independent Drivers Association, the Commercial Vehicle Safety Alliance, and the American Moving and Storage Association, and so many more, support H.R. 2156, Jason's Law.

Moving freight and goods is essential to keeping this country and our economy progressive. We must ensure that we move on H.R. 2156, Jason's Law, and support this measure by honoring a great man.

## SUPPORTING THE GOALS AND IDEALS OF JEWISH AMERICAN HERITAGE MONTH

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. I'm honored today to be here to celebrate May as National Jewish American Heritage Month. A little history lesson: in 1654, 23 Jewish refugees traveled from Brazil to present-day New York and founded the first Jewish communal settlement in North America. It really wasn't until 100 years earlier that the Spanish Inquisition descended upon the inhabitants of New Spain, where Jews decided to flee to Arizona, New Mexico, and Texas, and that really marked the beginning of a rich heritage of Jews in the Southwest.

The Jewish community in southern Arizona today is strong and vibrant and we have a tremendous amount of history. During Arizona's territorial years, Henry Lesinsky, a Jewish immigrant from Europe, immigrated to southern Arizona and spearheaded the copper mining business in southern Arizona, and really, Bisbee of today is a legacy of his. Another pioneer, Isadore Solomon, a Jewish banker, founded Valley National Bank, which today is known as BankOne.

This week we are also recognizing the 61st anniversary of the State of

Israel. In my trips to Israel, I have had a chance to witness the resiliency and resolve of its citizens.

So I'm proud, Mr. Speaker, to join with Jews of the Southwest to celebrate our heritage around the world, as well as to recognize Israel's 61st anniversary.

## NATIONAL TEACHER DAY

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Today, I rise in recognition of the National Education Association's National Teacher Day. Few professionals touch as many lives as teachers do. They provide us with the knowledge and skills we need to succeed in life, and their dedication deserves national recognition.

That is why I have introduced legislation again this year calling for the establishment of an officially recognized National Teacher Day.

The education of our children is critical to the future success of our country, and despite limited compensation and increasingly high expectation, our teachers rise to the challenge each and every day.

Teachers are a critical component to increasing our global competitiveness and once again establishing our country as a world leader in science, math, and other fields.

My mother was a public school teacher, and I know the hard work that she put in to ensure that every one of her students was prepared to success in the classroom and in life.

To all the teachers of south Florida and across the country, thank you.

□ 1615

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes.

## JEWISH AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise to commemorate the fourth annual Jewish American Heritage Month, which takes place in communities across the country each May.

Jewish American Heritage Month promotes awareness of the contributions American Jews have made to the fabric of American life, from technology and literature to entertainment, politics, and medicine.

As we are all well aware, the foundation of our country is built upon the strengths of our unique cultures and backgrounds. Yet, while our diversity is America's strength, ignorance and intolerance about the culture, traditions, and accomplishments of the Jewish people are still prevalent. Jews make up only 2 percent of our Nation's population, and, therefore, most Americans have had few interactions with Jews and our traditions.

I personally experienced this lack of knowledge when I was a student in the dorms at the University of Florida. While at school, a fellow student noticed my name and said, ''Wow, you're Jewish? I've seen pictures, but I've never met a real one.''

Now, this girl did not mean any harm, but the limited understanding of the Jewish people and our historical role in the Nation's development leads to ignorance, which contributes to stereotypes and prejudices.

According to the Federal Bureau of Investigation's most recent Hate Crimes Statistics report, 68.4 percent of criminal incidents motivated by religious bias stemmed from anti-Jewish prejudice. Additionally, due to a lack of understanding, some Americans perceive Judaism as only a religion, when, in reality, Judaism is a religion, a rich tradition, and a culture that dates back 4,000 years. Mr. Speaker, this is why communities across the country have come together to celebrate Jewish American Heritage Month.

A few years ago, the Jewish community in South Florida approached me with the idea to honor the contributions of American Jews with a designated month each year. As the concept gained momentum, 250 of my colleagues joined me as original cosponsors of a resolution urging the President to issue a proclamation for this month. Senator ARLEN SPECTER led the effort in the Senate, and together the House and Senate unanimously passed a resolution supporting the creation of Jewish American Heritage Month. In May of 2006, we celebrated this important occasion for the first time and have been celebrating each May since then.

Now, the month of May introduces Jewish culture to the entire country and dispels harmful prejudices. Like Black History Month and Women's History Month, Jewish American Heritage Month recognizes the abundance of contributions American Jews have made to the United States over the last 353 years. It is my hope that by providing the framework for the discussion of Jewish culture and contributions to our Nation, we will be able to reduce the ignorance that ultimately leads to anti-Semitism.

One way Jewish American Heritage Month counters these prejudices is by providing educators the opportunity to include American Jews in discussions of history, as well as highlighting the leadership of members of the Jewish community in significant historical events.

For example, it might surprise many to learn that it was an American Jew, Irving Berlin, who wrote the lyrics to the song, ''God Bless America.'' Even the very foundations of our country were impacted by Jews. Haym Salomon, a Jewish man, was one of the largest financiers of the American Revolution War. And Rabbi Joachim Prinz was a passionate civil rights activist, appearing on the podium just moments before Dr. Martin Luther King delivered his ''I Have a Dream'' speech. And the list goes on.

This year's Jewish American Heritage Month has been packed with programs celebrating the contributions of American Jewry to our countries with movies, cultural exhibitions, speakers, and innovative educational curricula. Right here in Washington, the United Jewish Communities and the Jewish Historical Society of Greater Washington will be hosting a reception for Members of Congress and members of the Jewish community. J Street will also be hosting a reception to celebrate May as Jewish American Heritage Month with Members of Congress, their staff, and the Jewish community.

But that is not all. The Library of Congress and the National Archives and Records Administration will be hosting lectures, exhibits, and discussions about Jewish contributions to America. In my home State of Florida, there will be a celebration of Jewish contributions to the civil rights movement, and the major league Florida Marlins baseball team will host a Jewish Heritage game, with kosher food and Jewish music in between innings. Cincinnati will be hosting lectures, including one on President Lincoln's solid relationship with American Jews. And Wyoming will host a festival celebrating Jewish food, and we all know how much we love food! Events are also scheduled to occur in New York, California, Texas, and other States around the country.

Mr. Speaker, we have come a long way in recent years to promote appreciation for the multicultural fabric of the United States of America. It is our responsibility to continue this education.

If we, as a Nation, are to prepare our children for the challenges that lie ahead, then teaching diversity is a fundamental part of that promise. Together, we can help achieve this goal of understanding with the celebration of Jewish American Heritage Month.

I thank my colleagues for their support, and call on all Americans to observe this special month by celebrating the many contributions of Jewish culture throughout our Nation's history.

## RECOGNIZING THE SUDAN NETTES GIRLS BASKETBALL 2009 STATE CHAMPIONSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. NEUGEBAUER) is recognized for 5 minutes.

Mr. NEUGEBAUER. Mr. Speaker, I am proud to rise today to congratulate

some champions in the 19th Congressional District of Texas. I proudly congratulate the Sudan Nettes girls basketball team of Sudan High School in Sudan, Texas, for winning the Class 1A, Division I State championship in 2009.

The Nettes finished the 2008–2009 season with 35 wins and only five losses. The championship squad includes seniors Whitney Robertson, Skylar Sowder, Amy Tiller, and Brittany Williams; juniors Lacee Logan and CeCe Williams; sophomores Emylee Gonzales, Desiree King, Chelsea Locke, and Mariah Steinbock; and freshmen Baylee Black and Danielle Logan. Led by head coach Jason Cooper, the coaching staff includes assistant coaches Lisa Logan and Mark Scisson.

Following a frustrating loss in this last year's State finals, the Nettes demonstrated their hard work and determination during the off-season. In this year's final, their focus on teamwork paid off in a 71–38 victory over the Roscoe Plowgirls, the third largest margin of victory in Class 1A history. With this win, Sudan earns its fourth State title and its first since 1994.

I applaud the Nettes' hard work and tradition of success. With great support from the community, the team proved itself as the best basketball team in Class 1A. The Sudan Nettes continue to exemplify the principles of competitive spirit and success on and off the court.

Also, Mr. Speaker, I proudly congratulate the Muleshoe Mules high school football team for defeating Kirbyville on the way to winning the Class 2A, Division I State football championship in 2008.

Establishing a tradition of success, the Mules have made their State playoffs 9 out of the last 10 years under Head Coach David Woods. In 2008, the Mules demonstrated their talent and determination by ending the football season with a perfect 15–0 record. This is the first State football championship for Muleshoe.

Quarterback Wes Wood passed for 4,532 yards for this season, with 230 of those yards in this year's championship game.

In another exceptional championship performance, Lane Wood ran for 160 yards and two touchdowns. The Mules scored four consecutive touchdowns in the second half to achieve a final score of 48–26.

I applaud the Mules' hard work and resilience through the 2008–2009 season. With great support from the community, the team proved itself as the best 2A football team in the State of Texas and an inspiration to all of us. The Muleshoe Mules continue to exemplify the principles of competitive spirit and success on and off the field.

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

(Ms. WOOLSEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

## HONORING DEWEY SMITH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to pay tribute to Dewey Smith, a young man who tragically lost his life on Tuesday, May 5, this past Tuesday, in the course of his duties at the Aquarius Undersea Research Station. He will be greatly missed by his friends, his family, and his colleagues.

Dewey's life was tied to the sea from his childhood growing up on the Gulf Coast in Panama City, Florida. As a young man, he served his country as a United States Navy hospital corpsman. For 5 years, he cared for the health and well-being of his fellow sailors. After leaving the Navy and attending college, he found himself at home back in the water, training at Florida State University's underwater crime scene investigation program focusing on scientific and surface supply diving. Eventually, his path led him to NOAA's Undersea Research Center, Aquarius.

Aquarius combined the elements of Dewey's passion for science and the sea. Located 3½ miles off the coast of Key Largo, Florida, the underwater laboratory is dedicated to scientific research and training missions. It is the only permanent underwater laboratory in the world, and its facilities are used in partnership with NASA, the Navy, and countless scientists around the world to train astronauts, divers, and develop new technology. Since it began operation in 1993 at its current location, Aquarius and its team have safely conducted more than 90 missions with no significant prior accidents.

The contribution to ocean science by Dewey Smith and his fellow aquanauts is immeasurable. The Aquarius Reef Base supports a long-term coral reef monitoring platform, an ocean observation platform, and surface-based research.

Since its inception, the team at Aquarius has employed a coral reef and fish monitoring assessment program to track the devastating impacts of climate change on marine ecosystems.

Aquanauts such as Dewey Smith have also successfully reached out to the world beyond the scientific community, successfully educating school children, environmental activists, and government agencies on the changes occurring in the world's oceans. Employing state-of-the-art communication technology, the aquanauts correspond with students and the public while underwater on long-term missions. Dewey's response to school children's questions reveal not only his expertise and eloquence, but his sincere desire to share that knowledge gained at Aquarius in the hopes of saving the marine ecosystem he worked with.

The work done at Aquarius by brave aquanauts such as Dewey Smith improves the lives of many Americans, from astronauts, whose health and safety are ensured through technology developed underwater, to fishermen, whose livelihoods depend on understanding the effects of climate change on the world's marine ecosystems.

Mr. Speaker, this Monday, quite rightfully, our Nation will gaze in wonder and admiration at the astronauts who will lift off yet again in the space shuttle. As courageous and important as the work those astronauts do, I believe that the work done by the aquanauts at Aquarius is no less courageous and no less essential to our understanding of our world and the well-being of civilization.

Dewey Smith, along with the other Aquarius aquanauts, risked and committed his life daily not only for his love of the sea but for the cause of research, education, and conservation, which benefits us all.

In a few short minutes on Tuesday afternoon, a dedicated aquanaut was suddenly lost in the course of an otherwise standard mission. Let us not risk losing the work, however, that he was so passionate about. I stand today not only to mourn the death of a beloved friend, son, brother, and colleague, but to urge that this mission continue.

Looking forward, I hope that Dewey's life will continue to inspire the important work of preserving the world's oceans. I offer my sincere condolence to Dewey Smith's family, to the entire Aquarius team, and ask that this House honor him as a man who died serving his country in pursuit of scientific progress.

Mr. Speaker, I ask the House observe a moment of silence in honor of this courageous government employee and researcher.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE of Texas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## HONORING JOHN A. GARRETT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, today I rise to congratulate, pay tribute, and honor a great American on the occasion of his 100th birthday.

John A. Garrett turns 100 years old this Sunday, May 10th. The Governor of Alabama has declared this Sunday John A. Garrett Day in the State, and the mayor of Montgomery has done the same in our State's capital city.

I want to join in sharing my best wishes with those loved ones and friends who will be sharing in this, celebrating the milestone on Sunday in Snowdoun, Alabama.

John A. Garrett, born on May 10, 1909, was the fourth from the oldest of 10 children. He is the last surviving sibling in his family.

John A, as he is affectionately called by his friends, attended Auburn University, which was then called the Alabama Polytech Institute. He graduated with a degree in civil engineering in 1936. There, he met the love of his life, Ms. Katherine Stowers, whom he married that same year. They have two daughters, Mary John, and Kitty Walter.

□ 1630

John A. is one of those type individuals that when you meet him, you can't help but like him. He has received numerous awards and acclamations throughout his career. John A. was quite a multitasker during his career, which spanned many decades, in various lines of work, whether it was during the Second World War as he served in the Corps of Civil Engineers or as the State director of the Farmers Home Administration, where he served both during President Nixon's and President Ford's administrations.

John A. was also a gentleman farmer and served at the Alabama Farm Bureau. He also did work in construction. And at the age of 76, he founded the Alabama Rural Water Administration, which he served for 17 years. But of all the things John A. is known for, probably his great storytelling ranks among the top.

So, Mr. Speaker, on this momentous occasion of reaching a century mark, which very few people get the opportunity to celebrate, I wish this great American all the best, many more years to come, and happiness and God's blessing to him and his family.

## MOTHER'S DAY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. MOORE) is recognized for 5 minutes.

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to mark the upcoming celebration of Mother's Day this weekend, Sunday, May 10. Mother's Day is a joyous occasion. And one of the reasons that Mother's Day is just such a celebration is that we all recognize the important role that mothers play not only in the lives of their biological children, but in the life of the entire community. It has been astutely observed that the hand that rocks the cradle rules the world.

However, for too many women in our world, the journey to motherhood, pregnancy and childbirth is a death sentence rather than a reason for celebration. For every woman who dies, another 20 survive but must suffer from the illnesses or injuries incurred during pregnancy or childbirth. Maternal mortality is the highest health inequity on the planet Earth, with more than 99 percent of deaths in pregnancy and childbirth occurring in the developing world. And we don't really have to look that far to find those inequities right here in our own hemisphere. Haiti has the highest maternal mortality rate in the Western Hemisphere.

Women in the world's least developed countries are 300 times more likely to die in childbirth or from pregnancy-related complications than women in the developed world. And this is a tragedy that is compounded by the fact that these maternal deaths are preventable. When a woman dies after giving birth, the mortality rate for the now motherless newborns can be as high as 90 percent in poor countries.

Fortunately, there are known interventions, proven interventions that can be implemented to reduce maternal mortality. However, we need to invest more in the programs to fund these interventions. By one estimate, the U.S. would need to increase its investment in global maternal health efforts up to $1.3 billion a year in order to help achieve the Millennium Development Goal of reducing global maternal mortality by three-quarters by 2015. And out of eight Millennium Development Goals—eight—the goal to reduce maternal deaths has had the least progress being made on it.

Additional funds would help increase access to prenatal care, neonatal care and postpartum periods. It would provide up to 4 million health professionals who are needed in developing countries. Six of the seven countries with the highest levels of maternal mortality have less than one doctor for every 10,000 people. The severe shortage of health care workers and the poor quality of care must be addressed to achieve reductions in maternal mortality.

This week, President Obama unveiled a new global health initiative that will call for increased U.S. investment in global health programs. And I am thrilled that one of the identified goals for this new initiative is to reduce the mortality of mothers and children under 5 to save millions of lives. As a mother, I know that being a mother is one of the greatest joys and blessings ever enjoyed on this planet.

Again, I wish all of you, all my colleagues and their constituents, a happy Mother's Day. And I would hope that we would spend a moment thinking about all the mothers-to-be, a half-million women a year in the world, who never, ever, ever enjoy motherhood because they die in pregnancy needlessly.

## HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. KIRK) is recognized for 5 minutes.

Mr. KIRK. Mr. Speaker, over the last weeks, I have spent hundreds of hours helping craft a moderate, centrist bill on health care.

Our country should work on lowering the costs of health insurance. And while a nationalized government HMO could prompt tax increases, inflation and a decline in quality, we could instead enact policies that lower the costs of health insurance for Americans.

When we reform health care, we should follow key principles. First, reforms should defend your relationship with your doctor. Insurance companies already interfere with much of our care, and a government HMO would do worse. Second, reforms should reward the development of better treatments and cures. Americans support treating diseases like diabetes, but they are passionate about a cure. And finally, reforms should be sustainable because so many senior citizens depend on them. The worst thing we could do is enact a program that we cannot afford.

In considering health care reforms, Americans look to Canada and Britain as models. Canadians have a different view. While over 60 percent of Americans are actually satisfied with their health care plan, only 55 percent of Canadians are happy. Over 90 percent of Americans facing breast cancer are treated in less than 3 weeks, while only 70 percent of Canadians get such quick treatment. Meanwhile, thousands of Canadians seek treatment in U.S. hospitals. The average Briton waits even longer, 62 days. Britain has fewer oncologists than any other Western European country. It is no wonder Britain ranks 17 out of 17 industrialized countries in surviving lung cancer.

The most dramatic differences come in the field of cancer, where Britain's most respected medical journal, The Lancet, published results on a review of European and American survival rates. In short, The Lancet reported, American men have a 66 percent chance of surviving cancer, European men 47 percent, American women 63 percent, European women 56. In short, you are more likely to live if you are treated in America.

Newborns, most at risk, need the care of a neonatal specialist. In the United States, we have six neonatologists per 10,000 live births. In Canada, they have fewer than four, in Britain fewer than three. In this country, we have more than three neonatal intensive care beds per 10,000, just 2.6 in Canada, less than one in Britain. It is no wonder babies in Britain are 17 percent more likely to die compared to just 13 percent a decade ago.

The starkest difference appears when you are sickest. In Britain, government hospitals maintain nine intensive care beds per 100,000 people. In America, we have three times that number, at 31 per 100,000. In sum, Britain has less than two doctors per 1,000 people, ranking it next to Mexico, South Korea and Turkey.

Stories of poor care under government-only systems are common in Britain. Last February, the Daily Mail reported on the case of Ms. Dorothy Simpson, age 61, who had an irregular heartbeat. Officials of the National Health Service denied her care, telling her that she was ''too old.''

The Guardian reports in June that one in eight NHS hospital patients have waited more than 1 year for treatment. In Congress, we have proposals

to create a new option for Americans to sign on to a government health care plan. Proponents claim that this will offer a choice between their current health insurance and the government plan. That is what proponents say. What they do not say is that under many of the major pieces of legislation under consideration, the government health care plan is funded by ending the tax break employers receive for providing health care insurance. This tax break supports health insurance plans for most families, 165 million Americans. Do they know that the legislation being considered will trigger a tax decision by their employer to cancel health insurance for their family, leaving them actually no choice but an untested, brand new, government-only HMO attempting to care for their family?

The new legislation also depends on funding from a climate change bill that press reports indicate a number of majority Members will not support. Without funding from a climate change bill, there is little revenue except borrowing or printing more money to support new government health care.

Seniors and low-income Americans depend on the promises we make. The worst thing we can do is make commitments that are too expensive and pull the rug out from those who can least afford to cope. We should back reforms that the government can afford to keep. And we will be putting forward new legislation on that in the coming days.

There are a number of steps that Congress should take to bring down the cost of medicine.

First, we should expand the number of Americans with access to employer-provided health care. One of the best ways to do this is by allowing small businesses to band together to form larger pools of insurable employees.

Second, the Congress should expand access to care for millions of self-employed Americans without insurance. A refundable tax credit for individuals equal in value to the same tax breaks large employers get would help them to buy insurance.

Third, as jobs become more portable, so should health insurance. We should protect Americans who lose their jobs and families excluded from coverage by pre-existing conditions. Congress can remove the current 18-month time limit on COBRA continuing coverage, giving family members the option of always sticking with the insurance plan they currently have.

Fourth, we must pass common-sense measures to bring down health care costs. The VA already uses fully electronic medical records to care for 20 million patients while saving lives and cutting wasteful spending. We also need lawsuit reform. We need federal lawsuit reforms to lower malpractice insurance premiums and retain doctors in high-risk professions.

In sum, I working with Congressman CHARLES DENT, my co-chair of the Moderate Tuesday Group of 32 moderates on a health care bill. We will have a detailed plan by the May recess that makes, insurance less expensive . . . and therefore covering more Americans without burdenings our treasury with new borrowing needed from China or any other country.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## GLOBAL WARMING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, it is great to have this opportunity to come down to the floor once again to get the floor and the country ready for the debate on global warming. And I just want to put a couple of things in perspective. What the whole global warming bill intends to do is to monetize, which means put a cost, for carbon emissions. Now everyone knows that when you add a cost, it will be passed on, so hence the debate that we have been dealing with in the committee over the last couple weeks about raising energy costs. And it has mostly been on the premise of monetizing carbon, either by putting on a carbon tax, or monetizing carbon through what is called a cap-and-trade regime where you have marketeers purchase carbon credits. That is only one aspect of the rise of energy costs, because we do know that the producers will pass that on to the end users. And who are the end users? That is us. That is individual consumers, that is manufacturing, that is the service sector and that is the government. It will be passed back on to us in higher costs for us.

There are other additional costs involved in this whole program, in this whole plan. And the other aspect of costs is the energy it will take for utilities to capture carbon dioxide. At a power plant that is being built that I just visited, 40 percent of the electricity that it was going to sell on the open market would now go internally to try to capture the carbon. So if they were going to sell 1600 megawatts of power, now they are only going to be able to sell about 950 megawatts of power because they are going to have to internally use that.

Now if they have done the investment, doing a cost-benefit analysis and return on that, not only will they have less power to sell on the market if the demand is the same, the supply is less and the cost will go up. But they will also have to have a second cost increase, which will be buying the carbon credits. Now those are two areas by which electricity costs will increase.

Well there is another area where electricity costs will increase because we are going to push an efficiency standard on utilities, which is another aspect that they are going to have to make major capital investments. So we have three times a burden on utilities, which they will pass on to the consumer.

□ 1645

Now, the concern many of us have, if we want to maintain our jobs and we want to maintain our competitive force in the world economy, we have to have low-cost power. The other thing that is really hard to understand is why would we unilaterally raise the cost to produce goods and services when the major emitters of the world today will not be forced to comply.

Here is a chart of the important transmissions and emitting countries. It would surprise a lot of people to notice here at the bottom is the United States. We have had very little growth in emissions. Where has all of the growth come: Africa, the Middle East, Latin America, Southeast Asia, India, China, Korea, Eastern Europe. This is the increase in the emissions.

So as we come to this debate if we just want to be straightforward, we are going to say if we are going to enforce all this pain on the U.S. economy at a time when this economy really can't accept the pain because of the job losses, shouldn't we have some gain? The reality is we could stop our carbon emissions today and put it to zero. And what will happen to worldwide carbon emissions? They will go up. We could go to zero. They would go up. That is no way to address a problem.

We have declining carbon emissions in our economy today, and the reason why we have it is because of the recession we are facing. So job loss, manufacturing loss creates lower emissions which is what my friends on the other side of the aisle would like to see. We are going to fight to defeat it.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

(Mr. MCHENRY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maine (Ms. PINGREE) is recognized for 5 minutes.

(Ms. PINGREE of Maine addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Thank you, Mr. Speaker.

I am here to tonight to claim the time on behalf of the Progressive Caucus. The Progressive Caucus come to the floor every week to talk about a progressive vision for America, to discuss what America is and could be, to embrace the idea that everyone does better when everyone does better, to embrace the idea that we should look at the world with courage, not with fear, that we believe in dialogue, we believe in discussion. We believe in people doing well, and we believe in radical abundance, not fear of scarcity, a progressive vision; yes, even a liberal vision of an America which is doing well because everybody is working. We are promoting broad-based economic policies that allow for a higher quality of life for all Americans.

Yes, the Progressive Caucus comes to the floor every week to talk to the American people and with our colleagues about these critical issues.

Tonight we have a great topic, but before I announce tonight's topic, I just want to say we are very, very happy and pleased to be joined by a dynamic advocate for the cause of human justice, none other than Congresswoman GWEN MOORE of the great State of Wisconsin.

Ms. MOORE of Wisconsin. Thank you, Mr. ELLISON.

I would start out by acknowledging all of the tremendous work that the 9 to 5 Organization, founded in Milwaukee, Wisconsin, has done around the issue of the importance of providing sick pay to workers.

People may not realize it, but workers nationwide have no sick pay. That is particularly relevant right now when you consider the beginning of this global pandemic, the swine flu. We had school closings all across the country. Parents were forced to take off work to take care of their children because of the quarantine conditions that were ordered by health departments. Not only did they do it because they were responding to a potential health crisis, but families living on a budget now have to deal with the decreased wages they are experiencing.

And, of course, when children become ill, parents can't afford to miss work so they go to work anyway and infect other people at work. They send their kids to day-care and infect other children. And, of course, employers suffer, many of them who are small businesses because they find that there is a loss of productivity.

One of the greatest losses of productivity for an employer are employees who are sick. And they become sick because other workers are unwilling to lose a day's pay because of a little cold that turns out to be either the swine flu or maybe even worse, the regular flu that is quite deadly and quite contagious.

This drives up medical costs, and God forbid that a spouse or a child falls gravely ill or is seriously injured because that worker then has no choice but to immediately seek medical help and take the loved ones to a doctor or hospital, and more absenteeism occurs and they maybe end up losing their jobs because small businesses cannot really afford to have their businesses shuttered while people are ill.

In my district, 51 percent of the African American male population is jobless, and it is the largest racial disparity in unemployment and poverty in the country. Forty-three percent of the city's workers earn less than $20,000 a year, and many are among the 122,230 Milwaukeeans, which make up 47 percent of the private workforce, who do not have sick days.

Last year in my district, the city of Milwaukee approved a binding referendum on the 2008 ballot that called for private employers in the city to provide paid sick leave for all workers, and this was due in part to the diligent effort of the unions and the community groups led by the National Association of Working Women, 9 to 5. And so now, Milwaukee, Wisconsin, is one of only three cities in the country to require private employers to provide paid sick days.

It is smart economically because the lack of paid sick days is hurting Milwaukee's economic development.

Mr. ELLISON. Congresswoman MOORE, is that why it might be a good idea to support the Healthy Families Act, which is H.R. 1542, which is critical to guarantee workers up to 7 paid sick days a year?

I yield to the gentlelady.

Ms. MOORE of Wisconsin. Thank you for yielding.

This is a very important piece of legislation offered by the gentlewoman from Connecticut (Ms. DELAURO). I am so proud to be an original cosponsor. This makes so much sense.

Let me tell you what happens. The reality is when people don't have paid sick time, they cheat. They lie. When they are really sick, they don't come to work anyway. And worse, they neglect basic health care needs. They don't get their kids vaccinated. They don't take care of their teeth. They don't catch diseases and get basic health care like mammograms. They don't get them and catch these diseases early when they don't have built-in sick days. There is no employer on this planet that would wittingly deny someone basic health care knowing that an early detection of cancer would have saved their lives but for the fact that they didn't have paid sick days.

Mr. ELLISON. I quite agree with the gentlelady from Wisconsin who pointed out that the Healthy Families Act is a great piece of legislation, something that is progressive, something that makes sense for America, much like legislation of the past which supported workers' rights. What this piece of legislation would do for Americans, it would allow Americans to recover from short-term illness, it would allow Americans to care for a sick family member, it would allow Americans to seek routine medical care, or to seek assistance related to domestic violence.

Some people might think, ''Oh, my God, that's going to cost us a lot of money.'' If people are that sick or in serious dire straits, they're taking the time off anyway. You're not planning for it, it's not in the schedule and there's no accommodation. If somebody can come in and say, look, straight up, I've got to take the day off because I'm sick and I have 7 days I can take, then what happens is you have greater productivity because workers are taking the time off they need to get well; workers are taking their kids to get the immunizations they need; workers are now actually engaging in preventive health care which means that they are not going to have to take extended periods of time off and thereby cut productivity.

By expending the money that it would take to provide the 7 sick days that are called for under the Healthy Families Act, businesses would save money. Businesses would be better off because we would have greater productivity and a healthier workforce over time. It's what my mother would call being penny wise and pound foolish to deny this legislation. But it would also be what my mother would call an ounce of prevention is worth a pound of cure if we were to have a great piece of legislation like the Healthy Families Act.

As you pointed out, as fear of the missed and inaccurately called swine flu is going around, and it should be called the H1N1 virus—not as catchy but it's more accurate—the fact is that such legislation at this time, so people could get the flu shots and checkups that they need, in times like this would be a great idea.

As you pointed out in your original 5-minute, it would help moms out, wouldn't it?

Ms. MOORE of Wisconsin. Absolutely. There is also a class issue here. Seventy-nine percent of low-income workers, nearly half of our private sector workers, have no paid work sick leave. I think it is something that we take for granted as we move up the hierarchy that we can go to the dentist or we can have good prenatal care when we expand our families.

A University of Chicago survey in 2008 found that one in six workers were fired for taking personal time off for illness for themselves or a sick relative. That is absolutely egregious. Like you said, it is penny wise and pound foolish. Say you own a small business, a small dry cleaners and someone has the flu and they come to work and infect everyone, then you have to shutter the business because you can't run a business like that yourself, instead of allowing that person to stay home during that infectious period of time. You are absolutely correct.

Mr. ELLISON. I do thank the gentlelady for nailing this point. It is so important. It is part of the progressive vision that we would have an important piece of legislation that would really help Americans like the Healthy Families Act. At a time when we are concerned about illness and sickness, this kind of bill would be embraced by a progressive vision. A bill that says, hey, look, you guys, let's give 7 paid sick days to workers. This is not unusual when you compare it to what workers get in Europe, for example.

□ 1700

It actually makes a lot of sense. You would have healthy workers, more productive workers, and as you pointed out, the gentlelady from Wisconsin, Congresswoman MOORE, we would have people who go to the doctor rather than come in while they're sick.

Let me just point out a few other important facts; you already hit a number of them already. But according to that University of Chicago study that you referred to, one in six workers report that they or a family member have been fired, suspended, punished, or threatened with being fired for taking time off because of personal illness or to take care of a sick relative. The lack of paid sick days is a major public health concern.

As we try to prevent the spread of the H1N1 virus, the Centers for Disease Control and Prevention, the CDC, has issued important guidelines that are sound and prudent: if you get sick, stay home; if you get sick, don't go to work or school; limit contact with other people. But how can you do this, I ask the gentlelady from the great State of Wisconsin, if it is going to cost you economically, if you are already close to the edge economically, if that job that you're on says that you don't have health insurance? You are paid by the hour, and you know that if you don't work, you don't get no money, you don't get paid. What, then, do you do if you do not have a bill like the Healthy Families Act? I think it is important that we get such legislation.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Well, you know, gentleman from Minnesota—thank you for yielding—it's human nature: people make economic decisions and they prioritize, unfortunately, those economic decisions over health decisions.

I think people feel lucky, that maybe they won't spread disease, that maybe if they give their kid a couple of aspirin they will feel better and they can just send them on to school anyway, because the consequences of taking off work are very imminent, that they won't be able to make this month's rent. Remember, I said 79 percent of those folks who have no paid sick time are low-wage workers, they can't risk losing that money, that $80 that day, that $65 that day, they can't afford to do it. They don't have a relative or a neighbor or a friend who can stay home with their children while they are sick so they can go to work. And so they just roll the dice, they roll the dice. And again, that lump that just didn't feel quite right in their breast, you know, they ignore it.

And it shows up in so many other data in statistics. You find poor people who succumb to illnesses and die of diseases that could be cured, not because they are more susceptible to diseases, but because they don't catch them early enough. And of course that raises the cost of health care.

We heard our colleagues talking about the high cost of health care earlier. Well, of course health care costs more once your kidneys fail and you end up on dialysis because you didn't have a simple high blood pressure pill that could have been diagnosed earlier. Of course it costs more when you don't catch cancer at its earlier stages. Of course it costs more when diseases are allowed to fester to a point that you wind up in a very expensive ambulance and an emergency room instead of a sensible doctor's visit.

We have had children in this country who have died from what started out to be an abscessed tooth, something that could have been prevented with regular visits to the dentist. We have so much proof that when you increase copayments, when there are any economic consequences of seeking health care—and not having paid sick days is an economic consequence—when there are economic consequences, people delay health care until it becomes a fire.

Mr. ELLISON. If the gentlelady would yield.

Ms. MOORE of Wisconsin. I will yield.

Mr. ELLISON. Well, I think what you are saying is so very important. It is part of a progressive vision for America. It is part of the idea that, hey, we all do better when we all do better. You are not a sucker or you are not a person who is gullible if you believe that it is a good idea to look out for your fellow Americans. You are a person who may be a very savvy business person because you know that by supporting the Healthy Families Act, it may cost you a little bit to give paid sick leave days for some of your low- and medium-income workers, but it will allow you to keep that dry cleaners going over the long term; it will allow you to keep your small business moving, your store, whatever it is that you may be doing, your lawn care business. You may be able to stay out there because you know you have workers who can take the day off and go get that checkup, who can take the day off and look after that child so that when they are at work, you have an alert, healthy worker. It makes so much sense.

And as we began this health care debate, I noticed that one of our colleagues was doing a 5-minute speech, talking about how he is against a public plan. Well, I want to tell everybody, and I think it's important to note that when you talk about comprehensive health care reform, part of it has got to be giving low-income and medium- and moderate- workers paid sick days. Let's face it, if you are an executive, if you are at the top of the food chain economically and you are sick, you can take a day off. But what if you are a line worker, what if you are at the front desk, what if you are a low-wage worker, what if you are a minimum-wage worker? That's when you don't see many of the bennies going around. Or you could take a day off, but you're not getting paid for it. And in that case, you are forcing the worker into a terrible choice: lack of income or health. Which do you want to pick today? And that is something that people are too close to the edge to make a decision on.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. All right. Thank you for yielding, gentleman.

Senator EDWARD KENNEDY and ROSA DELAURO have worked collaboratively on this bill, and they have actually calculated, through their studies, the cost of what they call ''presentee-ism''—I guess that's the opposite of absenteeism—at work.

Mr. ELLISON. Will the gentlelady yield?

Ms. MOORE of Wisconsin. I will yield.

Mr. ELLISON. What is presenteeism? Is it anything like absenteeism? I yield back.

Ms. MOORE of Wisconsin. Presenteeism is the opposite of absenteeism: when you show up to work sick, knowing you're sick—because of your own self-interests of not losing a day's pay—infecting everyone at work. This costs our national economy $180 billion annually. Showing up sick costs $180 billion annually. And so for employers, this cost averages $255 per employee

per year and exceeds the cost of absenteeism and medical and disability benefits.

I yield back.

Mr. ELLISON. Well, thank you for that important statistic because we have got to count up the bill.

The real difficulty in a bill like the Healthy Families Act is that we know that some people who are just looking to the next quarter, the next minute, the next moment, and if they are going to have to spend a little bit of money in the short term, they are going to say, well, that is going to cost money. Well, you know what? Not doing it is going to cost way, way, way more money.

So the Healthy Families Act is a part of a progressive vision. It is just like the Wagner Act, which guaranteed workers the right to organize, just like Social Security, just like Workers' Compensation, just like a number of important programs and pieces of legislation passed in America that may have been considered liberal—or even radical at one time—but Americans have come to rely on and expect from our government. It is part of what we do as Americans together: we share. We allow in the marketplace that you can do your own thing, you are free to come up with your idea and make your money, but certain things we do together. We defend the Nation together. We defend our streets with the police together. We provide justice through our courts together. We make sure our elderly are not eating dog food through Social Security. We do this together. We make sure that people whose parents die have survivor benefits through Social Security. We build infrastructure together. And this is another thing we should do together. We should come together and say that 7 days of paid sick leave a year is a very modest request, particularly for low- and moderate-income workers. And it pays tremendous dividends down the line.

If the gentlelady would allow me, I just want to share a couple of stories from my own State of Minnesota.

Chrissy from Minnesota. Chrissy says, ''I am currently a stay-at-home mom''—happy Mother's Day, Chrissy—''however, prior to that I worked as a natural foods manager in a conventional grocery store for 6 years. This company offered no sick leave at all to any of its employees. Many people often work sick out of necessity.''

Chrissy, we are trying to do something about it.

Amanda from Minnesota: ''I am fortunate enough to have sick time at my job at the University of Minnesota. When I was in my early 30s, I was totally healthy, exercised regularly, was at a healthy weight, and suddenly developed a rare kidney disease requiring multiple trips to multiple clinics to get multiple diagnostics. This took a lot of time away from work. Thankfully, I was able to get paid for this time. If I didn't have any income, in addition to the stress of the condition, it would have been unbearable.

''I am not so naive to believe that this is a reality of every workplace. I am very much aware of the fact that many people face struggles similar to mine on a daily basis. It is time to guarantee workers paid time to care for themselves so they are able to get their work done efficiently at no risk to themselves or their coworkers.''

Or what about the situation that Cindy is in. Cindy from Minnesota: ''I work a part-time job for a university as a researcher. In my category, sick leave is all discretionary and flexible; however, no paid vacation days accrue ever for me. The only way I feel legit in scheduling a week's vacation is if I am never sick and make up those hours pre and post.'' That's from Cindy.

I offer these stories because I think it is important to point out that the Healthy Families Act is going to help Americans all over the United States. Real people are suffering because of a lack of paid sick days. This is in keeping with the protection for workers' right to organize, Social Security, workers' compensation. This is right in line with every important and progressive step Americans have made in order to improve the quality of life for your average Americans. This is like the minimum wage; this is like workers' rights; this is like civil rights; this is like women's rights. This is what we should do at this time. It is part of a progressive vision that we are going to work to make a reality for Americans.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Thank you for yielding.

Those are very compelling stories, and I have some here, too. But before I talk about individuals' testimonies from Wisconsin, I just want to make a point that this legislation recognizes the importance of not hamstringing small businesses. All businesses with under 15 employees would be exempt. So perhaps my example of the dry cleaners wasn't appropriate, but certainly when you have under 15 employees, those employers are exempt from providing the 7 days of sick leave.

Mr. ELLISON. Will the gentlelady yield for just a moment?

Ms. MOORE of Wisconsin. Yes.

Mr. ELLISON. I just want to say that if we were to pass the Healthy Families Act, then the medium to larger businesses would provide these 7 days. Now, Big Business has a way of setting a trend for small business. So if big businesses did this, perhaps small businesses with fewer than 15 employees would say, hey, it's working for them, it's the industry standard, it makes sense, we might just do it voluntarily.

I yield back to the gentlelady.

Ms. MOORE of Wisconsin. Well, actually, data is conclusive that our national economy would experience a net savings of $8.1 billion a year with just providing employees with these 7 days of sick time. Because as you pointed out, gentleman, productivity is extremely important. I can remember at the time when my mother died, I was showing up at work and just staring at the wall. I was not well because of the extreme grief I was experiencing, and I was at work. And my bosses told me to get up and go home, please. And so when I came back, I was much more focused on my job. You know, that loss of productivity is not good.

The other thing is that we are human beings. And employers experience a lot of turnover because they don't have employee loyalty because they don't have a basic sense of empathy in humanity. There is no way in the world that I would want to work for an employer who couldn't empathize with my grief over having lost my mother and wouldn't give me a day or two to pull myself together. So productivity is what is lost when we don't provide sick days.

I yield back to the gentleman from Minnesota.

Mr. ELLISON. I thank the gentlelady for yielding.

Let me tell you about Leslie from Minnesota. Leslie says: ''I used to wait tables full time. And there are rare occasions where you can get paid sick days, like when I worked for a large chain hotel. However, most people don't realize that you will be paid your hourly minimum wage, but not any compensation for lost tips, which is the vast majority of your money earned as a wait person. In fact, most servers barely seek a paycheck; it is eaten up with taxes taken for declared tips—yes, you are required to declare tips. It is a myth that you can conceal this information.

''So even if you do get paid sick leave or paid vacation—which is unlikely—it is not in your interest to use it. Servers basically cannot get paid unless they are physically at work. And restaurants are such hectic places that if you are short staff, the quality of service suffers everywhere. Customers in restaurants are notoriously unsympathetic to details like this.''

□ 1715

Just another quick one, Kari from Minnesota: ''My kids are ages 2 and 3, and the child care center doesn't take them when they're sick. Neither my husband nor I have paid sick days. Please pass the Healthy Families Act.''

And I yield to the gentlewoman.

Ms. MOORE of Wisconsin. I can tell you, gentleman from Minnesota, I have to wonder what the legal ramifications are of folks coming to work knowingly, knowing that they are sick. I mean, there's a chorus of public officials who give directives to people, saying that if you have symptoms of a pandemic, for example, the H1N1 flu virus, that you should stay at home. We hear the Centers for Disease Control say that if you're sick, if you have symptoms, stay home. We hear Dr. Richard Besser, the Acting Director of the Centers for Disease Control elaborate that you don't go to school, you shouldn't get on airplanes or other large public transportation systems if you're ill. We hear

from the White House, the Press Secretary's saying clearly we all have individual responsibility for dealing with this situation, and we should all be practicing good hygiene practices and stay at home. We hear the Secretary of the Department of Homeland Security, Janet Napolitano, telling us, again, the government can't solve this alone. We need everybody in the United States to take some responsibility. If you are sick, stay at home. We hear President Barack Obama in his 100 Days press conference saying that the key now is to make sure that we maintain good vigilance and that everybody responds appropriately and stays at home. If your child is sick, keep them out of school. We hear this over and over and over again.

So in my final words here, I would just ask you, as an attorney, as a member of the Judiciary Committee, what are the implications of knowing that you're ill and showing up at work because you don't have a paid sick day?

Mr. ELLISON. Well, you might end up being charged with negligence. Knowing that you're sick, knowing that you're contagious and still going to work, potentially some smart lawyer might figure out a way to sue you for negligence because you exposed them to an illness. Of course, it could be taken up by workers' compensation, but somebody's going to have to pay something somewhere. And the fact is, clearly, if you've got an on-the-job illness or injury, it would be a workers' comp claim. So the bottom line is it is something that we all need to be concerned about.

I want to thank the gentlewoman from Wisconsin. As she knows, she is one of my very favorite Members of this House of Representatives, and I want to wish the gentlewoman, GWEN MOORE, a Happy Mother's Day, and I also want to thank her for her very important presentation on global health for mothers.

I just want to say that we have a duty and obligation to present a progressive vision for America. Which way forward? Well, the way forward is to be more inclusive, to bring more people into the warm embrace of the American people's generosity. The way forward is peace and dialogue. The way forward is to have a better America, a higher quality of life for everybody because everybody does better when everybody does better, as the late great Senator Paul Wellstone said.

So, with that, it has been another progressive message, and I want to thank the gentlewoman.

## ENERGY AND HEALTH CARE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the minority leader.

Mr. GINGREY of Georgia. Mr. Speaker, thank you so much for giving me the opportunity to spend some time on the floor this evening with our colleagues.

I am going to talk about two different issues. We are going to talk about energy, and particularly the scheme of carbon tax or cap-and-trade and renewable energy, renewable quotas, if you will, because that's a hugely important issue that's facing the Nation and the Congress is dealing with at the present time, and particularly through the committee on which I serve, Energy and Commerce, and the other big issue also coming through the Energy and Commerce and a couple of other committees is the issue of health care reform.

Now, President Obama, when he was sworn in and shortly after that when he spoke to a joint session of Congress here in this House Chamber, he talked about the importance, in his opinion, despite the economic downturn and the need for stimulus bills—hundreds of billions of dollars' worth, in fact, of stimulus bills, spending on projects and hopefully will get the economy going again, the TARP money, the money that went to banks, continuing to go to banks, and that's expanded, of course, to include insurance companies and the domestic automobile industry. We have spent literally hundreds of billions, if not trillions, of dollars trying to stimulate the economy. But the President still feels very strongly, as does this majority party, the Democratic Party, Mr. Speaker, of pushing ahead with this idea of solving the global warming issue by limiting the amount of carbon that can be produced and released into the atmosphere as we go through the process, and always have for 100 or more years, of producing electricity mainly from coal. So that is on the front burner, no pun intended, Mr. Speaker, of issues that we are dealing with right now in the House and in the Senate. And then, of course, the other issue is reforming health care.

I would like to start by talking about health care. I feel I have a little bit more expertise in that area. I darn well should, having spent 30 years practicing medicine, but I will allow to you, Mr. Speaker, and to my other colleagues that just practicing medicine, seeing patients and not being in a research environment doesn't necessarily give you all the answers in regard to how we go about funding health care for 300 million people, how we deal with the massive expense of government programs like Medicare and Medicaid and still make sure that everyone in this country has access to health care and that it is affordable, that it is affordable even for those who have more than one serious medical condition that they're dealing with.

So we all, on both sides of the aisle, Mr. Speaker, realize that this is a problem. It's not something that we ought to be burying our heads in the sand and just hoping it will go away. It won't. It will only get worse, just like the Social Security crisis. As we get more and more of our baby boomers reaching that magic age of 65, we don't have enough people working really to pay into the payroll tax to provide the benefit that has been promised. And I know that scares our seniors and it should, although every reform that we have talked about in regard to Social Security has assured and will continue to assure, I think, no matter who is in the majority up here or what administration—it has been Republican under President Bush. It's now Democratic under President Obama. It was Democratic under President Clinton, and these things go back and forth. But I think that people, seniors, need to be comforted by the fact that if you're over 55, as an example, there are not going to be any changes in Social Security for those of you who are within 10 years of receiving that benefit.

But that doesn't mean that we don't fix the system, that we don't try to fix the system for our sons and daughters and our grandchildren as they come forward, because if we do nothing, then clearly there will be a time when people will not get the benefit that their parents and grandparents have received under this program of Social Security. And the same thing is true of Medicare, and that, of course, is our health care system for our seniors, 65 and older, and for those people who are younger but are disabled, totally disabled, and need that help. So we all recognize that there's a problem, and we have recognized it for a while and agree that something needs to be done.

Now, the timing of that, I think, is in question when you talk to both sides of the aisle. Some, quite honestly, on our side of the aisle feel that we need to get the economy back on its feet before we spend hundreds of billions of dollars trying to reform our health care system while we are still in a deep, deep recession and people can't get loans. Businesses in particular can't get loans. People are still having a very difficult time getting a mortgage on their home. And 401(k)s are down, 401(k)s and IRAs, which are the savings that people have for their retirement, along with Social Security.

I am kind of of the opinion, Mr. Speaker, that we don't need to move too quickly for fear that the economy will worsen and not get better and also for fear that in our haste to do something even if it's wrong, it might well be wrong. So that adage of ''do something even if it's wrong'' is a wrong-headed adage.

But in any regard, we do agree that if the statistics are correct that 47 million people in the great country of the United States go every day without health insurance, there's something wrong with our system, and we can do better in that regard. We should do better, as I will talk about over the next 45 minutes or so. We can and we will do better.

Now, Mr. Speaker, I would like to make sure that all of our colleagues understand something. I think intuitively they know this, that statistics

can be often misleading. The 47 million uninsured statistic was obtained by the Census Bureau. And what does the Census Bureau do? You're sitting there at home watching television or whatever, reading a book preferably, and you get a call from the Census Bureau and they probably just ask this question: Are you employed? Yes or no? Do you have health insurance? Are you an adult, head of household? End of story. And the response from 47 million is ''No, I don't have health insurance.''

Now, the question that is not asked is, are you a citizen of the United States? Are you a permanent legal resident though not a citizen, in other words, a green cardholder? Are you here legally on a temporary worker program? Are you an illegal immigrant? I think at that point, Mr. Speaker, you would hear a loud click, because I'm sure if someone were here illegally, they're not likely to give that to anybody, especially a census worker.

□ 1730

But the question that is not asked is how long, if you do not have health insurance, what are the circumstances regarding that? How long have you gone without health insurance? And then you would find that many of these people, maybe just a couple of months.

And they might say, yes, well, actually, I do have insurance. I have this COBRA, this temporary health insurance that's allowed, when you lose your job, that you can continue with that company. If the company were providing the health insurance, then they would let you continue.

But you would have to pay more, because you would be outside the group rate. But you could be covered hopefully, you would be, long before that, reemployed and into another group policy at a reasonable rate. So a lot of these people that say I don't have health insurance, and they add to that, up to that magic number of 47 million, they are going to get insurance when they go back to work and, probably, within a short period of time.

Probably 10 million of the 47 million are the ones that clicked the phone down when they were asked if they were legal immigrants, about 10 million.

So now you are down to 37 million. And it has been estimated that 40 percent of the rest make at least $50,000 a year. Now, you might say, well, gee, if you make $50,000 a year, even if you are a family of three, you probably ought to be able to afford health insurance. You are not going to be eligible for Medicaid, or you may probably not be eligible, at least in my State of Georgia. You are not going to be eligible for the SCHIP problem, PeachCare, we call it, for your children. And I am assuming that you are not 65 and you are not disabled, so you are not eligible for that.

So why do these people that are not eligible for anything else, and they make at least $50,000 a year, why do they choose not to have health insurance?

I would guess that most of these people are in the workforce, maybe they are single, they are probably between the ages of 21 and 40. Many of them are athletes, not professional athletes—I don't mean to imply that—but athletic, engage in sports, work out and have good genes, grandparents lived to late eighties, maybe even early nineties. They've got the Methuselah gene, where their relatives live into the hundreds.

And they think, golly, why should I take $250, $300 a month, whatever it costs, maybe $400 a month and buy health insurance when I don't even go to the doctor every year. I don't even get a cold. I don't take any prescription medications, I might take a One a Day vitamin. So a lot of people like that would roll the dice and say I don't need it.

And they say, I am a very disciplined person, and I will take that $350 a month and put it into—not a passbook savings, but invest in a mutual fund. And every month, you know, I put into it, the mutual fund, when it goes up in value, my money doesn't buy as many shares. But when it goes down in value, it buys more shares.

That's what we call dollar-cost-averaging. And, gee, you know, over a 10-year period of time I am going to have a ton of money. And over a 30-year period of time I am going to have a quarter of a million dollars that I will have saved by not taking out a health insurance policy.

I don't recommend it. As a physician Member, I think it's a bad bet. You are rolling the dice, you might get lucky, but you could crap out, in other words, come down with cancer, or, at age 35 have a heart attack, and then, of course, you would be out of luck in today's market in regard to getting it insured. Or, if you had access to insurance, it would be so expensive, because now you are a preferred risk, and it's only appropriate then that the insurance would cost you more. If you look at our Medicare program on part B, the voluntary part A, of course, 65 or disabled, you are automatically in part A, the hospital part, or the part that covers nursing home care.

But for seeing a doctor and paying surgical fees and having outpatient diagnostic tests done, you don't have to take the part B of Medicare, nor do you have to take the part D, the prescription drug part of Medicare. That's optional. You might decide to, because you are still working, to continue to get your health insurance from your company. Or you might decide, well, here again, I'm healthy, and I never bought insurance before I got eligible for Medicare, I'll take the part A, because that's kind of given. I get that free, so to speak. Somebody else is paying for it, and I'm not going to take this part B.

You have that option. Nobody forces anybody to sign up for part A or part B. And, of course, here again, if you get sick, 2 years later, now you are 67, let's say, and you call up Social Security and you say, oh, I've decided now, I think I want to sign up for Medicare part B and part D because now, I had a heart attack, and I'm on five medications, something to lower my cholesterol, something to make my heart beat stronger, I'm on a water pill, a diuretic, so I don't build up too much fluid. And, oh, by the way, I've come down with the gout.

Well, you can sign up at that point for Medicare part B and part D. But the Federal Government says it's going to cost you more because now you are at much higher risk.

Well, that's the way private insurance works as well. So, I mean, what's good for the goose is good for the gander. It would be inappropriate for us to say to the private market, insurance companies, who are insuring younger people, that if someone decides they don't want health insurance until they get sick then, clearly, they are going to have to pay more.

So those people that make more than $50,000 a year and elect not to take health insurance that they could afford to pay for, they are taking a chance, they are rolling the dice. But in this country, thank God, you can do that. You are free to do that.

So a lot of the people that are included, when the Census Bureau calls and says, do you have insurance, they are in that group. It is also estimated that as many as 10 million of the 47 million, guess what, are eligible for Medicaid. They didn't know it. They didn't bother to inquire. Or maybe somebody gave them some misinformation. They thought they were making too much money, and their children are eligible for the SCHIP program, the Children's Health Insurance Program, which is very generous on the part of the Federal Government, Federal-State partnership, even more generous than Medicaid.

So you take those people, subtract them from the number, and you probably end up, Mr. Speaker, with, I am going to be generous here and say 15 to 20 million that don't have insurance over an extended period of time.

It is important that all of us listen to what I said about that number not being 47 million. Because statistics, if they are not accurate, can cause us, from a policy perspective, even from a political perspective, to make some huge mistakes. Spending $2 billion or more, $3, $3.5 billion, maybe, because we still have some money left over from the $6 billion that we put in the Treasury, took out of the Treasury, put in Health and Human Services and the CDC for combating bird flu, which never really occurred in this country.

And now we are probably going to put another $2 billion in this supplemental bill coming up to treat the influenza type A H1N1, forgive me if I say it at least one time, swine flu. And I hope and pray that I don't have to eat

these words. It's probably going to turn out to be a fairly mild type of flu, not as severe, Mr. Speaker, as your seasonal flu, which on a yearly basis, over many years, we have lost 35,000 people, 35,000 people dying from the regular seasonal flu, even though we have developed a vaccine every year.

We try to anticipate what next year's flu is going to look like. The CDC does a great job on that, by the way. I think the flu vaccine is good and certainly it's good for the elderly and the immune compromised and the very young. I am not opposed to that at all. I commend the CDC.

But, again, we tend to react to the latest crisis. Sometimes it's media driven, this media frenzy, literally creating a pandemic, yes. Not a pandemic of the flu, but a pandemic, a panic.

So what's the President to do? He doesn't want to get Katrina'ed over this thing, so we throw a lot of money at it that may well not be necessary. So as I talk about health care and the need for reform and bring up some of these statistics and peel the layers of the onion back and get to the real facts so that we know what the real problem is, how can you know what the response is if you don't really define the problem? So that's what the loyal opposition, the minority party, in this case the Republican Party, has the responsibility to do. That's what makes our system work, that's what makes it great, unless we don't go through regular order and don't get an opportunity to weigh in.

And maybe the only opportunity we get to weigh in on the minority side is these late afternoon and late evening after-school's-out opportunities to talk on the House floor and inform. And you hope everybody is listening, but maybe not.

So as I stand here this evening and talk about health care reform and also the energy bill, it's not to be partisan or political; it's to take whatever opportunity, Mr. Speaker, that I, as a member of the minority party, can grab onto on behalf of our leadership, JOHN BOEHNER and ERIC CANTOR and other leaders on the Republican side, to put the message out.

And they trust me on certain issues, other Members on other issues because of the background that I have, in this case, a background of 30 years of practicing medicine, as an OB/GYN specialist in northwest Georgia. And I don't have the last word on this. Maybe the last word comes from somebody like Sanjay Gupta for CNN or Isadore Rosenfeld for Fox News.

I commend any one of those great doctors on Sunday morning where they do 30-minute shows and talk about issues like how should we reform health care, how should we respond to this latest flu crisis? What do you do when your child gets a little bit sick and you're worried? Those folks do a great job. But we have a responsibility here to share our knowledge as well.

So as I talk about that 47 million, I wanted to make sure that to the best of my knowledge, I think I am giving accurate information to say that truly only 15 to 20 million people in this country are falling through the cracks in regard to not having the ability financially and maybe not having the access to health insurance and having no choice but to show up in the emergency room late at night and getting very expensive care and probably substandard care only because the doctors, the health care providers there, don't know them. They don't know their medical history.

And we don't have electronic medical records now, as we should have, as President Bush has called for, as President Obama has called for, as I totally agree with, by 2014, if not even sooner. You ought to be able to, in a situation like that—or even if it's somebody that's well insured and they are just on vacation, and they get this great opportunity to go to Russia or somewhere. And, obviously, most people don't speak the language there, and the doctors don't speak English, and you show up in an emergency room, and they don't know what's wrong with you and what your past history is and what medications you are on.

□ 1745

But if you had a radio frequency-identified card, a health care card, smaller, maybe, than even an American Express card, that you could just swipe, maybe like one of these Clear cards that some of us use to go through security at the airport, read your iris scan, whatever, and it has got every bit of medical information—every operation that you have ever had, every allergy, every prescription that you're on—and the language is immediately transferred from English to Russian or Russian to English, or whatever, and that's what we call fully-integrated electronic medical records.

And the Federal Government, thank goodness, is working on that, and working very hard on it. In fact, President Obama put $19 billion in the Recovery Act of 2009. I think that's a good thing. I'm glad he did that. I think we definitely need to do it. We need to give loans and grants to doctors and hospitals, and encourage them. But every system has to be certified because the Federal Government with Medicare and Medicaid and the CHIP program and the VA program and TRICARE and our military health care system accounts for maybe 65 percent—I'd say at least 60 percent—of every health care dollar that's spent every year, Mr. Speaker. We're totaling I think now about $2.3 trillion. Seventeen percent of our Gross Domestic Product is health care dollars.

So when people say to me, Well, why should the Federal Government have anything to do with what vendor I buy my software and hardware and maintenance program from that's very specific to my specialty—OB/GYN or general surgery or pediatrics or psychiatry, the answer is, Well, you don't just want to be able to communicate with the other doctors in the neighborhood or the two hospitals in the county, because the world doesn't end at the county line.

That's true in regard to countries as well, as we talk about our borders, north and south, and you think about over in Europe. You have so many small countries and the borders are so porous. People move and travel and vacation. So you want all that connectivity. And I think it's usually important.

So we on this side of the aisle would say to you, Mr. Speaker, and your Democratic colleagues on the other side of the aisle and to the current administration, Hey, we agree with that. We agree that let's spend some money. Let's work toward a fully integrated electronics medical system.

What it would do, the Rand Corporation says, is save $160 billion a year. I don't know if it would do that. That would be quite a cut in that $2.3 trillion. But even if it's $100 billion a year, that is a significant savings.

Maybe more important than saving money with that, though, is it saves lives, because people on Plavix are not going to inadvertently, because they show up with a transient ischemic attack, and it seems that maybe they're on the verge of having a stroke, some emergency room doctor who doesn't know them, who doesn't know that they have been on Plavix for years, and they decide they need some Coumadin right away—Coumadin, a much stronger blood thinner—and while trying to prevent this person from having a stroke, they cause them to have a hemorrhage in the brain. It's kind of like a stroke, but it's different. But the results are the same. They're catastrophic, and they can lead to instant death.

So that's why we need to do this, and I think that it would save lives and save money. I think doctors in fact, Mr. Speaker, would ultimately be reimbursed better. Now they are very reluctant. At least 300,000 physicians in this country don't have much in the way of electronic medical records. They might send their bill electronically. They may even prescribe electronically.

But the records of the patient would literally be secure, very secure, and we have to make sure of that. You don't give that information out to anybody that has no business looking at it. Other physicians, of course, as long as the patient is comfortable with that.

But we will continue to work on it. I think you will have less lawsuits because doctors would be less likely to make an error in prescribing. We would have lower health care costs because a doctor would not automatically order an MRI or a CAT scan, or somebody who presents to the emergency room with a headache, if he or she, the health care provider, knew that a week ago, by looking at those electronic records, the patient just had that done.

They might not do an echocardiogram if that was just done yesterday in the cardiologist's office.

And then, lastly, in regard to electronic medical records, doctors are reimbursed under Medicare based on the amount of time that they spend with a patient. Now, if it's a surgical procedure or the delivery of a baby, these things are fairly easy to have a standardized reimbursement for that degree of service. But when most of the visit is cognitive—it involves the time and thinking and physical exam on the part of the health care provider, then the code that you submit is what determines the reimbursement.

I will submit to you, Mr. Speaker, and to my colleagues, that most doctors are afraid that if they submit a code that is too high and then some inspector general—certainly, Medicare and Social Security has a right to do that if you're seeing Medicare patients, and look at your charts. And if you're over-coding, gaming the system, then not only would you have to give the money back and you may get kicked out of the Medicare program, but you could go to jail. You could go to jail. So doctors have a tendency to code lower rather than higher.

Well, with electronic medical records, it's all done for you. There's no question about how much time you spent with a patient, what you talked about, what you did, what tests you ordered. And then it's just sort of like a neon sign. It pops up there and says this is the evaluation and management code. I think, ultimately, the doctors would be reimbursed more fairly.

I didn't want to spend too much time on electronic medical records, but I will tell you, Mr. Speaker, it is important to talk about that and to understand why it's important and why we should, on both sides of the aisle, come together on this one. If we can't come together on anything else, we ought to come together on this one.

I see that I have been joined by one of my classmates. I always like to see him on the House floor. I see him everyday on the House floor, but to hear him speak on the House floor—and you will too, Mr. Speaker—as I present to you the gentleman from Utah, Representative ROB BISHOP. I don't even know what he is going to talk about. Well, when he talks, it's worth listening. And I yield to my friend from Utah.

Mr. BISHOP of Utah. Congressman GINGREY, I appreciate that introduction. You know there's no way I can possibly live up to that now. But I did want to come down here and talk not about health care specifically, but about some of the things we're doing differently and uniquely with energy.

I realize there is somewhat of a connection because what Dr. GINGREY was talking about is a vision of another approach to try and solve the energy crisis. What we are talking about as Republicans is trying to give options to individuals and choices to individuals. And when it comes to energy, it is the same kind of concept. We are talking about a vision for America and a road or option that can be taken. It's not just simply one.

So I appreciate very much the concept of health care. In fact, when I leave, I expect Dr. GINGREY will come back again to that area and show once again how these are all the concepts that have to be in there.

But I did want to take just a moment, if I could, because today the Western Caucus as well as the Republican Study Committee did introduce a new bill that deals with energy. And it is, once again, with the same purpose or overall vision that Dr. GINGREY was talking about, because our goal is to say there are two competing visions of where America is ready to go. It's kind of like the Frost poem of two paths in the woods that are diverging. We have to choose which one we want to go.

The Democrats have already offered a proposal of cap-and-tax. And the Republicans are now coming up with a different proposal of trying to take the cap off our energy development so that we have the choice of which of these two paths Americans want to take.

If we go with what the Democrats are already proposing, there will be an increase in the energy costs of every individual. It can be as high as $3,000, which is a legitimate number. But the problem is it is also disproportionate. There are some parts of the country that will have a bigger hit than others. And it is worse on the poor than any other segment.

If you're rich, this is an inconvenience. If you're poor, this is a decision on whether you can celebrate with Hamburger Helper that evening or not.

The Republican option, on the other hand, the Republican road, is to try and increase and grow our energy supply so we reduce the cost because there is more available. It also recognizes that energy has always been the vehicle for those in the lower classes and poverty to raise themselves up. Their ability to increase our gross domestic product and our wealth has been based on the concept of having affordable energy.

The Democratic approach, once again, will cut jobs. The greatest estimate, most conservative estimate, is at least 3 million jobs will be taken. The Republican one is not to increase jobs, it's not to increase taxes, but rather, instead, to create increased royalties we will get from increasing production, and put that into a trust fund to attack the deficit that this country has and take the cap off of our production so that we can actually succeed as a country.

The Democrats would have us go down the approach where there is no real reward for conservation; only mandates. The Republican option that will be before that is to reward people for their efforts at personal conservation, which is what we should be doing.

The Democrat road would take us down to the approach in which government starts telling people how to live their lives. We will harken back to the era of Jimmy Carter, where the government told you how fast to drive, how warm your house could be, and when you could buy gasoline, unless you're like the one family we knew about who had two different license plates—one odd, one even—so he could buy gasoline whenever he wanted to fill up his car.

The Republican approach, though, is different. It is trying to reward innovations, giving prizes for ingenuity. What we realize in this country is there is within Americans the spark of creativity, the ingenuity, the ability to come up with new solutions. We don't need the government to pick winners and losers and tell us how we shall live. Open up the options for individuals and reward them for taking the risk to come up with those options, and we can create a better world.

There are ideas that are out there—new ideas in this particular bill which gives incentives for every kind of energy, from solar to new algae production, and some old ideas that have been around which have never been done. And they are going to be new ideas until we actually do it—and there is no better time to do it.

In fact, the Democrat approach is simply saying: We can't do it, so why try? The Republican option is saying: There is limitless opportunity in this country. We should do it, and we should simply do it now.

It's kind of like the tale of two cities: one city where the lights are off; the Republican city, where the lights can be turned on. Actually, a better one is if you remember the sequel to ''Back to Future'' where there were two options in which civilization could develop. The Republican one takes you down to where the McFly family is happy; the Democrat option takes us down to where Biff is still ruling the world.

□ 1800

We have a chance of making the choice between those particular options.

The bill is basically about all the energy that we can create. It says that there is, in this country, a better dream and a better vision of what the future can be. The Republicans want to take us down a better road for America's future, a better vision, by creating a bill that, once again, does three things:

It rewards Americans for efforts of conservation. We are talking about a lot of mandates, but not allowing Americans to voluntarily conserve and be rewarded for it. And for every gallon that we can conserve, it is a gallon that we don't have to try to import from a country that basically doesn't like us.

To increase significantly the amount of production we have so there is more energy, it is more affordable, it is more useable, it is more helpful, and, that it can be that type of thing that will allow those in the lower classes economically to rise above their situation right now.

And, third, reward Americans for innovation. Prizes for innovation have always been the way the world has made quantum leaps forward. When the British were trying to become the maritime power, they didn't know how to map the waters, so they offered a 20,000 pound reward for anyone who could solve the problem, and a London clock maker came up with the concept of latitude and longitude we still use today.

When Napoleon needed to have his troops fed, he offered a 14,000 franc award for the first person who could come up and solve his problem, and the result was the concept of vacuum packing that we still use today.

When Lindbergh flew across the Atlantic Ocean, he was responding to a prize offered by a newspaper.

The ability of Americans to solve our problems and come up with creativity and new ideas and new solutions far and beyond what we are thinking about today is something that has never been driven by Washington. It has been driven by giving Americans the opportunity to use their native abilities, expand the horizons, be creative, and then be rewarded for that kind of creativity.

We are talking about two potential roads: one road which leads to more control of government; one road that leads to greater innovation and acceptance, and the ability of Americans to dream new dreams and create new visions.

Dr. GINGREY was talking about that same concept in the field of health care, that what we need is to look at the two roads that we are taking, and perhaps even look at—I think the word in the vernacular in the medical community would be trying to come up with a second opinion of where we should be moving and where we should be going.

I do thank Dr. GINGREY for allowing me to intervene here, because, like I say, there is a new energy bill that has been produced. It is an energy bill that I think is positive. It is one I want Americans to deal with, because what we are trying to say is there is a better path, there is a better future for this country, and we want this out here as an option so people can understand it.

On the issue of health care, I think the good representative from Georgia will also admit there has got to be a better path and a better option that is out here, one that ennobles and empowers Americans. I think he has some great ideas on how you can steer this country down to that correct path.

Mr. GINGREY of Georgia. Reclaiming my time, and if the gentleman from Utah can stay with us and engage me in a colloquy as we continue the time talking about these issues, I really appreciate Representative BISHOP's expertise on energy and our second opinion, the Republican alternative, a second opinion.

Forgive me, my colleagues, if I utilize medical terminology, but it seems to work for me. And as we developed a caucus on our side of the aisle, as our health care provider membership grows—I think we have 11 medical doctors now on the Republican side and I think there are four or five on the Democratic side. We have psychologists, we have dentists, we have nurses. We have some medical expertise, Mr. Speaker, in this Chamber, and we want to utilize it. But this GOP Doctors Caucus is working very hard to develop a second opinion on health care reform.

ROB BISHOP and JOHN SHIMKUS, who leads the coalition on a second opinion for energy reform, market driven, these are Republican ideas. I get a little weary when people suggest that we are just standing in the way of progress and, what is our plan? Well, these are our plans.

Unfortunately, Mr. Speaker, as I said at the outset of the hour, we don't get many, if any, opportunities under the leadership, I am sad to say, of the first female Speaker of this great body serving in her second Congress in that capacity. It was supposed to be the most open opportunity to get away from these Republicans who all they wanted to do was shut the place down. We were going to open the doors and open the windows and bring in some sunshine and have transparency and give everybody an opportunity to represent their 675,000 constituents, whether they were Republican or Democrat, whether you were in the minority or the majority.

So what has happened? I don't know what happened. Mr. Speaker, I don't know what led the Speaker—you are the designated Speaker, but I don't know what led the Speaker to change her mind, but I, for one, am saddened by it. So we have to convince our colleagues and hopefully the American people that we do have opinions. We just don't get to express them. We are not the party of ''no.'' We are not the party of ''no'' on health care reform. We are not the party of ''no'' on having a better comprehensive energy reform bill. These are second opinions.

I yield back to my colleague from Utah.

Mr. BISHOP of Utah. If I could ask to interrupt for just a second with my good friend from Georgia, because I do have to leave in a moment or two, but I think you were talking about something that is very significant. There have been over 950 bills introduced by Republicans so far this session; 59 of them have been allowed to be discussed on the floor, most of them suspensions.

It is not that we are wanting for ideas. It is we are wanting for a vehicle in which they can be debated and discussed and be presented to the American people.

I have one other analogy. I have grayer hair than you do. I am older. But when we were growing up, remember those old records you had to buy? If I wanted a song, I had to buy the entire album or the entire 8-track. We won't even go how far back that has to be. My kids, though, have these little iPods, which I still don't know how to work. But if they want a song, they don't have to buy the entire album. They can download their song on their iPod. They get to pick and choose.

Every aspect of American life now, we have been given Americans' options. The business world gives Americans options. The American Government, the Federal Government is the only place where we are still talking about one-size-fits-all mandates on people. What we need to be doing is giving Americans choices and allowing Americans to choose for themselves how they wish to live their lives. And that is the message. That is the Republican option that happens to be out there. That is the vision that we are trying to present.

And I appreciate it, as I am going to have to leave the gentleman from Georgia, especially with his expertise in the field of health care, that he recognizes this is the same solution: not telling the Americans how to live, but giving them options and allowing Americans to choose their own future. They get to buy the song they want and put it on their personal iPod.

I appreciate him for allowing me to join him here this evening as part of this hour, and I appreciate Madam Speaker's consideration and toleration in us taking this time to try and give a new vision, another road, another option for Americans. I appreciate the gentleman's time, and I return back what is left to him.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate very much the gentleman from Utah joining us this evening. If he is going to have the opportunity to get to his district in Utah, it is not easy every week. It is pretty easy for me to go home, Madam Speaker, to Atlanta, Georgia, Marietta and Cobb County. It takes about 1 hour, 45 minutes. But our Members west of the Mississippi, I really feel sorry for them in a way, because it is tough. I wish him Godspeed and a safe trip home.

But we are here to make sure that people do understand, and I think our Members do. I think Members on both sides of the aisle. And, look, I am not saying that we are above reproach on the Republican side. When we were in the leadership and controlled this body, maybe we were a little heavy-handed. Maybe we didn't keep everything open and transparent and make amendments in order from the minority.

But when you campaign and say, as we are doing now, please give us another chance and you will see that we have learned our lesson, that is what the current Democratic majority said when they were campaigning in 2006: Give us an opportunity. Let's throw those bums out and we will show you, John Q. Public, what we can do in the people's House and how much better it will be for everybody.

So, yes, I am disappointed, Madam Speaker, that it hasn't turned out that way. But still, we do have an opportunity, as Representative BISHOP and I

take this hour and talk about these two hugely important issues and let people know that we do have a second opinion. I started the hour talking about the physical health of the Nation. We talked about it last night on the swine flu discussion. And then Representative BISHOP came as I yielded time to him, Madam Speaker, and he talked about the fiscal, the economic health of the country. Our country cannot be healthy without both fiscal health and physical health.

So, yes, these are hugely important issues. Don't ignore the brainpower on this side of the aisle just for purely partisan reasons or, well, you did it to us and we are going to stick it to you. That is not what the American people need at the Federal or State level. I hope we can give them better, and I think most of my colleagues feel the same way.

I will stay on the energy side for a few minutes, Madam Speaker. This issue in the energy bill that is coming through the committee, which I am honored to serve on under Chairman WAXMAN and Ranking Member BARTON, Energy and Commerce, this energy bill that has this strong emphasis on a carbon tax, or cap-and-trade you might call it, Representative BISHOP talked about the fact that that ultimately will end up being a hidden tax, a hidden tax on mostly middle class Americans. Lower-income Americans will be, as he pointed out, hit hard. For rich people, it will be an inconvenience. For people with marginal incomes, it will be devastating. And it is up to $3,000 a family. As these producers of electricity are penalized because they are producing too much carbon or releasing too much carbon dioxide into the atmosphere, then they will pass those costs right on to the consumer, to John Q. Public.

Madam Speaker, I was at a breakfast this morning, and I guess there were maybe 25 House Members in attendance. We were privileged to have a doctor, a Ph.D. doctor from Spain—his name, Gabriel Calzada—talk to us. He is an associate professor of applied economics at the King Juan Carlos University in Madrid, and he talked about how this cap-and-trade, cap-and-tax, following the Kyoto Protocol of 1991 to the fullest extent of the letter, that is what Spain has done. Their current President is determined for Spain to be the poster child for abiding by the Kyoto Protocol, and they do.

This professor, this Ph.D. doctor told us that it is an economic disaster in Spain, that they are losing jobs, that these companies that are trying to produce electricity with alternative sources such as wind and solar and geothermal, they are losing money. Many of them are going out of business. And also, a lot of the factories in Spain that produce things, but they can only produce these things by using electricity to keep the lights on and to keep the turbines or the robotics running, the machines running, the workers working, they are packing up shop and going to other countries in this global economy.

Now, we have been hearing about all these green jobs that this is going to create. Well, he said in Spain they call those jobs subprime.

□ 1815

I will repeat it. They call them subprime jobs because they are not going to last very long. They are not lasting very long.

We have got a situation where Chairman WAXMAN and Chairman MARKEY want a bill where every part of this country has to abide by these renewable standards so that 25 percent of your electric power generation by the year 2025—think ''25 by 25''—25 percent has to be produced by renewables, wind, solar, geothermal. But guess what? In my beloved area of the United States in the southeast, we don't have a constant source of wind. We don't even have a constant source of sun. We have very little geothermal. But do you know what we do have? We have lots of coal. We have lots of water. We have the ability to produce, to turn these turbines and produce electricity by just letting water fall. We pump it back uphill and let it fall again. If that is not renewable, I guess some of it evaporates, but it seems pretty renewable to me.

We are not able to count nuclear power. We haven't had a new nuclear reactor go online, Madam Speaker, since 1976. And it is clean. It is efficient. And it is safe. It is expensive. Yes, it is expensive. But when you have these nations, these ''rogue'' nations I will call them, or near rogue nations, even if they are not rogue nations, they don't like us very much, charging us $140 a barrel for petroleum and strangling us with the cost of natural gas. You know, we need to become independent of that. But you can't do that if you are not going to be allowed to burn coal. And in the United States, I think we have something like 240,000 tons, enough coal to last us 150 years. I think these folks are misguided. I know they are smart people, but I think they are misguided. For them to shut all that down just because the Greenpeace folks and the environmentalists run amok, they just don't understand this global economy and how you lose jobs and you have countries like China and India with almost 3 billion people, almost half the world's population, they can do anything they want to. And they are bringing on a coal-fired power plant once a week, a new one every week. And yet we are going to do what we are doing. It just doesn't make sense.

I have talked to the committee, to the powers that be, and explained the situation we have got in the southeast. And sometimes it makes you wonder, Madam Speaker, when you use the word ''scheme,'' that can be just a plan, but that word also can be interpreted in a pejorative way, a real scheme, like somebody is scheming.

Lots of jobs came to my part of the United States almost 100 years ago. We had textile plants everywhere. Where was the corporate office of those plants? New York City. But they came south for one reason, because of inexpensive labor. And they could make their products, make a profit and pay well. And times were good. My dad was born in Graniteville, South Carolina, built by the Graniteville Company, a company from New York traded on the New York Stock Exchange. And that company built everything in town and employed every worker in town.

Well, those jobs came from the Northeast. Now, if we follow through and pass a bill that penalizes the southeast by raising utility prices, then these factories will say, well, we will just stay up north with all these expensive union workers, because if we go down South, we will get cheaper labor, but we will have to pay out the wazoo for electricity. It is the same thing with California.

So I would say to all my colleagues and everybody listening and men and women across this country, they are connecting the dots. They are figuring this thing out. There is, indeed, in my opinion, Madam Speaker, a scheme going on here. And it makes no sense. It makes no sense at any time, especially in a time of severe economic recession in which we almost are reduced to the point now of hoping and praying that we will come out of it. Bail out this one, bail out that one, stimulate this, stimulate that. But when we go back home, Mr. BISHOP to Utah, I to Georgia, and you start talking to people and they are about to lose their home, and the banks are about to close, small community banks, and they are saying, Congressman GINGREY, why couldn't you get me any of that TARP money? We made loans to builders because we were literally forced to by the Homeowners Reinvestment Act or what Fannie and Freddie forced us to do because of wanting more diversification in homeownership. We knew that you don't lend money to people that can't verify that they have got a job or what the income is and they have no down payment and their annual salary is $50,000 and they want to get a loan on a $600,000 house, and it should be no more than one to three. But, we were literally forced to make these loans. And now we are about to go under. All these senior citizens who invested in the bank and the local community, they are about to lose their investment. Where is our help from the Federal Government? No. We forced the big banks to take money, and then won't even let them give the money back. Well, that is what I call ''socialization,'' ''socialism.''

And I don't know how much time we have got, but I'm going to maybe utilize a few more minutes, Madam Speaker, and if you need to gavel me down, you go right ahead, and I will just shut up immediately. But I'm going to switch back a little bit to the health care part now.

As a physician, I don't want to see that socialized. I don't think men and women want the government in the examination room standing between the doctor and the patient.

And it sounds like the good Speaker is letting me know that the magic hour has expired. When you are having fun, time flies. Thank you for your indulgence, my colleagues, and we will continue to talk about the Republican second opinion on many issues.

## CELEBRATING ALL OF THE MOTHERS IN OUR NATION

The SPEAKER pro tempore (Ms. TITUS). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Allow me to thank the distinguished gentleman for his kindness.

Madam Speaker, I didn't want to leave and return to my district without acknowledging how humbled America is in honoring the Nation's mothers. I believe it was a great idea to set aside a day to honor our mothers and to honor our fathers. And so this weekend is a nationally declared day to celebrate motherhood.

I rise today to be able to celebrate the mothers all over this Nation who link arms with those around the world who are, in fact, special. For mothers are, in fact, the nurturers and caregivers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home or both, and their contributions to this society can never be fully appreciated or valued. Jane Sellman definitely hit the needle on the head when she said, ''The phrase 'working mother' is redundant,'' for obviously a mom, a mommy, a mother works.

In this day and time, we find that mothers come in many shapes and sizes. Today our First Lady spoke eloquently about the challenges of being a working mother. But as we have come to understand, a mom works at home, she works in the workplace, she is a volunteer. She does many things that constitute work but are her daily duties.

Our mothers are our first teachers, and they should be celebrated every day. However, like many things, sometimes we take this whole idea of motherhood for granted. Yes, we sometimes have teenage mothers, or grandmothers as mothers nurturing children of their children. We have ailing mothers. We have mothers who have passed. And there will be many in our Nation who will be celebrating or commemorating Mother's Day without their beloved mom. They will be mourning the loss. Maybe they will be at grave sites. But what I will say to them is that they will have the wonderful memories.

I want the fact that this is Mother's Day to have us remember that being a mom is not easy. Motherhood is not for those who might want to give up. But many times, it is important that we encircle our moms, give them the strength to be able to carry on, be reminded that in addition to making dinner, they are reading bedtime stories. But maybe there are mothers who don't have the capabilities, don't have the time, are not able to get home before 12 midnight, work the night shift, work around the clock; we should be sympathetic to them.

I'm proud that this Congress has recognized the importance of mothers. One of the first bills that we signed was the equal pay bill. We also provided and signed the SCHIP bill that provided for 11 million more children to have health care. That helps the mothers of America. We also recognize that 47 million Americans are uninsured. Many of them are mothers with young children. Many of them are mothers with ailments who have catastrophic illnesses or chronic illnesses. We want to say to them ''thank you'' by providing those mothers with full comprehensive health care.

We know that mothers are caring and courageous women who make a difference in the lives they touch. As a Jewish proverb said, ''God could not be everywhere, and therefore He made mothers.'' And so this Mother's Day is a celebration for grandmothers, mothers-in-law, stepmothers, foster mothers, godmothers, mothers who take in children, mothers of all ethnicities, all backgrounds, all economic levels. We are to celebrate them.

Today thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women and children throughout the Nation. I cannot find the words to thank all of these mothers who may be legislators, mayors, judges, doctors, lawyers and administrators. And yet I also thank those mothers who are waitresses, as I said, who are nurses aides, who drive buses, who are out on the construction sites, who are poets, who are authors. They are all part of our life.

I want to pay tribute to my own mother, Ivalita Jackson, strong, determined, elderly and frail now; but having raised us, I thank her for the integrity, the determination, the spirit and the love she gave. I'm grateful for my grandmothers, Vany Bennett and Olive Jackson, my Aunt Valrie Bennett and my Aunts Audrey and Vicky. I'm grateful for my Aunt Sarah. I'm grateful for the extended family members. I'm grateful for the future mothers, my daughter Erica Lee.

And so I am thankful today that we know that a mother is the truest friend we have when trials are heavy and sudden and fall upon us, when adversity takes the place of prosperity, when friends who rejoiced with us in our sunshine desert us, when trouble thickens around us, still will she cling to us and endeavor by her precepts and counsels to dissipate the clouds of darkness and cause peace to return to our hearts. A mother is the truest friend, and we know that through an American author, Washington Irving.

And today as I finish my remarks, I want to particularly say to those mothers who may be listening, to our colleagues who are likewise mothers, to the Asian Pacific mothers, as we celebrate Asian Pacific Month, wherever they might be, we want to give them a helping hand. And through a mother, I want to be able to say, I want no child to ever go to bed hungry. We want no child to ever not have an education. And we want you to have the fullest opportunity to raise children to be healthy and productive.

I close, Madam Speaker, by saying simply this, in the words of Jackie Kennedy Onassis, ''If you bungle raising your children, I don't think whatever else you do well matters very much.'' We want our mothers not to bungle. God bless them and God bless America.

Madam Speaker, I stand before you today in order to recognize and celebrate all of the mothers in our Nation.

They are the nurturers, and caregivers that prepare our Nation's young for the challenges that life may hold. Their work may be inside or outside of the home, or both, and their contributions to this society can never be fully appreciated or valued. Jane Sellman definitely hit the needle on the head when she said, "The phrase 'working mother' is redundant".

Our mothers are our first teachers and they should be celebrated everyday. However, like many things we can take them for granted. This Mothers Day, take a moment to call your mother or to visit with her if you can.

Remember that being a mom is no easy feat. Motherhood is not for the faint of heart. Motherhood is not for women with weak stomachs or strict routines. A mother must be able to juggle three things at once and still manage to make dinner and read bedtime stories. No doctor can take away all the ailments of a sick child or even an adult for that matter, like a mother can. Mothers are caring and courageous women who make a difference in the lives they touch. As the Jewish proverb says, "God could not be everywhere and therefore he made mothers."

Mother's Day is also a celebration for grandmothers, mother-in-laws, stepmothers, foster mothers, godmothers, mothers who take in children, mothers who adopt, those who act as mothers, for those women who have no relations by blood but who give the gift of mothering to children.

Mothers bring a unique and valuable perspective to all aspects of American life. Today, thousands of mothers in this country have become active and effective participants in public life and public service, promoting change and improving the quality of life for men, women and children throughout the Nation. They serve with distinction as legislators, mayors, judges, doctors, lawyers, and administrators, and their impact in these areas has proved to be monumental.

I could not find words descriptive enough to fully express the depth of admiration that I feel for women who fill this important role in our society. They are committed to their families and community not for public acclaim, but for

love. As American author Washington Irving put it best, "A mother is the truest friend we have, when trials heavy and sudden, fall upon us; when adversity takes the place of prosperity; when friends who rejoice with us in our sunshine desert us; when trouble thickens around us, still will she cling to us, and endeavor by her kind precepts and counsels to dissipate the clouds of darkness, and cause ace to return to our hearts."

My heart goes out to those mothers with children who are away at war, I cannot even imagine the fear that they must feel daily. I want to recognize the First Lady, Michelle Obama, who is striking a balance ALL between motherhood and her duties as the First Lady. I want to congratulate and praise all of the mothers in America for all of their hard work. Another former First Lady, Jacqueline Kennedy Onassis once said, "If you bungle raising your children, I don't think whatever else you do well matters very much."

I hope that we can all reflect on all the sacrifices our mothers made for us throughout the years. A mother's love is unending and her arms are always open. I wish all mothers a Happy Mothers Day this weekend.

## HOUSE RESOLUTION 402

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Madam Speaker, I rise today on behalf of myself and my good friend and colleague, the gentleman from New Jersey, Mr. CHRISTOPHER SMITH, as we have introduced a resolution condemning the transport of certain types of nuclear waste, commonly known as mixed oxide fuel, containing plutonium and uranium, through international waters. And we urge the countries that produce the waste to keep such nuclear waste within their borders.

□ 1830

Madam Speaker, last month two British-flagged vessels left France with 1.8 tons of plutonium bound for Japan. They are scheduled to arrive in port at some point this month. From what has been made public, the shipment is to travel via the Cape of Good Hope, across the southern Indian Ocean, then through the Tasman Sea between Australia and New Zealand, and then through the southwest Pacific Ocean, and finally to Japan.

The plutonium itself is contained within what is commonly known as MOX fuel, a toxic mixture of plutonium and uranium oxide. The MOX will be used by Japanese electric utilities to power their nuclear energy plants.

Madam Speaker, mixed oxide fuel containing plutonium and uranium is legal. The release of even a small amount of it during transport over thousands of miles of open sea, whether as a result of accidents or malicious intent, would cause serious health and environmental harm to surrounding areas. That has always been made clear.

But MOX poses a far more ominous threat. With the right technology, it can be reprocessed into weapons-grade material. And according to reputable estimates, enough plutonium is contained in the MOX currently headed towards Japan to produce more than 200 nuclear bombs. Every Member of this Chamber, Madam Speaker, knows that al Qaeda and its networks would like nothing better than to get their hands on enough fissile material to build a nuclear explosive device or a radiological bomb, however crude, and to detonate it where it can do the most harm. We and our allies around the world have committed our best intelligence, military and civilian officials, to work around the clock to eliminate the possibility of that ever happening.

And yet by permitting the transport of MOX over open seas, obviously we are providing terrorists one more avenue of attack for getting access to the nuclear materials they have so long coveted.

Indeed, the OECD Nuclear Energy Agency said that the risk of hijacking a ship carrying nuclear materials, while small, could not be ruled out.

Madam Speaker, piracy has become an obvious problem around the globe. So far this year just in the waters of Somalia alone, pirates have attacked 61 ships. More than a dozen of those vessels remain in the pirates' hands to this very day. One of them, a Ukrainian cargo ship, actually contained military equipment—33 battle tanks.

Madam Speaker, I have no doubt that everyone here remembers the recent hijacking of the Maersk Alabama off the Somali coast, and the heroic actions of Captain Richard Philips and his crew of 21 members. The ship was captured by four Somali pirates on April 8 last month. The captain surrendered himself to ensure the safety of his crew, only to end up in a lifeboat with the pirates for 4 days while the FBI attempted to negotiate his release.

Thankfully, Captain Richard Philips was rescued on April 12, but our Navy SEALs, justifiably, had to kill three of the hostage-takers. In the aftermath of that event, Somali pirates have issued threats to specifically target American interests in this region.

We know that it doesn't cost much to hire a band of Somali pirates and that they are not fussy about their clientele. While the ships in question may not sail over Somali waters, they will likely pass through the Straits of Malacca, the vital link between the Indian and Pacific Oceans.

But make no mistake, those straits are plied by their own bands of pirates. Indeed, according to the International Maritime Bureau, these and nearby waters have been ranked the world's most dangerous sea routes. In the year 2004, 40 percent of all pirate attacks in the world took place in the Straits of Malacca and nearby Indonesian waters.

Of course, terrorists need not hire pirates to do their dirty work. In the year 2002, al Qaeda operatives rammed a boat rigged with explosives into a French oil tanker off the coast of Yemen.

The two particular vessels transporting the MOX from France to Japan, the Pacific Pintail and the Pacific Heron, are not without protection. They are armed with five 30 millimeter Naval cannons. In addition, a group of armed police officers from the United Kingdom Office of Civil Nuclear Security is on board.

However, a study done by the U.S. Department of Energy concludes that due to the risk of attack on nuclear shipments, there is a need to provide "continuous backup support for the vessel by military security assets."

In 1992, a shipment of 1.7 tons of MOX nuclear material from France to Japan was escorted by a Japanese Coast Guard vessel. This time, the public does not know what sort of a dedicated Naval vessel or vessels are escorting the ships.

The Pentagon concluded in its own assessment of sea shipments of plutonium that "even if the most careful precautions are observed, no one could guarantee the safety of the cargo from a security incident, such as an attack on the vessel by small, fast craft, especially armed with modern anti-ship missiles."

Madam Speaker, thus the transport of this nuclear waste poses not only the environmental hazard we have long been concerned about, but also a nontrivial terrorist or even nuclear danger as well.

I ask my colleagues, is the practice of transporting these lethal nuclear waste materials across international waters worth the risk? I say absolutely not.

It's time for the countries of the world that produce nuclear waste to keep it within their own borders. That will be a first step.

Madam Speaker, make no mistake, transport of nuclear materials even within a country's borders poses serious risks. Nuclear fuel is dangerous stuff. According to the Nuclear Information and Resource Service, "A person standing 3 feet from unshielded irradiated fuel would receive a lethal radiation dose in 10 seconds." Moreover, the shipping containers in which radioactive waste are transported over land typically are designed to withstand, at most, a 30-mile per hour crash into an immovable object.

I am certain that every Member of this Chamber studiously obeys the speed limits, but I am not aware of too many highways with a speed limit of 30 miles an hour. What I find particularly disconcerting is that the Nuclear Regulatory Commission has not tested these shipping casks. Instead, the commission depends on the reliability of computer simulations.

A Nuclear Information and Resource Service fact sheet also states, "The more severe an accident, the more likely that radioactive material would be released into the environment." A low-

speed accident could unseat a valve or damage a seal, releasing radioactive particulates into the environment. The same event could crack the brittle metal tubing around the fuel.''

In response to a 2001 Baltimore rail accident involving dangerous chemicals, Senate Majority Leader HARRY REID of Nevada said, ''Everyone needs to recognize that transporting dangerous materials is very difficult. The leaking hydrochloric acid in Baltimore is nothing compared to the high-level radioactive waste proposed for the Yucca Mountain site 100 miles northwest of Las Vegas. A speck the size of a pinpoint would kill a person. What we should do with nuclear waste is leave it where it is.''

Madam Speaker, even just within our own domestic borders, we have become a deeply divided nation concerning the storage of nuclear waste materials within our own country. Years ago in its so-called infinite wisdom, Congress decided to build a multibillion-dollar storage facility at Yucca Mountain in the State of Nevada. Were the people or the residents of Nevada ever given an opportunity to have a say in the process, despite strong objections from its congressional delegation and State government officials?

If I were a resident of Nevada, I would certainly object to the whole idea of other States shipping their nuclear waste and materials into my backyard. The question that comes to mind, Madam Speaker, what town, what city, what rural farm areas are going to be used or designated for shipments by truck, by train, by car, by airplanes? What guarantees are there that these shipments are not going to be subjected to terrorist attacks or even by accident?

Remember the oil spill of Valdez in Alaska, Madam Speaker? Everybody said it was absolutely safe to conduct such shipments of oil. Well, it happened, and the same thing can also be said if nuclear waste materials were shipped from other States to Yucca Mountain in the State of Nevada.

Madam Speaker, I could not agree more with our majority leader, Senator HARRY REID, expressing his concerns. I urge my colleagues to join me and Congressman SMITH in calling for an end to this even more dangerous and in my opinion needless practice of shipping MOX nuclear waste materials over the open oceans. I ask my colleagues to support House Resolution 402.

## IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I appreciate being recognized and joining my colleagues here on the floor of the House of Representatives and for an opportunity to address you and an opportunity to convey some thoughts that are going on in my mind that I think it is important for you and the American people to hear.

One of the pieces of subject matter that has been very little debated in this Congress, at least in this new 111th Congress, and was not debated in any kind of depth whatsoever in the Presidential race after the nominations came from both the Democrat and Republican Party is the issue of immigration.

As we move along here complacently, I am aware there are pieces being moved behind the scenes to arrange a situation so this Congress could potentially be taking up, I call it a comprehensive amnesty bill. And if anyone doubts where I stand, I am opposed to amnesty in all of its forms. I lived through the amnesty bill in 1986. I revered Ronald Reagan, and I still do. There were very few times I disagreed with him. But the day he signed the amnesty bill in 1986 was a day I disagreed.

At that time I was operating a business that I had founded over a decade earlier. I was compelled to comply with the Federal directive that came from the 1986 amnesty bill. It was the INS at the time, the Immigration and Naturalization Service, and the requirement was this. There were about a million people in the United States illegally that would be granted amnesty, and President Reagan was straight up honest with us. He called it amnesty, and it was. It was amnesty for about a million people. And the trade-off was this: the conclusion that the Congress had come to and President Reagan had come to was we really couldn't enforce the law effectively enough to clean up the problem of the people that were illegally in the United States, and so because we couldn't clean that mess up by enforcing the law, we would just solve the problem by legalizing those million people that were here illegally, grant them a permanent status here in the United States, grandfather them in, so to speak. But from that point forward, Madam Speaker, from the point forward from when Ronald Reagan signed the amnesty bill of 1986, there was to be a major commitment on the part of the Federal Government to enforce our immigration laws under the idea that in order to pass amnesty out of this Congress, there needed to be a commitment to, from that point forward, enforcing the rule of law.

The argument that came was this. It was that we can't make it work because we have a million people here, but from here on we're going to enforce the law, and we're going to enforce the law aggressively. So the amnesty of 1986 was to be the amnesty to end all amnesties.

President Reagan signed the bill with that in mind, that there would be enforcement. And his administration was responsible for the duration of his term in office, a couple of years, to do the enforcement. And I, sitting there as an employer in 1986, am thinking a promise to enforce the law does not equate into enforcing the law.

□ 1845

But I think INS will come in, and they will enforce it against me as an employer.

And so I complied with the law because, first, I believe in the rule of law. I think it is an obligation to adhere to the rule of law. If you don't like the law, it isn't something that Americans should be doing by ignoring it; we should comply with it. But if we don't like it, we should set about trying to change it. That is the process. That is the system, Madam Speaker.

And I did comply with it. In fact, I agreed with the component of it of the enforcement side. And so when we had job applicants come in my office, from that point on after the 1986 amnesty bill was signed, I took a copy of their drivers license, I took their other data. I brought out the I–9 file and had them fill out an I–9 form. And we took the copies of their identification material and we attached it to the I–9 form and put that in a file. And to this day—I'm not sure that I can, but I think I can go back and find some of those original records, however dusty they might be. I kept those records. I kept it right because I believed in the rule of law. I believed in the Federal law. I believed the government, when the Federal Government told Americans—and that means those who are here legally and illegally and those who might come here—that they were going to enforce immigration law to the letter, I believed them. And I adhered to that immigration law to the letter.

But since that time, the immigration enforcement was, I will say, as high then, from a concentrated basis, as it has been since. And since 1986, the enforcement of American immigration law has diminished incrementally over that period of time. I think it was more effective under Ronald Reagan than it was under the first George Bush. I think it was more effective under the first George Bush than it was under Bill Clinton. And I think it was more effective under Bill Clinton than it was under George W. Bush as President, Madam Speaker. And I think George W. Bush's enforcement at this point has been more effective than it has been under this current administration of President Obama, under the direction of the Secretary of the Department of Homeland Security, Janet Napolitano.

I think if you would graph on a chart the worksite raids, the actual interdiction of people that are unlawfully in the United States, the deportations, the prosecutions, the data that's there on a proportional basis, I think you would find what I have described. Immigration enforcement has declined over the last 20-something years, perhaps 23 years. And I don't know that it has reached a bottom at this point. I hope it has; I hope it turns around and goes the other way.

But we have learned a lesson from the 1986 Amnesty Act, the amnesty to end all amnesties. It would be the last

time we would ever do this. And now, from that point forward, we were going to enforce immigration law so that we controlled who comes into the United States and who stays out of the United States. Madam Speaker, you can't be a Nation without borders. You can't call them borders if you don't enforce borders. You can't have borders that you can claim are enforced unless you decide who comes in and who stays out, unless you decide what products and materials come in and which products stay out.

But we are, today, a Nation that has had such a flood of illegal immigration. And we have actually had at least six more amnesties since then, and smaller ones, than the large 1986 Amnesty Act. And they were generally designed to provide amnesty to the people that we missed or forgot in 1986. And by the way, the 1 million people in 1986 actually turned out to be over 3 million people from the Amnesty Act of '86 because, one is, we have always underestimated the numbers of illegals that we have in the United States. And the other is that, even though there was a direct line cutoff date—if you were in the United States before a particular date you would qualify, if you arrived here illegally after that date, you did not—well, there was a massive amount of fraud. There was an entire industry that was developed that came about in order to defraud the '86 Amnesty Act. So our 1 million—which maybe was too low a number estimate in the first place—grew to 3 million because it was underestimated, and it certainly didn't consider how much fraud there would be.

Well, today, we have a large body of people in the United States, Madam Speaker, that are looking simply at this Nation from the standpoint of what affects their bottom line, what affects their life, what affects the safety and security of them and their own households, how does it affect their investments, their profitability, and their futures. And we have a large group of people here in this Congress that are doing a political calculation on what kind of political power does it give them if we would just grant amnesty to the 12 or 20 or more million that are here in the United States today—some of those that promised they would come to the streets to demonstrate last Sunday, and not very many of them showed up, and those that promise they will go to the streets next Sunday, and we will see how many of them will show up.

But once you grant amnesty and you say you will never do it again, Madam Speaker, you lose your virtue. When you lose your virtue, you can't get it back. You can't say in 1986, well, I don't know how to solve this problem of 1 million illegal people in the United States, so I am just going to legalize them and that solves the problem, I no longer have any illegals in America. But I am never doing it again. And I guess I'm thinking of some images of how virtue gets compromised and never reclaimed. It's like someone goes into a store and shoplifts a candy bar and they get caught. Do they say, well, I'll never do it again? What do you think the odds are that they will do it again? Once they've lost their virtue, if they tell a lie, how likely is it that someone who has told lies habitually all of a sudden will decide, no, I am going to be virtuous now? People do have epiphanies, but classes of people, nationalities and cultures don't have epiphanies. They react to real external stimuli. They react to enforcement at the border. They react to enforcement at a worksite. They react to a culture and a civilization that either adheres to the rule of law or it doesn't.

One of the great strengths of America has always been that we had great respect for the rule of law and that everyone was subject to equal justice under the law and that we enforce the law without regard to whether you were a prince or a pauper. In fact, we rejected princes and royalty here in this country. We want everyone to have an equal opportunity, but we have to decide who comes in and who doesn't come in.

We have the most generous immigration policy anywhere in the world. There is no country out there that can match their immigration policy up to the United States and argue that their borders are more open, that they are more accommodating. No one takes in more refugees. No one provides more asylum. No one allows in more raw numbers of legal immigrants and no one does so in a greater percentage of their population than we do here in the United States of America. That is just the legal side. No one is better than we are. The rest of the world criticizes us, but none of them can match up to the United States for being generous in providing legal access to this great Nation of liberty, the United States of America.

And while that is going on, legal immigration in the United States, it runs about 1.1 to 1.3 million a year—a huge number, 1.1 to 1.3 million a year legal immigration. And the argument that I hear is, well, the lines are too long. There are people that have been in line for 10 or 12 years wanting to come into the United States legally, and we have to do something to shorten these lines. Well, there are some solutions to that, I presume, Madam Speaker. If your idea was only to shorten the line so people didn't have to wait to come into the United States, you could just open up the door wider and in would come the people that are in the line. If you do that, more people will get in the line.

But let's just think of a line of, let's say, 1.2 million people lined up to come into the United States, all through, say, this door, Madam Speaker. And we process their paperwork, we do background checks on them, we evaluate whether they're the kind of people we want to come here or not—by formula, not so much by analysis—and they get to bring in people on the family reunification plan. And one person might bring in more than 250 in the family reunification plan, and that formula goes on and on and on ad infinitum.

But let's just imagine that there are 1.2 million people lined up outside this door, and once a year we open the door and let them all in and then we close the door when we get to 1.2 million. That is a lot of people to bring into the United States of America. And it is a huge endeavor to seek to assimilate and adapt our economy to that many people coming into this country. By the way, our birth rate is a little bit to the plus side. So every time we lose somebody, there is more than one baby born. And that's a good thing; I want to see our population grow on a natural basis.

So 1.2 million people coming into the United States legally, but there is another lineup out there that, every year we open the door, in come 1.2 million, but a few more people get into the line that's outside. And so there are, not in real numbers, but practically speaking, roughly a decade-supply of people out there lined up wanting to come into the United States legally.

While this is going on, we have approximately 11,000 illegal border-crossers sneaking into the United States on average on a given night, 11,000—roughly 4 million a year coming into the United States. That's 4 million, 11,000 a night, twice the size of Santa Anna's Army that invaded Texas, twice the size, every single night, coming into the United States. Some go back on their own; some stay. And so the raw net numbers is something that we have a little trouble agreeing on what that might be. But 4 million illegal border-crossers coming into the United States, 1.2 million legal entrants into the United States. That is the ratio that we are working with.

If we can shut off the bleeding at the border, shut off the bleeding into the United States that is coming in through all of the ports of entry that we have in the United States and seal that down, we have already created slots for other folks to assimilate into this society and assimilate into this culture. Four million people a year illegally coming into the United States, 1.2 million coming in legally, and the argument is, well, let's go ahead and legalize all of these people. So maybe there are 12—the other side will allow 12 million as an estimate, but they've been using 12 million illegals in America every year since I have been in this Congress and this is the seventh. Now, you do not have to be, I will call it a ''rocket surgeon'' to figure this out—and that's not a mistake—you don't have to be a rocket surgeon to figure out that if you have 4 million people coming into the United States illegally every year and you do that for 7 years in a row, the math on that turns out to be about 28 million—some go back home, some die, yes. But for 12 million

illegals to have been here in 2002 and only 12 million illegals to be here in 2009 and having 4 million of them coming in every single year defies anybody's logic to think that that 12 million is a static number. It has to have grown. Or if for some reason that I don't understand it's not growing, I would like to have somebody explain to me how we got to the 12 million in the first place. When did they come, at what ratio?

The reality is we know, Madam Speaker, the number is more than 12 million. It is very likely more than 20 million. It could be 30 million. But I am hearing people—on the other side of the aisle, in particular—argue, well, we can solve this illegal immigration problem, we will just grant them—don't call it amnesty, we'll redefine it, we'll call it something else.

That, Madam Speaker, was an intense debate that I had with Karl Rove. I advised him, you will not be able to redefine the term amnesty. It is amnesty if you reduce the penalty. It's amnesty if you don't apply the penalty that applies at the time they committed the crime. But his argument was, well, what if we require them to pay a fine and learn English? If they paid a $1,000 fine—I think we're up to a $1,500 fine—and if they learned English or if they took English classes—that we pay for with taxpayer dollars—wouldn't you then say it's not amnesty? Because, after all, some of them would actually even pay some of their back taxes by the legislation that they offered. They would be able to choose 3 out of the last 5 years that they pay their back taxes. What American citizen wouldn't want to have that opportunity to look back over the last 5 years and skip the best 2 years you had and decide not to pay your taxes in those 2 years and put the cash in the bank? Stick it into this giant ATM that they view America as and just select the 3 worst years out of the last 5 and pay the tax on that, have somebody pay for your classes to learn English. And then the tax savings that you get you could pay a $1,500 fine in order to get amnesty. So you wouldn't call it amnesty because there was a penalty involved.

Madam Speaker, this is a breathtaking concept for me. I can't get there. I can't get my logical mind around the idea either that we could solve this illegal problem and the crime and the drug smuggling that is associated with it if we would just legalize people. And they keep making this argument. And I have yet to find anybody that can sustain the argument past the opening statement of, well, we can solve this problem; at least if we legalize them, we will know who's coming and who's going, we'll know who's here. They can't get to the second phase of that analysis; how would you know who's here? How would you know they told you the truth in the first place when you granted them amnesty? If you said, all of you come through this turnstile and we will take your identification and give us your birth certificate from Mexico or El Salvador, or wherever it might be, Guatemala perhaps, and we will give you an identity here in the United States of America, how will we know that that's their real identity? Many don't have birth certificates in their home country, they don't maybe know where they were born, they can't prove it if they do know. And so we would grant an identification to 12 or 20 or 30 million people, give them a path to citizenship, and all they would need to do is attest that they were someone. Now, why would we imagine they would attest that they were only one of someone? Wouldn't they also walk through that turnstile two or three times to get multiple identities?

Many of them are doing it now. Many of them are taking on the identity of some American. The identity theft side of this thing—and by the way, when somebody steals your identity, you are never done. You never can come back to be the person you were again because you never know, when out there in society, your Social Security, your driver's license, those IDs that are breeder documents that are paths to the equivalency of citizenship aren't being used. You might catch the person that stole your identity, but you never know how many people picked up your identity and transferred it along the way; how many people might be working underneath your Social Security number.

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But if we would grant this amnesty, and I have actually forgotten the term that they use because ''amnesty'' is the most descriptive term. If we would grant this, we would see 12, 20, maybe 30 million people line up and ask for their path to citizenship. Now, we don't know who they are but we've given them identification. We can't do a background check on them because we can't verify who they are in the first place. So now we have into our system, let's say, 20 million, 20 million people into our system who have been granted some kind of a legal status, and this legal status isn't indexed into anything they did in the past because, after all, nobody is going to come forward and say, ''Oh, yeah, I was a felon in Guadalajara.'' The criminals will not come forward and identify themselves. So we will have purified the ID of people that would come here and accessed the identification through this amnesty program. We'd given them legitimate identification that allows them to travel anywhere they want to anytime they want to. And the crooks are not going to line up and tell us that they are crooks. So the idea that we could keep track of them is a false and specious dream because the people we want to keep track of are not going to step up and volunteer to be tracked.

So what we have today are 4 million illegal border crossings a year pouring across the southern border, an accumulation of 20 to 30 million illegals in America. And in that huge human haystack are the needles that are the criminals, the drug dealers, the murderers that are hidden within that huge human haystack of humanity. And the idea on the part of this administration and the previous administration and, by the way, the idea on the part of the Republican nominee for President as well, was we're going to grant them amnesty and then when we legitimize all of this huge human haystack, then we will be able to sort the needles out of the haystack.

That, Madam Speaker, is an impossibility. Conceptually, it's an impossibility to take the idea that you're going to let people have a path to citizenship and you're going to give them documents that allow them to legally travel back and forth between the United States and any other country. The US–VISIT program is only half operational. We keep track of who comes into America, but we don't keep track of who goes out of America.

I tested this one evening down on a border crossing on the Mexican border and just simply was there observing what was going on. And I can recall people coming through there that our Border Patrol knew, our Customs and border protection people knew. So they would say, yes, and they'd take their card, swipe it through the US–VISIT computer, and it would register the identity that was on the card. That identity matched the face of the driver. The driver took off. I stood there a while longer, and maybe an hour or an hour and a half later, the same car came back, the same individual in it, drove right on south out back into Mexico. And so I said, ''You swiped her card coming in, checked her ID, showed me how that worked. You didn't swipe her card going out?''

''No, we don't keep track of that.''

In a few places I understand we do pilot programs, but we don't keep track of that. So we don't have a system. We can't get a system up to deal with the people that have proper documentation today to keep the computer database of who came into the United States, who left out of the United States, and then the balance in the middle, those that came in minus those that left will be the list of names of people that are here. We can't even get that done. So instead we would legitimize 20 or 30 million people, give them that path to citizenship, tell ourselves that somehow out of this haystack of humanity we'll be able to ferret out the criminals and the drug dealers and the violent people that are there. All the while in this stream of humanity comes 90 percent of the illegal drugs in America, Madam Speaker, 90 percent coming into the United States across our southern border and all the human carnage that goes with that, the damage to our families, the damage to our productivity, the loss in lives, the children that are abused, the wives and

sometimes less often the husbands that are violently assaulted by their spouse, their boyfriend, their significant other, whatever arrangement it might be, the children that are abused that come because of methamphetamines and because of marijuana and because of heroin and because of crack cocaine and because of cocaine itself. Those drugs, the marijuana, which often is a gateway drug to the drugs that incite a higher level of violence, this damage to America's society is high. It's high in terms of dollars and lost productivity. It's high in terms of human suffering. It's high in terms of human life.

And, Madam Speaker, I will be continuing to press our Drug Enforcement Agency and all of the relevant agencies to give me the numbers on what the cost is to this economy, what is the street value of the illegal drugs in the United States of America. They can give me a number that tells me about how much is profit that goes south, but they don't seem to want to be able to give me a number on how much is spent on illegal drugs in the United States of America.

I can tell you about how much money is wired out of the United States into the rest of this hemisphere, almost all of it south, and it works out to be this: $60 billion a year ago, $60 billion wired from the United States into points south. Half of it into Mexico, $30 billion into Mexico, $50 billion into Mexico over the last 2 years. That's billion with a ''b,'' not trillion with a ''t.'' Billion with a ''b.'' But $30 billion, and another $30 billion that went into the Caribbean and into South America. So $60 billion out of this economy. A lot of it came from wages that were earned, some by legal immigrants that are here, and they have a perfect right to wire their earned money wherever they want to wire their earned money, and I will defend that. But it's a drain out of this economy. And coupled with that are the billions of dollars that are wired out of the United States in wages that are earned illegally, and coupled with that are the billions of dollars that are laundered and wired out of the United States of America that are being paid for by illegal drugs that are the street value of illegal drugs in the United States of America. That's the number I don't have. That's the number I'm going to press until I get, Madam Speaker, because we can then start to make some decisions on the broader parameters of having a knowledge base of the big picture.

So the big picture, with blanks in it, is our economy loses $60 billion a year that's wired south, much of it from wages, and I think a significant portion legitimate, legal wages, people's choices, $60 billion going that way. There's a profit margin of around $25 billion on illegal drugs in the United States of America. About 90 percent of those illegal drugs come across the border with Mexico. Many of those drugs originate in countries south of Mexico and travel through Mexico. The magnet for those illegal drugs is the market here. The market here is allowed and created because we have drug abusers in America, and lots of them, and they spend a lot of money in a year. The Drug Enforcement people tell me they don't know that answer. I say they've got the data and they can figure it out. If they can't, I will.

But in any case, the loss to this economy is huge. And when the Mexican Members of Congress sit down in my office and they begin to talk to me about the violence in Mexico that's brought about by the drug trade, I have to concede to them the point that it is the demand for illegal drugs in the United States that brings about the violence because of the profit that's associated with smuggling drugs into the United States.

Now, we also know that the methamphetamine production in the United States has been reduced to a minimum because we have passed some legislation that could have been better, and some of the States have made it better, that shuts down the pseudoephedrines that are the feedstock to make methamphetamines. So, in Iowa, we have a good law that has taken a lot of that out of the local drug labs. It's not perfect yet. We make them jump through a lot of hoops. They still make some meth in Iowa, not as much as they used to. Now maybe that number is 95 percent of the methamphetamine in Iowa comes from Mexico, a higher number than 90 because we make it harder for them to make it in Iowa. They have made it harder to make it in some of the other States, including Oregon and, I believe, Oklahoma and other States.

But another piece of information that I gather is that Mexico, and they advised me down there that they have done this, that it's a matter of public policy, and I applaud them for it, and that is for the beginning of the year 2008, they outlawed the importation of pseudoephedrines in Mexico so that there would not be a feedstock coming into Mexico for them to manufacture methamphetamines with. They allowed people that had it in their possession to use it or market it, get rid of it by the end of 2008. And by the beginning of 2009, it's now illegal to possess pseudoephedrine in Mexico because it is a feedstock that they use to produce methamphetamines. That's a couple of big pieces of legislation and a strong commitment on the part of the Mexicans to reduce the production of methamphetamines in Mexico, much of which comes into the United States.

Now, the gap becomes orders that are ginned up in size, overblown in their volume. They come into the United States through various means, and I won't speak to those means. Then the pseudoephedrines that are illegal in Mexico that can't be imported into Mexico any longer get smuggled into Mexico from the United States, converted into methamphetamines there, and brought back into the United States to be distributed in my neighborhood, across all neighborhoods in America. These things are going on at a huge price in American lives, blood, and treasure altogether. And the price that we pay here in this country is high, but the price that they have paid in Mexico, at least as published in the news, is perhaps higher yet. And we do not have a full approach to what we need to do about illegal drugs in America.

We talk about comprehensive immigration reform. Madam Speaker, what about comprehensive illegal drug reform? When we look at this thing from a broader basis, first of all, I will suggest that as long as we have people coming across our border legally and illegally to the tune of 4 million illegals a year, and I don't know the legal crossing numbers, but 4 million illegal crossings a year, and of that number roughly 11,000 a night, drugs being smuggled in in that stream, and the stream itself, whether they are involved in other illegal activity other than the crime of coming into the United States, they become a shield, a habitat, a way of protecting the stream of illegal drug smugglers that are operating all over the United States. And when I ask the Drug Enforcement people what would happen if magically tomorrow morning everyone woke up in their own country, a place where they were legal, what if we had no illegals in America magically tomorrow morning, what would happen to the illegal drug distribution system in the United States? And their answer has consistently been that will suspend immediately illegal drug distribution in America because it's at least one link, and every distribution chain is a link that's forged by an illegal in the United States. Sometimes every link is an illegal link, but they're forging these links. At least one link in every illegal drug distribution chain is an illegal immigrant that's here transferring drugs.

And I won't argue this, so I will say this first hypothetically: If we had full enforcement of our immigration laws overnight, we would shut off illegal drug distribution overnight, Madam Speaker. Now, that's not to say that those distribution chains wouldn't be reconstructed, that there wouldn't be illegal drug distribution manufacturing entrepreneurs that would fill that demand, because the demand does exist. It exists here in the United States, but the profit is going to Mexico.

So we have about two choices on this, or I will say there are three choices: We can ramp up the interdiction to the point where it raises the transaction costs so high that bringing it into the United States would get so costly that it would cease. That's one thing that we can do.

And another thing that we could do would be to turn up the drug testing in the United States, thinking of it in these terms: If every employer had a

drug-free workplace, if every employer enforced a drug-free workplace policy, if the employers actually initiated drug testing within their workforce in four different categories, if they had preemployment testing—so let's just say at the H.R. department if one sits down for a job interview and the employer interviews them and they come to this conclusion that they'd like to hire them and they say, all right, I want you to come to work for me on Monday morning, but conditional to this I am going to have to run your numbers and your data through E-Verify to make sure that you're legal.

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And the second thing that you will have to do is to comply with the drug test. So I will set you up. We have got this little clinic here that works with us, and we will run over there, you can do the test. You pass the test, you pass the E-Verify, you can come in Monday morning and punch the time clock. Congratulations.

That would be a good process. Some companies do this. In fact many companies in Iowa do this, with the exception of the E-Verify component, they have to actually hire them before they can use E-Verify. And that needs to change, Madam Speaker, but the preemployment drug test is an important tool, and employers can with that screen their employees so they are hiring drug-free employees at least at the moment that they hire them.

Three other categories of drug testing need to fall into this. Post-accident testing, if you have an employee, and he is involved in an accident of any kind, whether it's his fault or not. If there is a personal injury, if there is a property damage, then an employer needs to have a policy, a workplace drug-testing policy, that will test that employee on the basis that if there is an accident, there is a sign there that's an indicator.

So you would have preemployment testing, you would have post-accident testing, you would have to have reasonable suspicion testing, and that is when you have trained supervisory personnel that are qualified, that can watch the behavior patterns of the employees. And under that legitimate evaluation, send those employees off for a drug test that are showing the signs of drug abuse. That's the third way.

And the fourth way, and I think it's most effective, is random drug testing, where it's the same system we have for our certified, our certified driver's licenses, our CDLs, of which I carry one. And if you are going to drive an over the road truck today you have to have an up-to-date physical, and you have to have a logbook, and you also have to be in the random drug testing pool so that when they pull your number, when the random generator number kicks your number out, you go in and you give a sample, and you get tested.

So you have four ways of workplace drug testing, they have preemployment, post accident, reasonable suspicion and random drug testing; those four components are the tools that all employers should have and do need to guarantee a drug-free workplace. Now think of a world that instead of $25 billion in profit going to drug lords south of the border, wherever they might be south of the border, if all of this human carnage of the death and the violence that comes from the drug abuse itself, of the crime and the death and the violence that comes with the struggle, fighting over whose drug turf, whose profit, whose illegal border crossing is going to be controlled, instead of that, all that could go away.

All of that could go away if we restigmatize drug abuse in America, if we increase the testing in these categories that I have said, preemployment, post accident, reasonable suspicion, random drug testing, if we did all four of those, and if private sector employers chose to do so, to clean up their worksite and to lower their insurance premiums, and to improve the work area so that they hired a better class of employees. If that happened, if government tested in a random fashion so that we were subject, that would be a deterrent for many people who might otherwise be experimenting with drugs. So if we test employment, all employment, and I am not talking about a Federal mandate, I am talking about setting a scenario up where we provide the right incentives so this can actually happen, so workplace drug testing, welfare drug testing—why would we be granting people the benefit of someone else's labor through handing tax dollars out to welfare benefits, to people who are enabled to take the day off and do drugs all day because they are not working? And so we give them rent subsidy, heat subsidy, food stamps, the whole list of title 19. The list goes on, allows them to abuse drugs all day, and they don't have to work.

Why wouldn't we say, as a condition to our help that is to be a safety net for those that are in need, and, hopefully, a transition into the workforce is where we want them, we are going to require that you submit yourself to a random drug test. There would be a lot of people that would no longer be on welfare. For a couple of reasons. One of them is we wouldn't provide them that welfare if they were on drugs. We would pull the plug and send them off to rehab if they failed that. That's another equation.

Or many of them will just decide I can't live this illegal drug life any longer, I am going to have to get a job because they are going to test me eventually, and they will transition off of welfare and into work. So if we test in the workplace, we test in welfare, the other place to test is in educational institutions. Yes, that includes our colleges and universities, includes our schools to almost every degree, and it includes the employees that are there as well if we had a random drug testing system set up.

And we think of the three large universes of this society, the workforce, the welfare rolls, the educational institutions and the students and faculty there. We have covered everyone in America and given them a random risk, I am not talking about doing this as putting them all in the same pool, I am talking about on a voluntary basis for the employers to do that, especially in the private sector, move through this, build this institutionally, and at a point we then, we have cleaned up the workforce, we have cleaned up the welfare roles. We have cleaned up the educational institution, three huge universes of this society and civilization, and the result of it, who would be left? Who would be left to be on drugs?

And the answer is nobody except those who are dealing and those who are stealing. It's a lot easier for law enforcement to focus on the dealers and stealers if we provide the deterrent for everybody else in those huge spheres in this society, this culture, this economy. That would, this proposal that I have laid out here, would shut down dramatically the demand for illegal drugs in the United States.

If we did that, then we would see fewer illegal border crossings. We wouldn't see the death and the destruction in Mexico as they fight over who is going to sell drugs, because the market would be drying up here in the United States. We have got to dry this market up and if we can't dry the market up on illegal drugs in America, then we get to William F. Buckley's solution, which is capitulate and legalize.

I am not there yet, and I say yet because I think it's worth establishing the rule of law, it's worth reestablishing it. It's worth enforcing on the border. It's worth enforcing in our worksite. It's worth enforcing across the streets of America and the highways of America. We ought to have efforts that are effective, and we should reward the people that enforce the law.

But if we should fail to do that, and if we are unable to implement a policy that would be workplace drug testing, then at some point all the violence that comes with this, drugs that we have today, is a mirror of what happened back during the prohibition era of the Roaring Twenties, when this country came to a conclusion they couldn't enforce a prohibition on alcohol, and that the violent crime that was coming with it, and then the nonviolent crime, was so great that they would rather tolerate the alcohol than tolerate the violence.

I am not there. We have a tolerance level built into this civilization that's the United States of America that accepts the idea that if we don't see it in front of us every day, we are not going to score the carnage. But the carnage is high. The loss in lives is high. The loss of lives even at the hands of illegal aliens to Americans is very, very high.

We have had a number of witnesses come before the Immigration subcommittee that are surviving family

members who have lost a loved one at the hands of illegal, criminal aliens who had been interdicted by law enforcement. Law enforcement had encountered them, perhaps knew they were illegal or chose not to determine, and released them back on the streets.

A good number of these perpetrators that took the lives of Americans had been arrested a number of times before. That average is a high number that's part of a GAO study that was released in May of 2005. And, yet, we still have local law enforcement that's told on a continual basis that they really don't have the right to enforce illegal immigration or U.S. immigration law.

I, Madam Speaker, I reject that philosophy. It is a solid position for local law enforcement to enforce immigration law. We passed a 287g program that sets it up so that local law enforcement can receive training and work in direct cooperation of ICE; in fact, step into the shoes of ICE. That's a 287g program.

That needs to be expanded. It needs to be moved forward, as does the E-Verify program. And E-Verify needs to be expand, expanded so that an employer can use it to run his current employees through it to verify that the people that are working there for him now are lawfully there, not just on the new hires.

That will be helpful with this. But we need to do much, much more. We need to enforce our immigration laws, we need to stop the bleeding at the border. We need to beef up our ports of entry.

We need to use all technology down there at all locations and continually get better because they are playing a chess game against us. They are bringing contraband illegal drugs and other products into the United States, even through the legal ports of entry and through the illegal ports of entry.

And yet, yet, as I listen and read the news and have discussions with the administration at the Cabinet level, I see a shift in priority from the interdiction of illegal drugs and people coming into the United States across our southern border to a pivot, almost a full pivot. Instead of lining our folks up on the border and guarding against what's coming from the south, but a turnaround and look to the north, to be in a position to intercept legal, Second Amendment-defended American guns that are going south, that become illegal when they are struggled across the border into New Mexico.

Now, I have heard some high-profile individuals talk about this particular issue and one of those individuals would be General Wesley Clark, who used to command NATO and is a sometime presidential candidate.

So I listened to him talk. He argued that we were smuggling assault weapons, illegal assault weapons into Mexico and smuggling machine guns into Mexico.

Madam Speaker, neither one of those statements are true. There is no such thing as an assault weapon in the United States, at least by a legal definition. That was a legal definition that expired a few years ago, rightfully so, because you cannot define an assault weapon without defining what it looks like.

You can't define an assault weapon simply by defining its functionality. Because the functionality of the things that Wesley Clark and others, those who want to take away our Second Amendment rights, those weapons that they declare to be an assault weapon, when you define them by functionality, they become deer rifles.

In fact, the most popular gun to use, hunting the varmints in the United States, the coyotes, is an AR–16, M–16, M–16 model .223 in caliber. It's the most popular gun there is. It's a semi-automatic.

It functions just like anybody's deer rifle, although it's a little low in caliber to be effective as a deer rifle. It's just right for hunting coyote.

So that's the kind of weapon that Wesley Clark would declare to be an assault weapon, and it's the kind of weapon that was included in the list of guns that were described by this administration, including the Secretary of State herself, that 90 percent of the guns used to commit violence in Mexico are smuggled in from the United States, come from the United States.

That was never a truthful number. It was never an accurate number. The number is actually not 90 percent, but much closer to 17 percent, of the guns used in crimes in Mexico are smuggled into Mexico from the United States.

Most of these guns are legal in the United States. Mexico has different laws.

So, we can't hardly outlaw guns in America by following a Mexican law. We have got to defend the Constitution, the Second Amendment, the right to keep and bear arms.

The Heller decision, which I would have preferred would have been broader, gives an individual a right to personal protection, not to be denied in an effective fashion by a local jurisdiction.

But 17 percent, not 90 percent of the illegal guns, of the guns used in Mexico came from the United States. The 90 percent number came from an evaluation of running a database off of a small segment of guns that were gathered up and confiscated that had been involved, at least picked up with, some people that were committing crimes.

And because in the United States we put a serial number on guns, then you can track those guns.

But a lot of the guns that are in Mexico don't have serial numbers. They came from other countries and other continents from around the globe, can't be traced.

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So if you take the universe of the guns that have been gathered up in this battle with the drug cartels and you take a look at them, of those that you could trace, a small unit—90 percent came from the United States—but of all the guns, about 17 percent did.

My point is, Madam Speaker, that American guns are not the major problem that Mexico has. The major problem Mexico has is the violent drug cartels' vicious attacks on their competitors and the law enforcement in Mexico and spilling over into the United States. And that violence is rooted in the extremely high profitability of selling drugs to the United States.

The source of that is the demand here in the United States. We're doing nothing about the demand for illegal drugs. We're doing something about the smuggling of illegal drugs into the United States, very little about the smuggling of illegal people into the United States.

And I will say today, Madam Speaker, that effectively this administration has suspended worksite enforcement and there has not been a high-profile illegal immigration rate on an employer in the United States since that one in the early part of the Obama administration that took place on the engine factory in Washington State.

When that happened, the Secretary of Homeland Security said she didn't know about it in advance. She ordered an investigation—an investigation of her own people—because she was concerned that they might be not following through with the right kind of investigation.

I actually have no idea. I just don't think she liked the idea of the raid going off and people being deported. And I'm told—and I think this information is accurate—that at least 28 of those illegal employees got work permits to go back to work in the same factory, and that work permit was directed or issued by the Department of Homeland Security.

So what was that raid worth? Perhaps we will get some prosecution of the employers. But I say this, Madam Speaker, to you for everyone in America to hear. You can not conduct raids on employers, prosecute employers, and do so effectively, punish them for knowingly and willfully hiring illegals, without identifying the people it is that are working illegally for the employer. That part of the raid is essential in building the case against the employers.

They're all part and parcel of the same problem. You have to start at the base of it. And let's just say that there are 1,000 people working in a factory and 350 of them are working there illegally. Can you go in and pick up the employers and allege that they have illegal employees without some information, without some proof, without some data?

You go in and you line up the employees and you run them through the check and you verify, You're illegal, you're illegal. Fine. We're going to let you go back to work. But those of you that we suspect or essentially confirm, we're not. We'll build a case against

you. If you want to voluntarily go back home, here's your ticket. Go back home and stay there. But don't come back here again because you'll be facing a 20-year penalty in a Federal penitentiary for having once been deported for coming into the United States illegally. But it happens every day because we're not enforcing the law effectively enough, Madam Speaker.

But of those that we would gather in to that kind of a roundup, those that are here illegally, working illegally, that are guilty of document fraud, also bring the case against them, and in the process of the case, you gather information, you get depositions, you get court testimony that tells you how an employer is complicit in hiring illegals.

And then, Madam Speaker, we need to pass the new IDEA Act. The new IDEA Act. This is actually the best part of the entire hour because it brings to bear a logical approach to a problem that has been befuddling Congress for a long time. Congress is only befuddled because we have conflicting interests—political power over here; more illegals that one day will be voters, but will be counted in the 2010 census anyway; and over on this side and on this side, those that have a vested interest in cheap labor that think they can lay the costs or the maintenance off that cheap labor off onto the taxpayers in the form of welfare that goes to those people that are here illegally. All of that goes on, Madam Speaker. But the real solution, the most important component, the real solution is the new IDEA Act.

The new IDEA does this. It reestablishes, it clarifies that wages and benefits paid to illegals are not deductible for Federal income tax purposes. It denies that write-off as a business expense. It allows the IRS to come in and take the Social Security numbers that are there on the form that you file with your income tax, run those Social Security numbers through the E-Verify program. If they don't come back than that's the person who can lawfully work in the United States, then the IRS can deny the write-off of that business expense.

And so let's just say you're an employer and you're paying an illegal $10 an hour. And if they work 2,000 hours a year—and these are numbers I can do the math in my head, maybe, as we go.

So you have paid them $20,000 to do their work, written it off, and your payroll calculation—Social Security, Medicare, Medicaid, 0765 times 2, 15.3 percent added on that, so that's $306 on $1,000 would be—I should actually back this number up.

In any case, you pay Social Security and Medicare and Medicaid. There may or not be withholding for State and Federal income tax. But that write-off that you would have for the business expense would be the $10 an hour, plus the 15.3 percent of that $10 an hour. So that's $1.53 an hour that goes on for Social Security, Medicare, and Medicaid. You can write that all off as a business expense.

But when the IRS comes in, runs the numbers through the data base and the E-Verify kicks them out and says, ''Can't accept that,'' then they can look at your income tax report and say you can't write off this $10 an hour plus another $1.53 for Social Security.

So your $11.53 an hour goes from the expense side of your ledger, where it's a tax deduction, presumably over to the profit side of your ledger, where it is taxable income.

So, in simple terms, a $10 an hour employee denied as an expense by an IRS audit because they are illegal becomes a $16 an hour employee when the IRS attaches to that the interest and the penalty, and by the time you pay about a 34 percent corporate income tax on that fund.

So an employer would make a rational decision. They would look at: do I want to pay $10 an hour with an illegal employee that I'm confident is illegal, or I at least strongly suspect is, on the chance the IRS will come in and it's going to be a $16 an hour back charge for him and the rest of the illegals that are working for me, or do I want to transition my employees over to a legal workforce?

Most employers would decide they would like to pay somebody $12 or $13 or $14 an hour who is legal than they would someone $10 an hour who is illegal.

That's how new IDEA works. It uses the IRS to come in and enforce the illegal immigration laws that we have in the United States, and it requires the IRS to set up a cooperative exchange of information with the data that they gather in their audits with the Social Security Administration, who has a whole list of no-work Social Security numbers, no-match Social Security numbers, and require those two entities, IRS and Social Security, to cooperate with the Department of Homeland Security, who also has a data base of those who come into the United States illegally, those who have stolen IDs and documents, et cetera.

So we would have not only—you always hear the right hand doesn't know what the left hand is doing, but when we put new IDEA in place, it will be the right hand of the IRS making sure that the left hand of the Social Security Administration knows what the middle hand of the Department of Homeland Security is doing. That's a three-way; that's a three-fer.

And that brings together three huge American agencies that would be working in cooperation to give a financial incentive through denying tax deductibility, interest penalty, the risk of the penalties that come from the Department of Homeland Security once they have been notified of the IRS's information.

So the risk gets greater and greater and greater. And employers would purge themselves. They would clean up their workplace roles. We would do this almost administratively, and we could do this with positive cash flow.

Furthermore, Madam Speaker, if we do this, as we see people volunteer to self-deport because we've enforced our laws, we will have taken at least the 7 million working illegals and moved them on out and made room for 7 million who are legal to work in the United States.

There are over 11 million looking for jobs today. I think the number of working illegals is greater than 7 million. I think it's greater than 11 million. But a Nation that has 11.5 million people that are looking for work, a Nation that has 69 million Americans that are simply not in the workforce altogether, that are of working age, we can find a way to solve this problem.

We have to have the determination, we have to have the leadership, we have to have the clarity, and we have to have the political will. And the only way for the political will to come to this Congress is if the American people contact their Members of Congress; they turn up the heat. If they say, ''Pass the new IDEA Act, turn the IRS loose.'' They love enforcing their job. Let them help with the immigration part of this because they're in the process of collecting the tax liabilities that are due the United States government anyway, and just cooperate with the Social Security Administration, just cooperate with the Department of Homeland Security. You will solve a lot of this internally without having to do very many of the worksite raids.

And, while that's going on, we can turn the pivot back the other way at the border. Let's intercept the illegal drugs and people coming into the United States. Let's not have our number one focus be trying to intercept things that are being smuggled into Mexico that are legally in the United States—guns and cash. Let's intercept illegal drugs and illegal people.

If we do all of this, Madam Speaker, we can solve this drug problem in the United States. We can solve the illegal immigration problem in the United States. It is a comprehensive solution. I advocate for it.

I call upon this Congress to take action on it, or at least have a legitimate debate. If there's a flaw in my logic, I'm standing here waiting for that criticism. I don't hear it.

So I will yield back the balance of my time.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. HOYER) for today on account of fires burning in district.

Mr. HOLT (at the request of Mr. HOYER) for today.

Mr. HELLER (at the request of Mr. BOEHNER) for today on account of family obligations.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WASSERMAN SCHULTZ) to revise and extend their remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. MOORE of Wisconsin, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. PINGREE of Maine, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. KIRK) to revise and extend their remarks and include extraneous material:)

Mr. POE of Texas, for 5 minutes, May 14.

Mr. JONES, for 5 minutes, May 14.

Mr. NEUGEBAUER, for 5 minutes, today.

Mr. ADERHOLT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, May 12, 13 and 14.

Mr. KIRK, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, May 12, 13 and 14.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. SHIMKUS, for 5 minutes, today.

## ADJOURNMENT

Mr. KING of Iowa. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until, Monday, May 11, 2009, at 2 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

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

1658. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Penoxsulam; Pesticide Tolerances [EPA-HQ-OPP-2008-0526; FRL-8411-9] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1659. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Minor Amendments to the Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8405-3] (RIN: 2070-AJ48) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1660. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2008-0239; FRL-8896-3] April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1661. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Minnesota; [EPA-R05-OAR-2008-0240; FRL-8896-5] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1662. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Department's final rule — Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Finding of Attainment for 1-Hour Ozone for the Milwaukee-Racine, WI Area [EPA-R05-OAR-2008-0683; FRL-8895-8] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1663. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans, Texas; Revisions to Particulate Matter Regulations [EPA-R06-OAR-2005-TX-0028; FRL-8897-3] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1664. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Montana: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R08-RCRA-2009-0212;FRL-8895-7] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1665. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — New Source Performance Standards Review for Nonmetallic Mineral Processing Plants; and Amendment to Subpart UUU Applicability [EPA-HQ-OAR-2007-1018; FRL-8896-7] (RIN: 2060-AO41) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1666. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of the Umpqua River, Oregon [EPA-R10-OW-2008-0826; FRL-8893-1] received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1667. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2008-0502; FRL-8783-5] April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1668. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Toxics Release Inventory Form A Eligibility Revisions Implementing the 2009 Omnibus Appropriations Act [TRI-2009-0216;FRL-8897-4] (RIN: 2025-AA25) received April 24, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1669. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Augusta, Georgia) [MB Docket No.: 08-103 RM-11441] received April 21, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1670. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1671. A letter from the Secretary, Department of the Treasury, transmitting a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1672. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — State Parent Locator Service; Safeguarding Child Support Information (RIN: 0970-AC01) received March 23, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1673. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability. (Also: Part I, 280F; 1.280F-7.) [Rev. Proc. 2009-24] received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1674. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — TAX EFFECTS OF THE ACQUISITION OF INSTRUMENTS BY THE TREASURY DEPARTMENT UNDER CERTAIN PROGRAMS PURSUANT TO THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008 [Notice 2009-38] received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1675. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part I, 860D, 860F, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2,301.7701-3, 301.7701-4.) (Rev. Proc. 2009-23) received April 15, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1676. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit, or abatement determination of correct tax liability. (Also: Part I, 911, 1.911-1.) (Rev. Proc. 2009-22) received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1677. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Nonconventional Source Fuel Credit, Section 45K Inflation Adjustment Factor, and Section 45K Reference Price [Notice 2009-32] received April 3, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1678. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 48 A&B Audit Techniques Guide Advanced Coal and Gasification Project Credits General Statement and Description of IMD Document [LMSB-4-0209-005] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1679. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Advanced Coal Project Program [Notice 2009-24] received April 8, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1680. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 2009 Calendar Year Resident Population Estimates [Notice 2009-21] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1681. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election and Notice Procedures for Multiemployer Plans under Sections 204 and 205 of WRERA [Notice: 2009-31] received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1682. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Announcement and Report Concerning Advance Pricing Agreements — received March 30, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1683. A letter from the Commissioner, Social Security Administration, transmitting the Administration's plan for recovery payments, pursuant to the American Recovery and Reinvestment Act of 2009; to the Committee on Ways and Means.

1684. A letter from the Acting Secretary, Department of Health and Human Services, transmitting the Department's report on the Fiscal Year 2006 Low Income Home Energy Assistance Program in accordance with section 2610 of the Omnibus Budget Reconciliation Act (OBRA) of 1981, as amended; jointly to the Committees on Energy and Commerce and Education and Labor.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FILNER: Committee on Veterans' Affairs. H.R. 23. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; with an amendment (Rept. 111–99). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself, Mr. CANTOR, Mr. PENCE, Mr. MCCOTTER, Mrs. MCMORRIS RODGERS, Mr. CARTER, Mr. SESSIONS, Mr. MCCARTHY of California, Mr. DREIER, Mr. BLUNT, Mr. MCHUGH, Mr. HOEKSTRA, Mr. SMITH of Texas, Mr. KING of New York, Ms. ROS-LEHTINEN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WOLF, Ms. GRANGER, Mr. SHUSTER, Mr. BROWN of South Carolina, Mr. FLEMING, Mr. SIMPSON, Mr. COLE, Ms. FALLIN, and Mr. AUSTRIA):

H.R. 2294. A bill to require the approval of the relevant State governor and legislature and the President's notification and certification before the transfer or release of an individual currently detained at Guantanamo Bay, Cuba, to a location in the United States, and for other purposes; to the Committee on Armed Services.

By Mr. FARR (for himself, Ms. GRANGER, Ms. PINGREE of Maine, and Mr. DELAHUNT):

H.R. 2295. A bill to assist local communities with closed and active military bases, and for other purposes; to the Committee on Armed Services.

By Mr. KING of Iowa (for himself and Mr. SPACE):

H.R. 2296. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCGOVERN (for himself and Mrs. EMERSON):

H.R. 2297. A bill to require the President to call a White House Conference on Food and Nutrition; to the Committee on Agriculture, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. SAM JOHNSON of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. ROSKAM):

H.R. 2298. A bill to amend the Internal Revenue Code of 1986 to increase the exclusion for employer-provided dependent care assistance; to the Committee on Ways and Means.

By Mr. RUSH (for himself, Ms. CORRINE BROWN of Florida, Mr. COHEN, Mr. ISRAEL, Mr. CLAY, Mr. ORTIZ, Ms. FUDGE, Mr. MOORE of Kansas, Mr. BARROW, Mr. CROWLEY, Mr. ROSS, Ms. LEE of California, Mr. CLYBURN, Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. CLARKE, Mr. CUMMINGS, Mr. CLEAVER, Mr. WEINER, Mr. MCDERMOTT, Ms. EDWARDS of Maryland, Mrs. TAUSCHER, Mr. PERLMUTTER, Ms. KAPTUR, and Mr. LANGEVIN):

H.R. 2299. A bill to amend the Small Business Act to enhance services to small business concerns that are disadvantaged, and for other purposes; to the Committee on Small Business.

By Mr. BISHOP of Utah (for himself, Mr. PRICE of Georgia, Mr. LAMBORN, Mr. SCALISE, Mr. CONAWAY, Mr. SULLIVAN, Mr. BROUN of Georgia, Mr. CHAFFETZ, Ms. FALLIN, Mr. FLEMING, Mr. YOUNG of Alaska, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY of Georgia, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCKEON, Mr. NEUGEBAUER, Mr. PITTS, Mr. SIMPSON, Mr. HELLER, Mr. POE of Texas, Mr. LEE of New York, Mr. WESTMORELAND, Mr. BURTON of Indiana, Mr. REHBERG, Mr. ALEXANDER, Mr. GOODLATTE, Mr. CASSIDY, Mr. RADANOVICH, Mr. LATTA, Mr. MCCAUL, Mr. SESSIONS, Mr. BOOZMAN, and Mr. THORNBERRY):

H.R. 2300. A bill to provide the United States with a comprehensive energy package to place Americans on a path to a secure economic future through increased energy innovation, conservation, and production; to the Committee on Ways and Means, and in addition to the Committees on Natural Resources, Energy and Commerce, Science and Technology, Rules, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YARMUTH (for himself, Mr. BOUSTANY, Mr. CROWLEY, Ms. SCHWARTZ, and Mr. KING of New York):

H.R. 2301. A bill to amend title XVIII of the Social Security Act with respect to treatment of didactic and scholarly activities and training in outpatient settings for purposes of payment for graduate medical education under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHEA-PORTER (for herself, Mr. HODES, and Mrs. KIRKPATRICK of Arizona):

H.R. 2302. A bill to amend title 10, United States Code, to limit recoupments of separation pay, special separation benefits, and voluntary separation incentive from members of the Armed Forces subsequently receiving retired or retainer pay; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. RANGEL, and Mr. FALEOMAVAEGA):

H.R. 2303. A bill to amend the Internal Revenue Code of 1986 to eliminate the restriction on reducing Federal income tax refunds for past-due State income tax obligations of out-of-state residents in the case of States with reciprocal agreements with the Federal Government to reduce State income tax refunds for Federal income tax obligations; to the Committee on Ways and Means.

By Mr. BOREN (for himself, Mr. BOUSTANY, Mr. TAYLOR, Mr. SKELTON, and Mr. CONAWAY):

H.R. 2304. A bill to amend title 10, United States Code, to direct the Secretary of Defense to prohibit the unauthorized use of names and images of members of the Armed Forces; to the Committee on Armed Services.

By Mr. GOODLATTE (for himself, Ms. HERSETH SANDLIN, Mr. SMITH of Texas, Mr. BOUCHER, Mr. GALLEGLY, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. POE of Texas, Mr. HARPER, Mr. BLUNT, Mr. CONAWAY, Mrs. BLACKBURN, Mr. ROHRABACHER, Mrs. MILLER of Michigan, Mr. BURTON of Indiana, Mrs. MYRICK, Mr. BILBRAY, Mr. LAMBORN, Mr. BOOZMAN, Mr. FORTENBERRY, Mr. HELLER, Mr. NEUGEBAUER, Mr. SHERMAN, Mr. SENSENBRENNER, Mr. BARTLETT, Mr. SULLIVAN, and Mr. CANTOR):

H.R. 2305. A bill to amend the Immigration and Nationality Act to eliminate the diversity immigrant program; to the Committee on the Judiciary.

By Mr. DICKS:

H.R. 2306. A bill to provide for the establishment of a National Climate Service, and for other purposes; to the Committee on Science and Technology.

By Mr. GENE GREEN of Texas (for himself and Mr. UPTON):

H.R. 2307. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COHEN (for himself, Mr. WHITFIELD, and Mr. SHERMAN):

H.R. 2308. A bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals and certain computer-assisted remote hunting, and for other purposes; to the Committee on the Judiciary.

By Mr. RUSH (for himself, Ms. SCHAKOWSKY, and Ms. MATSUI):

H.R. 2309. A bill to provide authority to the Federal Trade Commission to expedite rulemakings concerning consumer credit or debt and to direct the Commission to examine and promulgate rules with regard to debt settlement and automobile sales, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mr. KIRK, Mrs. DAVIS of California, and Mr. ISRAEL):

H.R. 2310. A bill to authorize assistance to small- and medium-sized businesses to promote exports to the People's Republic of China, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIRK (for himself, Mr. LARSEN of Washington, Mrs. DAVIS of California, and Mr. ISRAEL):

H.R. 2311. A bill to provide for increased funding and support for diplomatic engagement with the People's Republic of China; to the Committee on Foreign Affairs.

By Mr. ISRAEL (for himself, Mr. LARSEN of Washington, Mr. KIRK, and Mrs. DAVIS of California):

H.R. 2312. A bill to authorize the Secretary of Energy to make grants to encourage cooperation between the United States and China on joint research, development, or commercialization of carbon capture and sequestration technology, improved energy efficiency, or renewable energy sources; to the Committee on Energy and Commerce, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. KIRK, Mr. LARSEN of Washington, and Mr. ISRAEL):

H.R. 2313. A bill to support programs that offer instruction in Chinese language and culture, and for other purposes; to the Committee on Education and Labor.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H.R. 2314. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Natural Resources.

By Mr. AUSTRIA (for himself, Mr. LATTA, Mr. TIBERI, Mr. JORDAN of Ohio, and Mrs. SCHMIDT):

H.R. 2315. A bill to prohibit the use of funds to transfer enemy combatants detained at Naval Station, Guantanamo Bay, Cuba, to facilities in Ohio or to construct facilities in Ohio for such enemy combatants; to the Committee on Armed Services.

By Mr. BACA (for himself and Mrs. NAPOLITANO):

H.R. 2316. A bill to direct the Secretary of the Interior to conduct a study of water resources in the State of California, and for other purposes; to the Committee on Natural Resources.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, Mr. KIND, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 2317. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Ms. BALDWIN (for herself, Mr. OBEY, Mr. KAGEN, Ms. MOORE of Wisconsin, Mr. RYAN of Wisconsin, Mr. KIND, Mr. SENSENBRENNER, and Mr. PETRI):

H.R. 2318. A bill to require the Secretary of the Treasury to mint coins in commemoration of Robert M. La Follette, Sr., in recognition of his important contributions to the Progressive movement, the State of Wisconsin, and the United States; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. FILNER, Mrs. DAVIS of California, Mr. SCHRADER, Mr. WALDEN, Mr. DEFAZIO, Mr. WU, Mr. KIND, Mr. KAGEN, Mr. AL GREEN of Texas, and Mr. YOUNG of Alaska):

H.R. 2319. A bill to amend the Internal Revenue Code of 1986 to make all veterans eligible for home loans under the veterans mortgage revenue bond program; to the Committee on Ways and Means.

By Mr. BOREN:

H.R. 2320. A bill to authorize the Secretary of the Army to retain funds collected from recreation fees at Lake Texoma to repair flood-damaged recreation facilities; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas (for himself, Mrs. BLACKBURN, Mr. BOUSTANY, Ms. GINNY BROWN-WAITE of Florida, Ms. FALLIN, Mr. GINGREY of Georgia, Mr. HENSARLING, Mr. HERGER, Mr. SAM JOHNSON of Texas, Mr. LAMBORN, Mrs. LUMMIS, Mr. MARCHANT, Mr. MCCLINTOCK, Mr. OLSON, Mr. PENCE, Mr. PITTS, Mrs. SCHMIDT, Mr. SHADEGG, and Mr. SHIMKUS):

H.R. 2321. A bill to continue the application of certain procedures in the House of Representatives applicable to medicare funding legislation, and for other purposes; to the Committee on Rules.

By Mr. BRALEY of Iowa (for himself, Mr. COURTNEY, Mr. LOEBSACK, and Mr. HARE):

H.R. 2322. A bill to amend section 18 of the Richard B. Russell National School Lunch Act to establish a pilot program that requires schools to post nutritional content information regarding foods served at schools and to teach students how to make healthy food selections, and for other purposes; to the Committee on Education and Labor.

By Mrs. CAPPS (for herself, Ms. MATSUI, and Ms. BALDWIN):

H.R. 2323. A bill to direct the Secretary of Health and Human Services to develop a national strategic action plan to assist health professionals in preparing for and responding to the public health effects of climate change, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mrs. MCCARTHY of New York, Mr. ISRAEL, Mr. KIRK, Mr. CONNOLLY of Virginia, and Mr. SMITH of New Jersey):

H.R. 2324. A bill to require criminal background checks on all firearms transactions occurring at gun shows; to the Committee on the Judiciary.

By Mr. CUELLAR (for himself, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. HINOJOSA, Mr. EDWARDS of Texas, Mr. GONZALEZ, Mr. MCCAUL, Mr. AL GREEN of Texas, Mr. DOGGETT, Mr. SESSIONS, Mr. BRADY of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. CULBERSON, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. POE of Texas, Mr. THORNBERRY, Mr. HENSARLING, Mr. OLSON, Mr. NEUGEBAUER, Mr. CARTER, Mr. SAM JOHNSON of Texas, Mr. CONAWAY, Mr. MARCHANT, Ms. GRANGER, and Mr. SMITH of Texas):

H.R. 2325. A bill to designate the facility of the United States Postal Service located at 1300 Matamoros Street in Laredo, Texas, as the ''Laredo Veterans Post Office''; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself and Mr. BARTLETT):

H.R. 2326. A bill to promote the national security and stability of the United States economy by reducing the dependence of the United States on foreign oil, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HENSARLING (for himself, Mr. BURGESS, Mr. BISHOP of Utah, Mr. KLINE of Minnesota, Mr. CONAWAY, Mr. SHADEGG, Mr. PITTS, Mr. GARRETT of New Jersey, Mr. BRADY of Texas, Mr. MCKEON, Mr. GINGREY of Georgia, Mr. OLSON, Mr. GOHMERT, Mr. POE of Texas, Mr. FLEMING, Mrs. LUMMIS, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. POSEY, and Ms. FOXX):

H.R. 2327. A bill to preserve consumer choice and access to credit and enhance consumer disclosures; to the Committee on Financial Services.

By Mr. HIGGINS (for himself, Mr. REICHERT, Mr. ARCURI, and Mr. MCHUGH):

H.R. 2328. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the installation of residential micro-combined heat and power property; to the Committee on Ways and Means.

By Mr. KISSELL:

H.R. 2329. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for certain expenses of elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. LAMBORN:

H.R. 2330. A bill to direct the Secretary of the Interior to carry out a study to determine the suitability and feasibility of establishing Camp Hale as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. LATTA:

H.R. 2331. A bill to amend the Internal Revenue Code of 1986 to waive the 10 percent penalty on distributions from qualified retirement plans for mortgage payments on qualified residences and in respect of unemployment and to increase the age at which distributions from qualified retirement plans are required to begin from 70 1/2 to 75; to the Committee on Ways and Means.

By Mr. MCMAHON (for himself, Mr. SARBANES, and Mr. CONNOLLY of Virginia):

H.R. 2332. A bill to amend the Peace Corps Act and the National and Community Service Trust Act to increase the affordability of medical education; to the Committee on Education and Labor, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 2333. A bill to establish a District of Columbia National Guard Educational Assistance Program to encourage the enlistment and retention of persons in the District of Columbia National Guard by providing financial assistance to enable members of the National Guard of the District of Columbia to attend undergraduate, vocational, or technical courses; to the Committee on Armed Services.

By Ms. NORTON:

H.R. 2334. A bill to extend to the Mayor of the District of Columbia the same authority over the National Guard of the District of Columbia as the Governors of the several States exercise over the National Guard of those States with respect to administration of the National Guard and its use to respond to natural disasters and other civil disturbances, while ensuring that the President retains control of the National Guard of the District of Columbia to respond to homeland defense emergencies; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR (for himself and Mr. THOMPSON of Mississippi):

H.R. 2335. A bill to amend title 49, United States Code, to direct the Secretary of Homeland Security to carry out a program to ensure fair treatment in the security screening of individuals with metal implants traveling in air transportation; to the Committee on Homeland Security.

By Mr. PERLMUTTER (for himself, Mrs. BIGGERT, Mr. BLUMENAUER, Mr. ELLISON, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. HODES, Mr. ISRAEL, Mr. MARKEY of Massachusetts, Mrs. MCCARTHY of New York, Mr. MCNERNEY, Mr. SHERMAN, Mr. SIRES, Ms. TSONGAS, and Mr. HIMES):

H.R. 2336. A bill to encourage energy efficiency and conservation and development of renewable energy sources for housing, commercial structures, and other buildings, and to create sustainable communities; to the Committee on Financial Services.

By Mr. TEAGUE (for himself and Mr. REYES):

H.R. 2337. A bill to direct the Secretary of Transportation to make grants for certain transportation feasibility studies for southern New Mexico and west Texas; to the Committee on Transportation and Infrastructure.

By Mr. TIAHRT (for himself, Mr. HERGER, Mr. ROGERS of Michigan, and Mr. BURTON of Indiana):

H.R. 2338. A bill to prohibit any alien formerly detained at the Department of Defense detention facility at Naval Station, Guantanamo Bay, Cuba, and brought into the United from receiving any Federal, State, or local public benefit; to the Committee on Oversight and Government Reform.

By Ms. WOOLSEY:

H.R. 2339. A bill to establish a program that supports the efforts of States to provide partial or full wage replacement to new parents, so that the new parents are able to spend time with a new infant or newly adopted child, and to other employees, and for other purposes; to the Committee on Education and Labor.

By Mr. YOUNG of Alaska:

H.R. 2340. A bill to resolve the claims of the Bering Straits Native Corporation and the State of Alaska to land adjacent to Salmon Lake in the State of Alaska and to provide for the conveyance to the Bering Straits Native Corporation of certain other public land in partial satisfaction of the land entitlement of the Corporation under the Alaska Native Claims Settlement Act; to the Committee on Natural Resources.

By Mr. BROUN of Georgia (for himself, Mr. CANTOR, Mr. NEUGEBAUER, Mr. TAYLOR, Mr. WESTMORELAND, Mr. JORDAN of Ohio, Mr. BURTON of Indiana, Mr. ALEXANDER, Mr. SOUDER, Mr. MCHENRY, Mr. FLEMING, Mr. PITTS, Mrs. BLACKBURN, Mr. MARCHANT, Mr. MCKEON, Mr. GINGREY of Georgia, Ms. FALLIN, Mr. HUNTER, Mr. PENCE, Mr. SCALISE, Mr. SHUSTER, Mr. WHITFIELD, Mr. TIAHRT, and Mr. ROGERS of Alabama):

H.J. Res. 50. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GOHMERT (for himself, Mr. ROONEY, Mr. CANTOR, Mr. JORDAN of Ohio, Mr. HUNTER, Mr. POE of Texas, Mr. BROUN of Georgia, Mr. FLEMING, Mrs. LUMMIS, Mr. PITTS, Mr. LAMBORN, Mr. MARCHANT, Mr. BRADY of Texas, Mr. POSEY, and Mr. GINGREY of Georgia):

H.J. Res. 51. A joint resolution proposing an amendment to the Constitution of the United States to permit the penalty of death for the rape of a child; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself, Mr. WESTMORELAND, Mr. FORBES, Mr. PENCE, Mr. GINGREY of Georgia, Mr. FRANKS of Arizona, Mr. JORDAN of Ohio, Mr. WAMP, Mr. LAMBORN, Mr. GOHMERT, Mr. MARCHANT, Mr. CARTER, Mr. AKIN, and Mr. MCCOTTER):

H. Con. Res. 121. Concurrent resolution encouraging the President to designate 2010 as ''The National Year of the Bible''; to the Committee on Oversight and Government Reform.

By Mr. PAYNE (for himself and Mr. BILIRAKIS):

H. Con. Res. 122. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on Foreign Affairs.

By Mr. DREIER (for himself, Mr. PRICE of North Carolina, Mr. CONAWAY, Mr. SHUSTER, and Ms. SCHWARTZ):

H. Res. 414. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with the country of Georgia; to the Committee on Ways and Means.

By Mr. POMEROY:

H. Res. 415. A resolution commending the heroic efforts of the people fighting the floods in North Dakota and Minnesota; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. MARKEY of Massachusetts, Ms. BORDALLO, Ms. LEE of California, Mr. DAVIS of Illinois, Mr. HONDA, Ms. MATSUI, Mr. MORAN of Virginia, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, and Mr. RANGEL):

H. Res. 416. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H. Res. 417. A resolution expressing the sense of the House of Representatives that President Barack Obama should immediately work to reverse damaging and illegal actions taken by the Bush/Cheney Administration and collaborate with Congress to proactively prevent any further abuses of executive branch power; to the Committee on the Judiciary, and in addition to the Committees on Armed Services, Foreign Affairs, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOUSTANY (for himself, Mr. YARMUTH, Mr. ROGERS of Kentucky, Mr. ALEXANDER, Mr. FLEMING, Mr. CAO, Mr. JONES, Mr. CASSIDY, Mr. DAVIS of Kentucky, Mr. WHITFIELD, Mr. BOSWELL, Mr. CHANDLER, Mr. GUTHRIE, Mr. SCALISE, Mr. WESTMORELAND, Mr. SULLIVAN, Mr. ROSS, and Mr. WALZ):

H. Res. 418. A resolution congratulating Jockey Calvin Borel for his victory at the 135th Kentucky Derby; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. CHRISTENSEN, Mrs. NAPOLITANO, and Ms. LEE of California):

H. Res. 419. A resolution fostering resilience in African American youth; to the Committee on Energy and Commerce.

By Mr. LATTA:

H. Res. 420. A resolution celebrating the symbol of the United States flag and supporting the goals and ideals of Flag Day; to the Committee on Oversight and Government Reform.

By Mr. ROE of Tennessee (for himself and Mr. DUNCAN):

H. Res. 421. A resolution recognizing and commending the Great Smoky Mountains National Park on its 75th year anniversary; to the Committee on Natural Resources.

By Ms. SUTTON (for herself, Mr. KUCINICH, Ms. FUDGE, Mr. RYAN of Ohio, Ms. KILROY, Mr. WILSON of Ohio, Mr. SPACE, and Mr. BOCCIERI):

H. Res. 422. A resolution congratulating LeBron James for being named the 2009 Most Valuable Player in the National Basketball Association; to the Committee on Oversight and Government Reform.

By Mr. WAMP:

H. Res. 423. A resolution expressing support for a national day of remembrance for the workers of the nuclear weapons program of the United States; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 4 of Rule XXII, memorials were presented and referred as follows:

42. The SPEAKER presented a memorial of the State Senate of Michigan, relative to Senate Resolution No. 31 TO URGE CONGRESS TO ENACT A WAIVER OR EXCLUSION FOR YOUTH MOTORCYCLES, ALL-TERRAIN VEHICLES, AND SNOWMOBILES FROM THE LEAD REQUIREMENTS OF THE CONSUMER PRODUCT SAFETY IMPROVEMENT ACT AND TO ENCOURAGE THE CONSUMER PRODUCT SAFETY COMMISSION TO EXCLUDE THOSE PRODUCTS UNDER THEIR REGULATORY AUTHORITY; to the Committee on Energy and Commerce.

43. Also, a memorial of the State Senate of Michigan, relative to Senate Resolution No. 21 TO MEMORIALIZE THE UNITED STATES CONGRESS AND THE U.S. ARMY CORPS OF ENGINEERS TO FULLY FUND

THE EXPANSION OF THE SHIPPING LOCKS AT SAULT STE. MARIE; to the Committee on Transportation and Infrastructure.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FRANK of Massachusetts introduced a bill (H.R. 2341) for the relief of Paul Green; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

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

H.R. 21: Mr. PIERLUISI.

H.R. 23: Mr. PERLMUTTER, Mr. KING of Iowa, Mr. PASTOR of Arizona, Mr. LEWIS of Georgia, Mr. ADLER of New Jersey, Mr. DELAHUNT, and Ms. SPEIER.

H.R. 24: Ms. TSONGAS, Mr. SNYDER, Mr. PIERLUISI, Mr. HOEKSTRA, Mr. KRATOVIL, Ms. NORTON, Mr. COSTA, Ms. EDWARDS of Maryland, Mr. KENNEDY, Mr. JOHNSON of Georgia, Ms. BALDWIN, and Mr. MATHESON.

H.R. 26: Mr. CONNOLLY of Virginia.

H.R. 29: Mr. MOORE of Kansas.

H.R. 43: Ms. ZOE LOFGREN of California and Mr. DEFAZIO.

H.R. 144: Ms. ROYBAL-ALLARD and Ms. BALDWIN.

H.R. 197: Mrs. HALVORSON, Mr. BROUN of Georgia, Mr. GENE GREEN of Texas, and Mr. CHAFFETZ.

H.R. 213: Mr. GORDON of Tennessee.

H.R. 235: Mr. MEEK of Florida and Ms. BEAN.

H.R. 303: Mr. COSTELLO and Mr. BERRY.

H.R. 450: Mr. FLAKE.

H.R. 560: Mr. MOORE of Kansas.

H.R. 574: Ms. SCHWARTZ.

H.R. 578: Ms. LEE of California and Mr. FALEOMAVAEGA.

H.R. 606: Mr. STARK.

H.R. 610: Mrs. TAUSCHER.

H.R. 658: Ms. SHEA-PORTER.

H.R. 668: Mrs. DAHLKEMPER.

H.R. 699: Ms. PINGREE of Maine.

H.R. 745: Ms. JACKSON-LEE of Texas.

H.R. 775: Mr. SCOTT of Georgia, Mrs. LUMMIS, Mr. ADLER of New Jersey, and Mr. FLEMING.

H.R. 805: Mr. ENGEL.

H.R. 816: Mr. BROWN of South Carolina, Mr. FATTAH, Mr. SPACE, Mr. BOREN, Mr. ROGERS of Michigan, and Mr. HILL.

H.R. 836: Mr. AUSTRIA, Mr. FLEMING, Mr. GUTHRIE, Mr. PENCE, Mrs. CAPITO, Mr. CASTLE, and Mr. MORAN of Kansas.

H.R. 847: Mr. BRADY of Pennsylvania and Mr. SCHAUER.

H.R. 848: Mr. INSLEE.

H.R. 870: Mr. RUSH, Mr. MCGOVERN, and Mr. LEVIN.

H.R. 874: Mr. INSLEE, Ms. HERSETH SANDLIN, Mr. TAYLOR, Mr. BOUCHER, Mr. WATT, Mr. BISHOP of Georgia, Mr. RUPPERSBERGER, Mr. HOLDEN, Mr. MURTHA, Mr. GUTIERREZ, and Mr. KANJORSKI.

H.R. 886: Mr. WITTMAN, Mr. HOLT, Mr. BLUMENAUER, Mr. SARBANES, and Mr. WOLF.

H.R. 893: Mr. KUCINICH.

H.R. 916: Mr. FLEMING.

H.R. 930: Mr. KISSELL.

H.R. 981: Mr. ROTHMAN of New Jersey and Mr. PRICE of North Carolina.

H.R. 997: Mr. GARRETT of New Jersey.

H.R. 1021: Mr. FLEMING, Mr. BRADY of Texas, Mr. YOUNG of Florida, and Mr. RAHALL.

H.R. 1024: Mr. RUSH.

H.R. 1034: Mr. PITTS.

H.R. 1053: Mr. PLATTS.

H.R. 1054: Mr. PITTS, Mr. SMITH of Nebraska, Mr. KLINE of Minnesota, Mr. CHAFFETZ, and Mr. DEAL of Georgia.

H.R. 1055: Mr. DEAL of Georgia.

H.R. 1064: Mr. THOMPSON of Mississippi, Ms. FUDGE, Ms. RICHARDSON, Mr. DOYLE, Mr. HARE, Mr. SHERMAN, and Mr. TOWNS.

H.R. 1067: Mr. FLEMING and Mr. ALTMIRE.

H.R. 1074: Mr. CANTOR, Mrs. LUMMIS, Mr. DUNCAN, Mr. GUTHRIE, and Mr. CHAFFETZ.

H.R. 1077: Ms. ROYBAL-ALLARD and Mr. LATHAM.

H.R. 1093: Mr. DUNCAN, Mr. TERRY, and Mr. RODRIGUEZ.

H.R. 1132: Mr. KISSELL and Mr. LARSEN of Washington.

H.R. 1144: Mr. HINOJOSA, Ms. KOSMAS, and Mr. HONDA.

H.R. 1177: Mr. ISRAEL, Mr. BRADY of Pennsylvania, Mr. KINGSTON, and Ms. BORDALLO.

H.R. 1179: Mr. CARNEY, Mr. CUMMINGS, Mr. MCGOVERN, and Mr. COURTNEY.

H.R. 1180: Ms. FOXX and Mr. LINDER.

H.R. 1205: Mr. BISHOP of Georgia, Ms. BALDWIN, and Mr. SCHOCK.

H.R. 1207: Mr. SENSENBRENNER, Mr. DANIEL E. LUNGREN of California, Mr. WALZ, Mr. SHUSTER, Mr. MICHAUD, Mr. CONAWAY, Mr. SHADEGG, Mr. BOOZMAN, and Mr. GUTHRIE.

H.R. 1220: Mr. BISHOP of Utah.

H.R. 1237: Mr. THOMPSON of Mississippi and Mr. DELAHUNT.

H.R. 1240: Mr. MASSA, Mr. PETERSON, and Mr. GRAYSON.

H.R. 1242: Mr. MCCAUL, Mr. MARCHANT, and Mr. TERRY.

H.R. 1247: Ms. FUDGE, Mr. COHEN, and Mr. KENNEDY.

H.R. 1249: Ms. SCHWARTZ and Ms. WASSERMAN SCHULTZ.

H.R. 1250: Mr. BOCCIERI.

H.R. 1313: Mr. CARTER and Mr. WITTMAN.

H.R. 1324: Ms. NORTON, Mrs. DAHLKEMPER, Ms. DELAURO, and Ms. HERSETH SANDLIN.

H.R. 1327: Mr. FOSTER, Mr. CAMP, Mr. CAO, Mr. CHILDERS, Mr. RANGEL, Mr. ISSA, Mrs. LUMMIS, Mr. SHADEGG, Ms. MATSUI, Mr. BILIRAKIS, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Mr. BOCCIERI, Mr. PASCRELL, Mr. BILBRAY, Ms. FUDGE, Mr. COSTELLO, Mr. POLIS, Ms. SCHWARTZ, Mr. CARNEY, Ms. SCHAKOWSKY, Mr. BOREN, Mr. FRELINGHUYSEN, Mr. LANGEVIN, Mr. BRIGHT, and Mr. WAXMAN.

H.R. 1329: Mr. GRIJALVA.

H.R. 1330: Mr. CLEAVER and Mr. GRAYSON.

H.R. 1346: Ms. ROYBAL-ALLARD.

H.R. 1351: Mr. LINDER.

H.R. 1352: Ms. BALDWIN and Mr. DAVIS of Kentucky.

H.R. 1362: Mr. PETERSON, Mr. GENE GREEN of Texas, Mr. DAVIS of Illinois, Mr. DICKS, and Mr. HOLT.

H.R. 1380: Ms. RICHARDSON and Mr. INSLEE.

H.R. 1392: Mr. GONZALEZ.

H.R. 1396: Mr. CONAWAY.

H.R. 1398: Mr. BURGESS, Mr. ARCURI, Mr. GRAYSON, Mr. ROONEY and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1402: Mr. HOLT.

H.R. 1410: Mr. COURTNEY.

H.R. 1412: Mr. PIERLUISI, Ms. RICHARDSON and Mr. STARK.

H.R. 1414: Mr. GARRETT of New Jersey.

H.R. 1431: Mr. REHBERG, Mr. THORNBERRY, Mr. KINGSTON and Mr. SCALISE.

H.R. 1442: Mr. BISHOP of Utah.

H.R. 1443: Mr. BOYD.

H.R. 1449: Mrs. HALVORSON.

H.R. 1454: Mr. OBERSTAR, Mrs. TAUSCHER, and Mr. BLUNT.

H.R. 1457: Mr. GRAYSON.

H.R. 1458: Mr. WILSON of Ohio and Mr. YOUNG of Florida.

H.R. 1459: Mr. MORAN of Virginia.

H.R. 1460: Mrs. CAPPS.

H.R. 1470: Mr. HOLT.

H.R. 1476: Mr. BERMAN.

H.R. 1479: Mr. GRIJALVA and Mr. COHEN.

H.R. 1485: Mr. MITCHELL.

H.R. 1490: Mr. BERRY and Ms. DEGETTE.

H.R. 1521: Mr. ROSS, Mr. BOEHNER, Mr. POE of Texas, and Mr. ROYCE.

H.R. 1523: Ms. WOOLSEY.

H.R. 1528: Mr. KIND.

H.R. 1530: Mr. KIND.

H.R. 1545: Mr. PAULSEN, Mr. FLEMING, Mr. MANZULLO, Mr. LANCE, Mr. TIBERI, Mr. LATOURETTE, Mr. GERLACH, Mr. REICHERT, Mr. CAO, Mr. BARTLETT, Mr. DENT, Mr. KIRK, Mr. CHAFFETZ, Mr. HUNTER, and Mr. WILSON of Ohio.

H.R. 1547: Mr. CUMMINGS, Mr. CONNOLLY of Virginia, Mr. ALEXANDER, Mr. TERRY, Mr. MINNICK, Mr. GEORGE MILLER of California, and Mr. LUETKEMEYER.

H.R. 1549: Ms. MCCOLLUM and Mr. HOLT.

H.R. 1550: Mr. SHULER.

H.R. 1551: Mr. GONZALEZ and Mr. WELCH.

H.R. 1557: Mr. FORBES.

H.R. 1558: Ms. FUDGE, Mr. ALTMIRE, Mr. HOLT, and Mr. BERMAN.

H.R. 1570: Ms. BALDWIN, Mr. BOUCHER, and Mr. LEWIS of Georgia.

H.R. 1585: Mr. WEXLER, Mr. BOSWELL, and Mrs. DAHLKEMPER.

H.R. 1587: Ms. FALLIN and Mr. KLINE of Minnesota.

H.R. 1588: Mr. NEUGEBAUER and Mr. GARRETT of New Jersey.

H.R. 1596: Mr. JOHNSON of Georgia, Mr. BRADY of Pennsylvania, Mr. NADLER of New York, Mr. MICHAUD, and Mr. GRAYSON.

H.R. 1612: Mr. SNYDER.

H.R. 1615: Mr. RAHALL and Mr. DINGELL.

H.R. 1618: Mrs. NAPOLITANO and Mr. HOLDEN.

H.R. 1643: Ms. DEGETTE, Mr. SARBANES, Mr. NADLER of New York, Mr. PLATTS, Ms. VELÁZQUEZ, and Mr. HOLT.

H.R. 1670: Ms. JENKINS and Mr. BISHOP of Georgia.

H.R. 1684: Mr. ADERHOLT and Mr. BOOZMAN.

H.R. 1685: Mr. GRAYSON.

H.R. 1686: Mr. GORDON of Tennessee and Ms. SHEA-PORTER.

H.R. 1695: Mr. BRADY of Pennsylvania, Mr. GOODLATTE, Mr. COURTNEY, Mr. MARSHALL, Mrs. BLACKBURN, Mr. WILSON of South Carolina, Mr. FILNER, Mr. KAGEN, and Mr. COFFMAN of Colorado.

H.R. 1708: Ms. MCCOLLUM.

H.R. 1709: Mr. COSTELLO, Mr. LUJÁN, Mr. TONKO, Ms. FUDGE, Mr. SMITH of Nebraska, and Mr. SMITH of Texas.

H.R. 1721: Mr. SARBANES and Mr. HOLT.

H.R. 1725: Mr. CONYERS.

H.R. 1751: Mr. LANGEVIN, Mr. KENNEDY, Mr. DAVIS of Illinois, Mr. CROWLEY, Ms. WATSON, Mr. CLAY, Ms. HARMAN, Ms. CLARKE, and Mr. OLVER.

H.R. 1774: Mr. SARBANES.

H.R. 1790: Mr. MORAN of Virginia.

H.R. 1807: Mr. PITTS, Mr. CONNOLLY of Virginia, and Mr. LUETKEMEYER.

H.R. 1828: Mr. LUJÁN.

H.R. 1829: Ms. LORETTA SANCHEZ of California, Mr. MARIO DIAZ-BALART of Florida, Ms. MARKEY of Colorado, and Mr. SARBANES.

H.R. 1831: Mr. WILSON of South Carolina, Mr. SMITH of Nebraska, Ms. JENKINS, Mr. GRIJALVA, Mr. ARCURI, Mr. RADANOVICH, Mr. DEAL of Georgia, and Mr. BROWN of South Carolina.

H.R. 1835: Mr. LUCAS, Mr. FLEMING, Mr. CALVERT, and Mr. SCALISE.

H.R. 1855: Mr. DENT and Mr. EHLERS.

H.R. 1869: Mr. MICHAUD, Ms. KAPTUR, Mr. CUELLAR, Ms. ROYBAL-ALLARD, and Mr. BACA.

H.R. 1872: Mr. DONNELLY of Indiana and Mr. BOCCIERI.

H.R. 1881: Mr. CROWLEY, Mr. HALL of New York, Ms. CLARKE, Mr. COURTNEY, Mr. PAYNE, and Ms. WASSERMAN SCHULTZ.

H.R. 1886: Mr. FRANK of Massachusetts, Mr. ISRAEL, Mr. MCMAHON, Mr. MCDERMOTT, and Mr. CONNOLLY of Virginia.
H.R. 1894: Mr. BOOZMAN, Mr. COHEN, and Mr. MARCHANT.
H.R. 1895: Mr. MORAN of Virginia.
H.R. 1944: Mr. MCDERMOTT.
H.R. 1964: Ms. EDWARDS of Maryland, Ms. LEE of California, Mr. BISHOP of Georgia, and Mr. LEWIS of Georgia.
H.R. 1974: Mr. SPACE, Mr. JONES, and Ms. TITUS.
H.R. 1977: Mr. FORBES, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CAO, Mr. MELANCON, and Mr. DOGGETT.
H.R. 1978: Mr. RYAN of Ohio.
H.R. 1981: Mr. BISHOP of Utah, Mr. PAUL, Mr. JORDAN of Ohio, Mr. BROUN of Georgia, Mr. CANTOR, Mr. MCKEON, Mr. BARTLETT, Mr. SHIMKUS, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. PITTS, Mr. HUNTER, Mr. FLEMING, and Mr. GOHMERT.
H.R. 1985: Mr. HASTINGS of Florida.
H.R. 2006: Mr. HASTINGS of Florida, Ms. KAPTUR, Mr. OBERSTAR, and Mr. YARMUTH.
H.R. 2017: Mr. HINOJOSA and Mr. KAGEN.
H.R. 2020: Mr. TONKO, Ms. FUDGE, and Mr. SMITH of Nebraska.
H.R. 2021: Mr. SIMPSON, Mr. NEUGEBAUER, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 2030: Mr. SERRANO, Ms. MCCOLLUM, and Mr. LEWIS of Georgia.
H.R. 2036: Mr. GRAYSON.
H.R. 2052: Mr. TIAHRT.
H.R. 2054: Mr. REYES, Mr. PASTOR of Arizona, Mr. LANGEVIN, Mr. WEXLER, Mr. PRICE of North Carolina, and Ms. KILPATRICK of Michigan.
H.R. 2061: Mr. AKIN, Mr. LATTA, Mr. MCCAUL, Mr. LAMBORN, Mr. FRANKS of Arizona, Mr. SOUDER, Mr. JORDAN of Ohio, Mr. BURTON of Indiana, Mr. HOEKSTRA, and Mrs. BACHMANN.
H.R. 2063: Ms. FOXX, Mr. KLINE of Minnesota, and Mr. BURTON of Indiana.
H.R. 2068: Mr. BLUMENAUER and Ms. NORTON.
H.R. 2095: Mr. NADLER of New York.
H.R. 2099: Mr. PIERLUISI.
H.R. 2101: Mr. ABERCROMBIE.
H.R. 2103: Mr. LATOURETTE, Mr. GRIJALVA, Mr. MARKEY of Massachusetts, Ms. DEGETTE, Mr. FRANK of Massachusetts, Ms. KAPTUR, Mr. WAXMAN, Mr. QUIGLEY, Mr. DOGGETT, Mr. HALL of New York, Mr. SIRES, Mr. KIRK, and Ms. SHEA-PORTER.
H.R. 2110: Mr. HELLER and Mr. LARSON of Connecticut.
H.R. 2111: Mr. KLINE of Minnesota and Mrs. LUMMIS.
H.R. 2112: Mr. KANJORSKI and Ms. NORTON.
H.R. 2118: Mr. BOOZMAN.
H.R. 2119: Mr. BOOZMAN.
H.R. 2123: Mr. CAMPBELL and Mr. BRADY of Pennsylvania.
H.R. 2132: Mr. ACKERMAN and Mrs. CAPPS.
H.R. 2139: Ms. JACKSON-LEE of Texas and Ms. LEE of California.
H.R. 2141: Mr. CONNOLLY of Virginia.
H.R. 2142: Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. BOREN, Mr. BISHOP of Georgia, Mr. CARDOZA, Mr. COSTA, Mr. BOYD, Mr. HILL, and Mr. CONNOLLY of Virginia.
H.R. 2143: Mr. ANDREWS.
H.R. 2150: Ms. MOORE of Wisconsin.
H.R. 2163: Ms. GIFFORDS.
H.R. 2164: Ms. GIFFORDS.
H.R. 2172: Mr. BISHOP of New York.
H.R. 2176: Mr. GERLACH and Mr. SMITH of New Jersey.
H.R. 2187: Ms. SHEA-PORTER, Mrs. DAVIS of California, Mr. CARNAHAN, Mr. DINGELL, Mr. VAN HOLLEN, Mr. SESTAK, Mr. AL GREEN of Texas, and Ms. JACKSON-LEE of Texas.
H.R. 2201: Mr. POE of Texas.
H.R. 2203: Mr. LAMBORN.
H.R. 2219: Mr. MORAN of Virginia.
H.R. 2233: Mr. HONDA.
H.R. 2246: Mr. PASTOR of Arizona and Mr. WALZ.
H.R. 2261: Mr. WEXLER.
H.R. 2267: Mr. HASTINGS of Florida.
H.R. 2279: Mr. SERRANO.
H.R. 2288: Mr. CHAFFETZ and Mr. COFFMAN of Colorado.
H. J. Res. 11: Mr. GARRETT of New Jersey and Mr. BURTON of Indiana.
H. J. Res. 42: Mrs. MCMORRIS RODGERS, Mr. CALVERT, Mr. TIBERI, Mr. ISSA, Mr. JONES, Mrs. MYRICK, and Mr. CULBERSON.
H. Con. Res. 16: Mr. SAM JOHNSON of Texas.
H. Con. Res. 49: Mr. PAUL, Mr. MOORE of Kansas, Mr. GALLEGLY, Mr. HINOJOSA, Ms. ROS-LEHTINEN, Mr. MILLER of North Carolina, and Mr. WALZ.
H. Con. Res. 84: Mr. HOLT.
H. Con. Res. 87: Mr. FORTENBERRY, Mr. CONNOLLY of Virginia, and Ms. WATSON.
H. Con. Res. 102: Mr. WALZ.
H. Con. Res. 105: Mr. GRAYSON, Mr. BOYD, Ms. HIRONO, Mr. CONAWAY, Mr. HINOJOSA, Mr. HONDA, Mr. KLEIN of Florida, Ms. LEE of California, Mr. ORTIZ, Mr. RUPPERSBERGER, Ms. WATSON, Mr. RUSH, Mr. MORAN of Virginia, Mr. RAHALL, and Mr. SPRATT.
H. Con. Res. 108: Mrs. DAHLKEMPER.
H. Con. Res. 109: Mr. ROGERS of Alabama, Mr. HASTINGS of Florida, Mr. BACA, Ms. KAPTUR, Mr. QUIGLEY, Mrs. MALONEY, Ms. WATSON, Ms. NORTON, Mr. KENNEDY, Mr. PLATTS, Mr. CUMMINGS, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mr. SNYDER, Ms. CLARKE, Ms. FUDGE, Mr. CARSON of Indiana, Mr. SIRES, Mr. TEAGUE, Mrs. CAPPS, Mr. PIERLUISI, Mr. LUJÁN, Mr. HONDA, Mr. PERRIELLO, Mr. KAGEN, Mr. BISHOP of New York, Mr. TONKO, Mr. CUELLAR, Mr. KIND, Mr. MORAN of Virginia, Mr. HINOJOSA, Mr. PAYNE, Mr. COHEN, Mr. HARE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MASSA, Mr. MCGOVERN, Mr. LEVIN, Mrs. DAHLKEMPER, Mrs. HALVORSON, Mr. KLEIN of Florida, Ms. TITUS, Mr. SCHAUER, Ms. MATSUI, Mr. LARSON of Connecticut, Ms. EDWARDS of Maryland, and Mr. MCMAHON.
H. Con. Res. 112: Ms. BORDALLO, Mr. KIND, and Mr. CAO.
H. Con. Res. 116: Mr. SHADEGG, Mrs. LUMMIS, Mr. PITTS, Mrs. BLACKBURN, Mr. BRADY of Texas, Mr. MCKEON, Ms. FOXX, and Ms. FALLIN.
H. Con. Res. 117: Mr. OLSON, Mr. HALL of Texas, and Mr. SMITH of Texas.
H. Con. Res. 120: Mr. TONKO, Mr. CROWLEY, Ms. GINNY BROWN-WAITE of Florida, Mr. WELCH, Mr. MATHESON, and Mr. KIRK.
H. Res. 57: Mr. GRAYSON.
H. Res. 192: Mr. GONZALEZ, Mr. KLEIN of Florida, Mr. PALLONE, Mr. FLEMING, Ms. ZOE LOFGREN of California, Ms. KILPATRICK of Michigan, and Mr. SALAZAR.
H. Res. 196: Mr. MATHESON, Mr. HILL, Mr. MELANCON, Mr. GUTHRIE, and Mr. NEAL of Massachusetts.
H. Res. 204: Mrs. MCMORRIS RODGERS and Mr. MEEK of Florida.
H. Res. 209: Mr. PASCRELL, Mr. LEVIN, Mrs. CAPPS, Mr. DUNCAN, and Mr. ISRAEL.
H. Res. 232: Mr. CAO.
H. Res. 236: Mr. MCCOTTER.
H. Res. 248: Mr. DRIEHAUS and Mr. HODES.
H. Res. 252: Mr. KUCINICH, Mr. ADLER of New Jersey, Mr. SCHAUER, Mr. QUIGLEY, and Ms. ZOE LOFGREN of California.
H. Res. 260: Mr. CONNOLLY of Virginia, Ms. SUTTON, and Mr. HINCHEY.
H. Res. 278: Mr. MORAN of Virginia.
H. Res. 297: Mr. LANCE.
H. Res. 319: Mr. ROGERS of Alabama.
H. Res. 349: Ms. HARMAN.
H. Res. 366: Mr. SOUDER.
H. Res. 373: Mrs. BLACKBURN and Mr. LANCE.
H. Res. 385: Ms. HIRONO and Ms. KOSMAS.
H. Res. 386: Mr. NYE.
H. Res. 389: Mr. MOLLOHAN and Mr. RYAN of Ohio.
H. Res. 390: Mr. KANJORSKI, Mr. MCHUGH, and Mr. SULLIVAN.
H. Res. 397: Mrs. BACHMANN, Mr. BOREN, and Mr. BOOZMAN.
H. Res. 407: Ms. WASSERMAN SCHULTZ, Mr. WOLF, and Mr. SERRANO.
H. Res. 412: Mr. WAXMAN.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 3, May 7, 2009, by Mr. STEVEN C. LATOURETTE on House Resolution 251, was signed by the following Members: Steven C. LaTourette, Mario Diaz-Balart, Patrick J. Tiberi, Thaddeus G. McCotter, Devin Nunes, Lincoln Diaz-Balart, John M. McHugh, Michael K. Simpson, and John Abney Culberson.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 1, by Mr. LATTA on H.R. 581: Jim Jordan.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111th CONGRESS, FIRST SESSION

Vol. 155 WASHINGTON, THURSDAY, MAY 7, 2009 No. 70

# Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

## PRAYER

The PRESIDING OFFICER. Today's opening prayer will be offered by the Reverend Dr. Delman L. Coates from the Mount Ennon Baptist Church in Clinton, MD.

The guest Chaplain offered the following prayer:

Let us pray.

Eternal God our Holy Parent, You who are the Creator and the sustainer of life; we come to You today in humble adoration, thanking You for this day and for this occasion that brings us together. We ask that You would consecrate our hearts, anoint our minds, and commission our hands to serve the people of this great Nation.

We gather today in the midst of unique and unprecedented times, times of great challenge and times of tremendous difficulty. Help us to discern Your will and to seek Your direction as we endeavor to confront the fiscal and legislative challenges of our day.

Grant unto us clarity of thought and unity of purpose in our effort to make this Nation and this world a better place. Enable us to be a voice for the voiceless, hope to the hopeless, and help to the helpless. We pray for strength in both the public and the private affairs of our lives. We need You to be for us what we cannot be for ourselves. May we have the character and the fortitude to lead with integrity, to listen with clarity, and to serve with sincerity.

As we start this day, we ask that You would raise the crown of righteousness above our heads, and we pray that You would encourage us to grow tall enough to wear it. These and all blessings we ask in the name of Love, Hope, and Peace. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND 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 bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 7, 2009.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

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

## EXECUTIVE CALENDAR VITIATION

Mr. REID. Madam President, as if in executive session, I ask unanimous consent that the Senate action of May 6, 2009, with respect to Calendar No. 85 be vitiated.

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

## SCHEDULE

Mr. REID. Following remarks of the leaders—I understand that the Republican leader will be a little bit late getting here; he had a meeting that is taking more time than he expected—there will be a period of morning business until 10:30, with the time equally divided and controlled between the two leaders or their designees. The majority will control the first half and the Republicans will control the second half.

Following morning business, the Senate will resume consideration of S. 454, the Weapon Systems Acquisition Reform Act.

Last night we were able to reach an agreement to limit the number of first-degree amendments to the bill. We hope to vote on the remaining amendments and on passage of the bill today. I am confident there will be votes throughout the day.

Last night cloture was filed on the motion to proceed to the credit card legislation. After having done that, I received a call from the chairman of the committee, Chairman DODD. He and Senator SHELBY have worked out language on the credit card legislation which would make it easier to proceed.

I am confident we will not have to have that vote tomorrow to invoke cloture on a motion to proceed, or at least I hope not.

The work done by Senators LEVIN and MCCAIN is exemplary. This is a complicated piece of legislation. They worked on it together. They worked with the White House, they worked with the minority staff, the majority staff, and they were able to get this agreement with exemplary work. I commend and applaud both of these fine Senators for allowing us to move to this extremely important legislation. As we heard from the opening statements of Senators LEVIN and MCCAIN, huge amounts of money have been wasted in years past. We all want to do the very best we can for the Pentagon and the U.S. military, but we

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



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have to be able to tell the American people that we are being as frugal as necessary. And this legislation will allow us to have the strongest military in the world, as has been the case in the past many years, but also to have one that is not wasting money.

So we, as I said, appreciate the work done by Senators LEVIN and MCCAIN.

## 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 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the second half.

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

## HEALTH CARE REFORM

Mr. NELSON of Nebraska. Madam President, 19 years ago, after narrowly winning my first statewide race for Governor in Nebraska, I was concerned about the significant budget challenges and economic downturn we faced. Today, the United States is confronted by financial troubles on a much larger scale.

Among them, we are suffering from the compounding economic impact of years of steadily rising health care costs and millions of uninsured Americans. This crisis is strangling businesses and throwing sand in the gears of our economic engine, but the most troubling impact is on families.

From 2001 to 2007, premiums for family insurance coverage surged 78 percent while income increased just 19 percent. Wages are lagging behind not only premiums but also out-of-pocket costs which families must pay for health care services.

In my view, meaningful health care reforms are within reach and should be achieved in a bipartisan fashion without stifling minority views or using reconciliation.

Although there are signs of progress in the reform debate, some seem ready to stir partisan tensions. We should play down the divisions which ideologies present and focus instead on areas of consensus.

What could this middle ground look like?

I believe that two of the highest priorities should be reducing the cost of health care and improving efficiency in our delivery system.

Despite state-of-the-art treatment, some studies still show that Americans receive appropriate care just 55 percent of the time.

The American Recovery and Reinvestment Act Congress approved this year made a downpayment addressing health information technology and comparative effectiveness research. As a result, doctors and patients will receive access to improved health records and better evidence about which medical treatments may best serve a patient's needs.

Senator BAUCUS and the Finance Committee have laid out a series of additional delivery system reforms which I applaud them for. These cost-containment measures are the first order of business and a mission-critical component of reform which will immediately pay dividends on affordability and access.

In an additional sign of progress in covering the uninsured, America's health insurers have agreed to guarantee health care coverage to all Americans and transition away from charging higher premiums to those who are most ill, if Congress agrees to support a requirement to obtain coverage.

While I have an aversion to mandates, I recognize that we all have a responsibility to obtain health care coverage because we all pay higher premiums when providers are forced to write off expensive, uncompensated care.

We often focus on the 45 million or more Americans who are uninsured, a crucial problem to be sure. However, we also must make sure we are not destabilizing care for the 200 million Americans who have private health insurance.

Some have called for establishing a public plan, but I think it would undermine health care services for millions of Americans and squander this unique opportunity for substantial reform.

Here are some of my concerns about a public plan run by the Government:

Washington runs our Medicare system which is already on its way to insolvency.

Our delivery system could collapse if it had to rely more heavily on Medicare-like reimbursement rates. Today, one-third of physicians limit the number of new Medicare patients they see.

A Government-run plan would further limit payments to doctors, nurses, health care workers and hospitals, and they would over time refuse patients covered by this system.

That would worsen the current cost shift to private payers, which can run in the neighborhood of 30 to 40 percent.

The result? Patients would lose access to health care, services would decline for millions and competition would disappear.

In my State of Nebraska, uncompensated care and the cost-shift from low Government reimbursements account for 15 percent of the average health insurance premium.

In sum, a one-size-fits-all Washington-run health care plan expands Government but will not fix the main problems people face every day: affordability, access and high quality care.

Several years ago, we debated whether private competition could deliver affordable choices to cover seniors' prescription drugs. I was not convinced there would be enough competition.

Well, the jury is in. The verdict? A recent independent poll showed that 87 percent of Medicare beneficiaries are satisfied with their prescription drug coverage. And, vigorous competition among drug plans will save taxpayers $243 billion over 10 years.

I believe private competition can work. I would suggest we empower consumers and demand that private insurers compete on service to restore a true marketplace for insurance. We need to make it easier for Americans to compare health plans and the co-pays, networks, provider quality measures and access to medical records the plans offer.

In fact, President Obama has said Americans deserve the same health insurance that their members of Congress receive. Well, Federal employees and Members of Congress choose between a wide array of coverage options offered by private health insurers, selecting the plan that best fits their needs.

Ultimately, I want consumers, not Washington, to be in charge of their health care and to give them the ability to demand more from insurers through the marketplace.

In the coming weeks, America will see a debate that tests our ability to confront this enormous challenge yet still preserve bipartisanship and reason. We can meet in the center on a reform plan making major improvements in our health care system that puts us firmly on the path toward cost containment, universal coverage and, ultimately, fairness for all Americans.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, I understand now is the time for the majority. If somebody appears, I will be happy to yield the floor. I ask unanimous consent to proceed in morning business.

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

Mr. GREGG. I congratulate Senator NELSON for his excellent statement. His statement was very appropriate and on point on the issue of health care and health reform and the need for a bipartisan effort in this Chamber. He is one of the leaders in the ability to bring people together, and I congratulate him for a strong and thoughtful statement.

## THE BUDGET

Mr. GREGG. Madam President, I wish to talk a little bit about the budget and specifically about the proposal

sent by the President yesterday. Yesterday the President sent us his formal budget. We have already voted on a budget, of course. We passed a budget. The President doesn't have to sign the budget. That is one of the ironies of our system. But he does present us with an outline. Because this was a transition year, it is traditional that the President doesn't send us in-depth proposals. He sends sort of a topical approach in early February and then sends us in-depth proposals later in the year. In the last few days, he sent the in-depth proposals. Among the proposals, and what is being most obviously highlighted, is requested rescissions in about 120 programs representing approximately $17 billion. I congratulate him for that. That is an attempt to reduce spending in those accounts and recover those dollars back into the Federal Treasury.

But that has to be put in context, the initiative to save $17 billion. That is a lot of money. It could run the State of New Hampshire for at least 3 or 4 years. But in the context of the Federal budget, it is not a dramatic amount. In fact, it represents less than one-half of 1 percent of the Federal budget, which will be approximately $3.5 trillion this year. So taking $17 billion out of spending programs is not going to solve our overall problem, which involves the fact that we are headed into a nonsustainable government because of the size of spending we are doing and because of the size of the debt we are running up. I do congratulate him for putting forward this initiative. I hope it will pass. I hope the $17 billion will actually be passed by this Congress. But regrettably, most of the items he sent to be rescinded had already been sent by President Bush, not most but a significant amount. Forty percent had already been sent to us by President Bush and had been rejected by the Congress, which is too bad. It was unfortunate when they were rejected under President Bush. I hope the Congress will take a second look and accept them now that they have been given the imprimatur, the approval of President Obama, so we have a bipartisan effort to rescind at least 40 percent of the amount.

In the end, it doesn't change the outyear deficit figures at all. In fact, this amounts to less than an asterisk when it comes to the amount of debt and deficit which we will be running up as a government.

Even with this rescission of $17 billion, assuming it was passed by the Senate and the House and signed by the President and these various programs were reduced, we would still run a deficit of 4 to 5 percent of gross national product over the next 10 years under the President's proposals. We would still run a deficit that would average $1 trillion a year over the next 10 years. We would still run a deficit which would add to the debt at such a fast rate—in other words, deficits become debt—that we would end up with a Federal debt that would be approximately 80 percent of the gross national product or doubling of the Federal debt during the first 5 years of this Presidency. None of those numbers will be changed by these rescissions because they don't go to the core of the problem.

The core of the problem is, the Government is being expanded dramatically, even while these rescissions are occurring. The rate of growth of the Federal Government, as a result of expanded spending which has been initiated by this administration, in large part, will dwarf any savings that occur under this rescission proposal. It is as if we had a vast desert of sand. It is as if this was the Gobi Desert or the Sahara Desert and we came along and took a few pieces of sand off the desert. It will virtually have no impact on the deficit and the debt as we move forward into the outyears because of the fact that while we are taking these few dollars out, which I congratulate the President for trying to do, we are adding back massive amounts of spending: $1.4 trillion in new discretionary spending compared to the $17 billion rescission, $1.2 trillion in new entitlement spending compared to this $17 billion rescission. We are taking a little spoonful of water out of the ocean while we are dumping a whole river into the ocean. So the water levels go up. The debt levels go up and the burden on our children goes up. The cost of the Government and the debt of the Government is and remains an unsustainable event for the Nation and for future generations.

If the President wishes to be serious about spending restraint—and I hope he is, though it doesn't appear that way from his budget—he would address the underlying problem, which is that we don't expand the Government to take up 23, 24, 25 percent of gross national product when it historically has been about 20 percent, that we don't radically expand spending programs until we have an economy that is generating enough revenues so we can pay for them and that we basically try to contain in the outyears the cost of entitlement spending by putting in place proposals which will lead to limiting the costs in the outyears.

The Senator from Nebraska was recently talking about health care. Health care is obviously at the core of issues of how we control costs around here and how we control the outyear growth of the Federal Government. We today spend 17 percent of the gross national product on health care. That is approximately 5 to 6 percent more than the next closest industrialized nation. Yet the President's proposals are to add another $1.4 trillion on top of what we already spend in the area of health care. That makes no sense fiscally. It makes no sense from the standpoint of what the health care system needs. We already have enough funds in the health care system. We should agree that what we are going to try to do is stabilize the cost of health care as a percentage of our gross national product and use the dollars that are already in the system to reform it.

We know we have a huge amount of surplus money in the health care system compared to any other industrialized nation. Rather than throwing more money at the problem, adding to the debt and deficit, let's try to be responsible about a reform program, to live within our means—they are not even our means—to live within what we are already spending and spend those dollars more wisely. Those are the types of initiatives we need.

Obviously, it is helpful to reduce spending by $17 billion. I hope we accomplish it. Congress has rejected 40 percent of these proposals in the past, but I hope we change our minds. Just yesterday, for example, this Senate passed a housing bill which spent $11 billion outside and on top of the budget, new spending. So we have already spent almost all the money represented as being saved by the President's proposal. Fiscal discipline does not seem to be the order of the day around here. I appreciate at least the effort, but I think it does have to be put in the context of the overall problem.

It is akin to taking a teaspoon of water out of a bathtub while we keep the spigot on at full speed and the bathtub doesn't fill up. It is a spigot of spending, of Government growth. There is a belief, regrettably, in this Congress, because of the majority view and from the White House, that by grandly expanding the Federal Government, by moving it dramatically to the left in its size, by growing it significantly, we somehow create prosperity.

We can't do it that way. The only way we can create prosperity is if we have a government we can afford. If we are running up deficits at 4 to 5 percent of GDP, if we are taking the national debt up to 80 percent of the gross national product, we will not create prosperity. We will create significant hardship for the next generation which has to pay off all the debt.

I hope this proposal for rescission which has been sent up will be followed on with proposals that are serious in the area of controlling the spigot which is dumping all the spending into the Federal account. Turn that down. Let's put some controls on the spending side of the ledger that get to the broader problem of the size of the debt and the size of the deficit in real numbers, not just at the margins.

I yield the floor, suggest the absence of a quorum, and ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Madam 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.

## CREDIT CARD REFORM

Mr. TESTER. Madam President, I rise this morning to speak about an important plan to protect American consumers. Specifically, I call on the Senate to pass tough new reforms in the credit card industry. I have been working for months with my colleagues on the Senate Banking Committee to write this important new legislation. I am proud to have played a part in Chairman DODD's bill, the Credit CARD Act.

This bill includes legislation I introduced last year to outlaw what is called universal default. That is the term given when the credit card companies raise interest rates on customers if their credit scores fall for any reason—even if those customers pay their credit card bills on time. They may call that universal default, but where I come from in Montana, they call that a ripoff.

This reform legislation puts common sense and honesty back into the credit card industry. It will establish a new set of standards at a time when hard-working, honest folks are getting squeezed in this tough economy.

Simply put, Montanans are not happy with the credit card companies. All of us are getting fed up with hidden fees, high interest rates, and confusing small print. Every day, I get calls and letters and e-mails from folks back home who want the Senate to take action to rein in these predatory practices of the credit card industry. I have here in my hand a few of those examples.

The first one is from a man from Belgrade, MT, in Gallatin County. He writes this—and I will quote him at length:

> These institutions have bilked us. They took the bailout money and had no qualms about undertaking more irresponsible actions to loot the American taxpayers and consumers again. I will use myself—a small business owner so small you might call us a nano-business—as an example. Four or five months ago, we hit a bump in the road and got behind with [our credit card company]. Knowing that this was going to be a temporary situation pending the closing on the sale of some property we owned, I stayed in at least weekly contact with [our credit card company] to keep them informed and assured them that we had every intention of meeting our obligation, which we did. What happened then is almost unbelievable. My interest rate was increased to over 27%. I was charged various fees for being late that amounted to over $1100.00. . . .What really made me feel ripped off is that I had been a card holder [with that company] FOR TWENTY-SIX YEARS!!!

Madam President, I am all about personal responsibility. Folks need to make good decisions on their purchase obligations. But plastic personal debt can be very dangerous and addictive. Ordinary Americans can get in over their heads very quickly, and that is why the Senate needs to pass common-sense legislation to protect consumers from abuse.

A lady wrote me from Glacier County, MT, and said this:

> I hope you will be willing to stand up to the banks when it comes to credit card regulation and oversight. Consumers need protection. In our home, we just saw interest rates on many of our credit cards jump for no reason. . . .How are we supposed to be participating in an economic recovery when our cash is being siphoned off for these unfair charges? You have a chance to do something about that—

She went on to say—

> I hope that you will.

I, too, hope that we will. I hope the Senate will pass the Credit CARD Act. This bill will ban universal default, the jacking up of interest rates even when the account in question is in good standing. It will protect consumers who pay their bills on time by outlawing interest charges on debt paid on time. It gives consumers another week to pay their monthly bills. It limits fees and penalties. It ensures that cardholders will know the small print. And it protects young Americans, who are often most vulnerable, from predatory practices by the credit card companies.

I voted against the Wall Street bailout because handing bags of money to big Wall Street bankers and hoping the money would trickle down to Main Street small businesses and working families made no sense to me. Now we see some of the recipients of taxpayer bailouts jacking around the regular working folks who make this country run and who are having a hard time in this difficult economy, brought on by mismanagement here and by crooked deals on Wall Street.

It is important to note that not everyone in the banking industry is guilty of gross exploitation of the American consumer. But the bad actors on Wall Street and the credit card companies need to be reined in, and the rights of the regular public need to be protected.

I am pleased President Obama had the credit card executives down to the White House the other day to encourage them to treat consumers fairly. I call on the Senate to step to the plate and deliver meaningful legislation that will put in place commonsense consumer protections.

Thank you, Madam President. I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam 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.

## RECOGNITION OF THE MINORITY LEADER

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

## GUANTANAMO: ANOTHER DAY OF UNANSWERED QUESTIONS

Mr. MCCONNELL. Madam President, for the past several weeks, Republicans in Congress have expressed serious concerns about the administration's insistence on closing Guantanamo before it has a safe alternative. These concerns are rooted, among other things, in the fact that roughly 10 percent of the detainees who have already been released from Guantanamo have returned to the field of battle. These concerns are rooted in the fact that the administration has talked about releasing some of these trained terrorists into the United States—not into detention facilities but directly into our communities. These concerns are rooted in the fact that Americans like the fact that we have not been attacked at home here since 9/11, and they do not want the terrorists at Guantanamo back on the battlefield and certainly not in their backyards.

These concerns are real. Yet all we have gotten from the administration on this issue is silence.

Five weeks ago, Senator SESSIONS sent the Attorney General a letter asking what legal authority the administration has to release trained terrorists into the United States. He sent another letter asking the same question earlier this week. In response, he has gotten silence. Senator MCCAIN and Senator GRAHAM wrote an op-ed yesterday asking serious questions about what the administration plans to do with the detainees it releases or transfers from Guantanamo. We have not heard anything in reply.

These are not academic questions we are asking. When Americans hear about a former detainee named Said Ali al-Shihri, who was last seen serving as one of al-Qaida's top deputies in Yemen, calling on his Somali comrades to increase attacks on Americans ships, they have reason to be concerned. When Americans hear about a former detainee who was last seen serving as the Taliban's operational commander in southern Afghanistan, they have reason to be concerned. These are just a couple of the men previously deemed safe for transfer. They are living proof that the dangers of closing Guantanamo without a safe alternative are absolutely real. Yet all we get from the administration is a request for funds to close Guantanamo. Does the administration really think Congress will appropriate these funds before it presents us with a plan that keeps the American people as safe as Guantanamo has? The administration needs to explain its actions to the American people and their representatives in Congress. And Republicans will continue to ask these questions until they do.

## THE BUDGET

Mr. MCCONNELL. Madam President, it is clear the budget the Democrats

passed last week on a party-line vote spends too much, taxes too much, and borrows too much. As a result, the President has now proposed some modest spending reductions totaling a fraction—a fraction—of a percent of the trillions his budget would add to the debt.

Well, that is a start, but with Democrats in Congress adding to the national debt at a rate of more than $100 billion every month already this year, and with a budget that triples the already unsustainable public debt over the next decade, it is clear there is not much more we can do to protect our children and grandchildren from the unprecedented trillions in additional debt proposed by this administration.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. Madam President, I ask unanimous consent to speak as in morning business—in fact, I think we are in morning business. I ask unanimous consent to be recognized for 20 minutes.

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

## GUANTANAMO BAY

Mr. ROBERTS. Madam President, I wish to thank our Republican leader for so succinctly summing up the issue we face in regards to the terrorists—and, yes, they are terrorists—who are at Guantanamo Bay and for what I think is the almost unbelievable suggestion that we move these folks to a homeland, USA, and my remarks will continue in that regard. I thank the leader for raising the subject.

I rise today to speak about Guantanamo Bay, but I wish to point out that I am speaking about a Guantanamo Bay that some of my colleagues and some citizens of our great country might not recognize.

Obviously, the Guantanamo Bay I am speaking of houses ''terrorists.'' I have been there, and there are terrorists at Gitmo. I have seen them. As a matter of fact, I have seen interrogation procedures with the terrorists. They are not ''enemy combatants'' fighting an ''overseas contingency operation,'' but terrorists whom we must wage a war on terror against because they continually plan to launch attacks against us.

Senator MCCONNELL spoke of the 10 percent who have been released and who have shown back up on the battlefield. There is a wonderful picture—well, it isn't a wonderful picture; it is a very telling picture—of one of these terrorists who was incarcerated at Gitmo and whom we released. He was treated and fitted with a prosthesis—with health care better than many of my small communities get.

There is a picture of him back on the battlefield waving his prosthesis in one hand and with an AK–47 in the other. If that doesn't tell the story, I don't know what would.

The reason I explain this is because we have seen a change in how those who are incarcerated at Gitmo are now being defined and described both in the media and in the administration, and as a consequence, by some Americans. I understand there is a poor perception of Guantanamo Bay, but to say there are no terrorists there, to say that there are not even enemy combatants there is doing a disservice to us all by trivializing the crimes committed by those who are incarcerated there.

I ask my colleagues: When did we start making terror politically correct? And why?

I understand this administration has great feelings about these issues, and many Americans have great feelings about these issues. Many Americans disagree very strongly with the past administration. I know this administration wants to draw a line of demarcation and say: This is not our policy, whether it is the war in Iraq, whether it is our operations in Afghanistan, whether it is our foreign policy, our national security policy, or whether it is intelligence. These are all very legitimate topics for debate and discussion, but in the process of this debate and this discourse, we should not ignore reality.

This same question as to why we would do this was asked by Daniel Pearl's father, Judea Pearl, in an article that ran in the Wall Street Journal this past February. I have the article here. It is called ''Daniel Pearl and the Normalization of Evil.'' Every Senator and every American should read this article and should take it to heart.

As I think most people know—and we should all remember—Daniel Pearl was the American journalist captured and beheaded—beheaded on video—by the ''nonterrorist, nonenemy combatant'' Khalid Sheikh Mohammed in 2002. He was beheaded by Khalid Sheikh Mohammed, who is actually sitting at Guantanamo Bay right now.

Listen to what Professor Judea Pearl, who is a respected professor at UCLA, has to say about that act of terror when he and Danny's mother looked at a picture of their son, Daniel:

> Those around the world who mourned for Danny—

His son—

> in 2002 genuinely hoped that Danny's murder would be a turning point in the history of man's inhumanity to man, and that the targeting of innocents to transmit any political message would quickly become, like slavery and human sacrifice, an embarrassing relic of a bygone era.
>
> But somehow,—

And I continue to quote Professor Pearl—

> barbarism, often cloaked in the language of resistance, has gained acceptance in the most elite circles of our society. The words ''war on terror'' cannot be uttered today without fear of offense. Civilized society, so it seems, is so numbed by violence that it has lost its gift to be disgusted by evil.

Well, I remain disgusted by evil, and more than that, I am fatigued by those who seemingly ignore it. I am disgusted by those who target innocent civilians as they spew their hatred, and I refuse to adopt what Danny's father called ''the mentality of surrender.'' I think it is not too late. It is not too late for a wake-up call. We can all refuse to surrender to the idea that terrorism is somehow a tactic. To refuse to believe it is an acceptable tool of resistance.

There is still time for Americans to remember that there are men at Guantanamo Bay who cannot be released and most certainly should not be on American soil. In fact, Americans must remember there are men at Gitmo who planned the September 11 attacks, the USS Cole attack prior to that—this was before we even connected the dots—and the attacks on American Embassies in Africa, causing great loss of human life. There are men at Gitmo who have perpetuated horrible crimes against humanity and would like to do so again because they don't like who we are or the way we live.

Terrorist detainees should be held, as they are now, at Gitmo, in compliance with international law. That should be respected, of course.

Ask the Red Cross or our new Attorney General, Eric Holder. Guantanamo, despite what some might think, is a first-rate facility that safely keeps these men out of civilized societies, affords them human treatment, and gives them religious respect. Again, I know. I was there.

Certainly, Khalid Sheikh Mohammed did not afford Daniel Pearl those courtesies. No, Khalid Sheikh Mohammed and others like him were—and still are—on a jihad against every man, woman, and child in our country. Yet we should bring these terrorists to American soil? Not only is that just plain wrong, it is logistically a situation that will not work. We can't do it without a tremendous infusion of funds and a lot of other problems.

In Dodge City, KS, at the coffee clatch that I attend, they call that flatout dumb. In fact, for those who would like to bring these nonterrorists, nonenemy combatants to hometown, USA, let me paint a picture.

Fort Leavenworth, KS, has been mentioned many times as a possible location for the 100 or so terrorists whom Defense Secretary Gates says can't be released but can't be tried. Leavenworth: where we educate all future Army officers, where we host foreign military officers every year to build relationships and foster military cooperation. Leavenworth: the intellectual center of the Army.

Do my colleagues think Army officers want to study at Fort Leavenworth if terrorists are there? Do they think they want to send their kids to school on the base minutes away from the most dangerous men in the world? Do they think foreign countries, especially friendly Muslim nations, will want to send their best and brightest officers to a place that houses men who we all agree are not appropriate for a

civilized society? I don't think so. Not a chance.

Even worse, I can't believe we are asking the people of Leavenworth to hang out with the ''welcome terrorists'' banner or put out the welcome mat to terrorists or to share their community not only with terrorists but with every protestor who will inevitably show up or with every terrorist who will view a facility on the mainland as a target, as they do. And before someone says Fort Leavenworth is secure, let me tell you it is secure all right; but for military prisoners who are compliant and for civilian prisoners who are not on a jihad against America.

Guantanamo Bay is a fortress, a humane, Red Cross-approved fortress, but a fortress nonetheless. Moving such a facility to hometown, USA, will require security beyond reality. I can't even begin to imagine what it would look like at Leavenworth, but I do know it is unrealistic to think a place such as Leavenworth, which has a railroad running through it and a river running next to it and highways all around it, would not be secure. No, it is not secure enough. In fact, the only place that is would have to be a fortress in the middle of nowhere—or Guantanamo Bay.

Let's also not forget the cost to taxpayers if such a thing would actually happen. We would not be able to mix these prisoners with the general prison population there, let alone the public. We would have to build a hospital and medical facilities, exercise and eating facilities, places for religious worship, and the list goes on and on and on. We have that at Gitmo. If anyone thinks that is crazy, I recommend they travel to Gitmo and take a look. They already have all of those facilities there. In fact, the medical facilities I saw are better than most in most of our small rural communities in this country.

Why we keep coming back to this ridiculous argument, why we keep trivializing the crimes committed by those at Gitmo, and why we keep offering up our American communities as a reasonable alternative is beyond me.

But I will say this: not in our backyard, not in Kansas, not on this Senator's watch, not on my watch. I don't know how many times I have to say or shout this on the Senate floor before this misbegotten idea is put to rest. But trust me—trust me—I will continue to do it until we come to our senses or until one of my colleagues who wants to close Gitmo offers a site in their State as a reasonable alternative.

One Senator has a lot of tools in his toolbox for keeping the Senate tied up in knots. If someone gets the bright idea of moving these prisoners to Kansas, we can all cancel our summer travel plans because we are going to be spending a lot of time here doing nothing. Come to think of it, that might be a better alternative as to where we are headed.

Thank you, Madam President. I yield the floor.

Madam President, it has come to my attention that I don't think we have a quorum, so 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. KAUFMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

## WEAPON SYSTEMS ACQUISITION REFORM ACT

Mr. KAUFMAN. Madam President, I am pleased to cosponsor the Weapon Systems Acquisition Reform Act, which would overhaul our defense procurement system and improve mechanisms for identifying and eliminating waste. I thank Senators LEVIN and MCCAIN for introducing this critical piece of legislation and recognize them for their effort moving it through the Armed Services Committee.

This bill is an essential step toward eliminating wasteful inadequacies that have permeated the weapons procurement system. I am sure my colleagues share my deep concern about the Government Accountability Office's conclusion last year that ''. . . DOD [acquisition] programs continue to be suboptimal'' resulting in ''. . . lost buying power and [lost] opportunities to recapitalize the force.''

This is unconscionable and unacceptable for the world's strongest military power, especially as we continue to have troops in harm's way.

Today, Senators LEVIN and MCCAIN will discuss some of the most egregious examples of a lack of oversight in the acquisition process and cost discrepancies that surfaced over time. This is why this bill requires the Secretary of Defense to implement mechanisms that guarantee consideration of the tradeoffs between major weapon systems cost, schedule, and performance at each phase of the procurement process.

This bill would give the Department of Defense the tools it needs to improve the acquisition process to avoid ''suboptimal'' results, reduce waste, and ensure that the cost of developing specific weapon systems is commensurate with our defense needs.

According to Secretary Gates, this will require ''. . . a holistic assessment of capabilities, requirements, risks and needs'' which will entail, among other things, ''. . . a fundamental overhaul of our approach to procurement, acquisition and contracting.''

Both President Obama and Secretary Gates have indicated their strong support for this legislation because they want to do everything in their power to protect our troops, advance national security goals, and keep America safe.

Unfortunately, we will not get a refund from the mistakes of the past, but we can make better decisions today that will lay the foundation for more pragmatic decisionmaking in the future.

The military challenges we are facing today are unlike conventional wars of the past. Let me repeat. The military challenges we face today are unlike wars of the past and, therefore, require a reconfiguration of defense spending. I agree with the assessment of leading defense experts that we must better prepare to win the wars we are in, as opposed to those we may wish to be in.

Last month, I had the privilege of traveling with Senator JACK REED to Afghanistan, Pakistan, and Iraq, where it was abundantly clear that we must focus future spending on our growing counterinsurgency needs.

In Iraq and Afghanistan, we are engaged in a four-stage process of shaping the environment, clearing the insurgents with military power, holding the area with effective security forces and police, and building through a combination of governance and economic development.

The four stages, again, are shaping the environment, clearing the insurgents, holding the area, and building through a combination of governance and economic development.

In order to be successful in this complex process, we must ensure that our commanders have the necessary tools to effectively engage in counterinsurgency operations, and this requires a fundamental rebalancing of our defense priorities.

As we shift resources from Iraq to Afghanistan, we hear over and over, we are facing potential shortages of some of the high-demand equipment and ''critical enablers,'' such as UAV operators, engineers, air traffic controllers, and road-clearing units.

The allocation of these scarce resources forces our military leadership to make difficult decisions as it balances competing needs in Afghanistan and Iraq. These shortages underscore—underscore—why we must eliminate waste and reshape our defense priorities.

It is in this regard that I wish to highlight section 105 of this bill which directs the Joint Requirements Oversight Council to seek and consider input from combatant commanders prior to identifying joint military requirements.

This provision is essential because it incorporates the views of our commanders on the ground to ensure they have the tools they need to better protect our troops, defeat militants, and succeed in our missions overseas.

As Secretary Gates wrote in ''Foreign Affairs'' earlier this year, we must

build innovative thinking and flexibility into the procurement process, and ''the key is to make sure that the strategy and risk assessment drive the procurement, rather than the other way around.''

This is why we must institutionalize these changes into the procurement process which must be flexible enough to respond to developments on the ground and better equip our troops to engage in counterinsurgency.

I wish we had the procurement system set up under this bill years ago, but it is never too late to institute needed change. I thank the authors, Senator LEVIN and Senator MCCAIN, of this important initiative and encourage my colleagues to join me in supporting this bill.

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

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

The assistant bill clerk proceeded to call the roll.

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

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

## DOMESTIC AUTO INDUSTRY

Mr. FEINGOLD. Mr. President, it is critically important to the country and to my State of Wisconsin that we do everything we can to preserve an American auto manufacturing industry. The domestic auto industry has been vital to the economic development of Wisconsin for much of the last century, but that industry is undergoing a rapid restructuring right now, and I am very concerned about how this restructuring will affect communities in Wisconsin.

We need an American auto industry, but it can't be American in name only. American jobs must be protected. Unfortunately, the auto restructuring plans that have been put forward contain proposals that ship jobs overseas. That is not acceptable to me or to my constituents. The taxpayer dollars that are propping up the industry should be used to preserve family-supporting jobs in Wisconsin and around the country.

My State of Wisconsin has been hard hit by the troubles in the auto industry over the past year. There are two major auto plants located in my State—a General Motors plant in my hometown of Janesville, and a Chrysler engine plant in Kenosha. In addition, there are a dozen companies in Wisconsin that support these two plants, including supply companies and car dealers.

Both the Janesville and Kenosha plants have received grim news from GM and Chrysler over the past year, including last year's announcement that production would cease at the GM Janesville plant and this week's statement that the Kenosha engine plant would close at the end of 2010.

The Wisconsin community, including workers, economic development officials, technical colleges, workforce development groups, Governor Doyle, the Federal congressional delegation, and others have mobilized to assist these communities in the larger region in responding to this troubling news from both GM and Chrysler.

I supported carving out some of the Wall Street bailout funds to help U.S. automakers because unlike the money heading to Wall Street firms, the money provided to the automakers actually had a chance of preserving essential jobs in the United States. But that doesn't mean we should give auto companies a blank check, which is why I said that any Federal assistance provided to the automakers should come with requirements that the industry reform itself, including producing more fuel efficient cars that Americans are now demanding. When Congress failed to pass legislation to provide Federal loans to the auto industry, I applauded then-President Bush for stepping in and using some of the Wall Street bailout money to help the auto industry while also requiring that the companies submit restructuring plans.

Frankly, I am appalled that the automakers that received taxpayer assistance are not prioritizing the retention of American jobs, including jobs in Wisconsin. Over the past several months, I have heard concerns from the workers at the Chrysler Kenosha Engine Plant that work that Chrysler had promised to assign to the Kenosha plant might no longer actually be assigned to the Kenosha plant. At the same time, Kenosha's workforce told me that the same work would likely continue as scheduled at a plant in Mexico.

In response to these concerns, I led a letter in early April, cosigned by Senator KOHL, Representative RYAN, and Representative MOORE, to Secretary Geithner and National Economic Council Director Larry Summers. The letter urged the administration to consider including a priority for saving auto manufacturing jobs in the United States as the administration worked with the auto companies to craft restructuring plans. I received a response from Secretary Geithner that said it was the administration's hope that any Chrysler restructuring deal ''will help ensure that we retain as many Chrysler jobs as possible in Wisconsin . . . .''

Despite this assurance, the Kenosha community found out through media last week that in fact no Chrysler jobs would be retained at the Kenosha Engine Plant. Instead the Kenosha community was informed that the Kenosha plant would close by the end of 2010 while a Mexican plant slated to build the same product that has been promised to the Kenosha facility would remain open.

This news, which was not heard directly from the company itself, outraged the Kenosha community and other Wisconsinites who believe that their tax dollars should not be used to save jobs overseas, but should instead be used to save jobs in the United States and in Wisconsin—and rightly so. The Federal delegation, State and local officials, and the Kenosha workforce are united in working together to try to persuade the administration and Chrysler to reconsider this terrible decision.

I understand tough decisions need to be made as these companies restructure themselves. But both Chrysler and GM have received billions of American taxpayer dollars since December and the companies as well as the administration need to take steps to help ensure that those taxpayer dollars are being utilized for the purpose they were intended—to save American jobs. If Chrysler is going to close the Kenosha plant as well as other domestic plants while keeping its overseas facilities open, then we need to think seriously about whether it is in the interest of the American taxpayers to provide continued financial assistance to the company.

There may still be some hope for the Chrysler Engine Plant in Kenosha and the GM Assembly Plant in Janesville, and other American plants—if the administration steps up. The Janesville community is waiting to hear whether or not the incentive package it presented to GM will be accepted and the Kenosha community is waiting to hear whether Chrysler's decision to close the Kenosha plant will be reconsidered. Over the years, both the Kenosha and Janesville workers have been commended for their productivity, their creativity, and their willingness to negotiate fairly with the management at each plant and both communities are great locations for retooled auto companies to thrive in the future.

The first priority of any company receiving Federal taxpayer assistance should be to preserve jobs within the United States and I call upon the administration, Chrysler, and GM to reexamine their restructuring plans to make the preservation of U.S. jobs the top priority of these plans. I will continue to do all I can to support Wisconsin's workers and local communities in their efforts both to respond to these decisions and to ensure these auto companies prioritize saving auto manufacturing jobs in Wisconsin as the restructuring process moves forward in the coming days and weeks.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WEAPON SYSTEMS ACQUISITION REFORM ACT OF 2009—Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 454, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 454) to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

AMENDMENT NO. 1052, AS MODIFIED

Mr. LEVIN. Mr. President, I now send a modified Murray amendment to the desk and ask that it be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mrs. MURRAY and Mr. CHAMBLISS, proposes an amendment numbered 1052, as modified.

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

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

The amendment, as modified, is as follows:

At the end of title II, add the following:

**SEC. 207. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

Mr. LEVIN. Mr. President, Senator MURRAY introduced an important amendment yesterday and spoke about it last night. It is intended to make certain that when the Secretary of Defense looks at the question of cost and whether weapon systems should be continued, that at least the Secretary looks into the impact on the industrial base.

The amendment has been modified now in a way that makes this acceptable. The Senator from Washington has put her finger on a very significant issue, which is the industrial manufacturing base of the country. But it has been modified in a way that would not make it difficult or impossible for us to do what we need to do relative to ending the production of weapon systems which, for instance, are no longer useful or have so outlived or outdone the expectations for the system and exceeded the expected expense that they are no longer practical in terms of their continued production.

So she has raised an important issue. It will be considered by the Secretary of Defense when these decisions are made. But the thrust of our bill is to make it possible to end the production of weapon systems if they are so costly that they no longer make sense or if they are not working effectively. That is the thrust of this bill, the heart of the matter. Her contribution does not detract or diminish that important point of our bill.

So we support that modified amendment and ask that the Senate adopt it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 1052), as modified, was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 1057

Mr. MCCAIN. Mr. President, I ask unanimous consent to call up amendment No. 1057, offered by the Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COBURN, proposes an amendment numbered 1057.

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

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

The amendment is as follows:

(Purpose: To require a plan for the elimination of weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on assets acquired under major defense acquisition programs)

At the end of title II, add the following:

**SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1057) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I believe there is a Senator coming over to speak, and I think that is the last speaker on this bill that I know of. So in the meantime, awaiting his arrival, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I agree with Senator MCCAIN that we know of no more amendments that are going to

be offered. But there are one or two Senators who may want to speak on either their amendments which have been adopted or on the bill itself, and we will know that within the next few minutes.

What we are exploring in both our cloakrooms is whether we could possibly have a vote on final passage in about 10 or 15 minutes. We do not know if that is a possibility yet. If not, we would vote on final passage sometime probably early this afternoon. But we are trying now to identify what the time would be for a vote on final passage, and, hopefully, we will have more to say on that in the next few moments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. COBURN. Mr. President, first of all, let me relay my appreciation to both the chairman and the ranking member for this bill. It does a lot of things that needed to be done for a long time. I would also say it will not do anything unless the President puts in the right person who has the right character; that is, mean as all get out, thorough, and comprehensive in what they are going to do and plans on staying there for a long time.

The other points I wanted to make, and I will be brief—really there are two. I have listened to all of this debate, not necessarily here but from my office. There is one thing that is missing in the debate. We have had the problem with contractors, and there is a problem with the Pentagon. But not once did I hear there is a problem with us.

The real reason we have gotten into trouble to the degree we have is because we have not done the oversight. We have not done our job. So we are seeing a great response now by the leadership of the Armed Services Committee to do some of the right things. But had we been doing our job, much of what we see in terms of failed major procurement systems, lack of transparency, we could have had that transparency had we been doing the oversight.

I will give you an example. Senator CARPER and I did the transparency on the C–5 retrofit, and we had a supposed Nunn-McCurdy breach when, in fact, there was not a Nunn-McCurdy breach. The people wanted there to be a Nunn-McCurdy breach. The fact is, we could in fact cut down costs, create transparency, not just with the effects of what this bill is going to do, but if we are much more aggressive.

The last point I will make is that there is no question that the earmarking process hampers us far more than it helps us in the Pentagon. When we see the amount of time that is spent on most projects versus oversight, the American taxpayers are getting shortchanged. They are just getting shortchanged.

I hope people will recognize that although sometimes earmarks turn out to be fantastic, the vast majority of times they do not, and we spend staff time doing that rather than managing what is happening there today.

Our No. 1 charge under the Constitution is the defense of this country, and we do not just spend $500 billion on that or $600 billion. When we add up everything we spend, it comes—if we count nuclear weapons maintenance and we count the research for nuclear warheads, if we count everything that goes through, we are about at $1 trillion. When we add everything else, that comes to that. And we are highly inefficient.

I am very appreciative with what is happening within this bill. But I think the American public ought to recognize that the earmarking process in Congress has hurt the Defense Department because it has taken away from us doing our regular job.

No. 2, Congress has hurt our procurement and our ability to defend ourselves because we are not doing the work we need to be doing, the oversight on a monthly basis on major programs. We cannot depend on IGs and the GAO. We have to ask them: Are you on time? Are you meeting the schedule we need to do this because we are putting one-third of our assets that we expend every year into defense? It is rich. And when we pay out $7, $8 billion for performance contracts that the performance contractor did not make, did not meet the requirements, but we pay it anyhow, we are the ones who allow that to happen.

Finally, the last point I will make: Until we address the revolving door of working in the Pentagon and going to work for a contractor and how that impacts what people do in terms of procurement and major decisions, we are not going to solve this problem. Whether it is an ethical constraint or a positive statement of principles, somehow we have to address that issue because we cannot blame the people who are looking for their next job to be less than perfectly independent in this job if, in fact, it is going to affect their future.

So we have not addressed that in this bill, but that is still one of the things that has to be addressed because it is problematic not only in terms of how well we do but what we get for what we actually pay out.

Again, I thank the chairman and ranking member. I appreciate their work. I appreciate them taking our amendment. My hope is that when we combine what we have put forward with a—I cannot use the word I want to use on the Senate floor—but someone of significantly tough demeanor to ramrod this through there, that, in fact, we will see great savings, better performance, and better procurement for the American taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Let me thank the Senator from Oklahoma for his amendment. It was just adopted. It is a very significant amendment, and what it reflects is the determination of the Senator from Oklahoma to get the Defense Department to do something that in law they are required to do, which is to give us a financial statement which receives a clean audit opinion.

They haven't done that for decades. We have tried various ways to do it. The voice of the Senator from Oklahoma is a welcome addition to this effort, and we appreciate his amendment and his willingness to work with us on the exact language thereof.

NUNN-MCCURDY

Ms. COLLINS. Mr. President, would the Senator yield for a question?

Some have expressed concerns that changes proposed by this bill could cause Nunn-McCurdy breaches even when a program is performing well and when the Department has provided well-defined requirements. In particular these experts have pointed to the potential for unit cost breaches that could be caused by policy decisions to reduce the number of units that would be purchased by the program. These policy decisions could originate in the executive branch or Congress and could be made regardless of past program performance. Do you believe this legislation will have that effect, and, if so, was that your intention?

Mr. LEVIN. I thank the Senator for her inquiry. This legislation would not change the existing Nunn-McCurdy thresholds for unit cost breaches. I do not believe that programs that are performing well have breached Nunn-McCurdy thresholds in the past as a result of changes in the quantity of units procured under a program, and I do not consider it likely in the future. In the case of a program that is not performing well, a change in unit quantities may be sufficient to push a program over the thresholds. This is a factor that the Department may consider in deciding whether and how to continue with the program. For programs performing well, however, the likelihood of a breach is extremely small. Nonetheless, it is certainly not our intention to penalize programs performing well, and I look forward to continuing to work with the Senator as this bill proceeds through Congress to address these concerns.

NIP-FUNDED ACQUISITION PROGRAMS

Mrs. FEINSTEIN. Mr. President, S. 454, the Weapon Systems Acquisition Reform Act of 2009, is important legislation to improve the organization and procedures of the Department of Defense for the acquisition of major weapons systems and other major defense systems. Chairman LEVIN and

Ranking Member MCCAIN are to be congratulated for reporting this bill from their committee with strong bipartisan support.

As my colleagues know, many of our most important, and costly, national intelligence programs are acquired by intelligence community agencies that are found within the Department of Defense. Like the Senate Armed Services Committee, the Select Committee on Intelligence, where the chairman and ranking member of the Armed Services Committee sit as ex officio members, has been concerned for many years about the need to improve the intelligence acquisition process and its oversight in order to ensure we are making maximum best use of intelligence resources.

The Congress looks to the Director of National Intelligence to manage and be accountable for major systems acquisitions funded by the National Intelligence Program, NIP, even though these acquisitions are executed in other departments and agencies of the Federal Government. While many of us have had concerns about the implementation of the Intelligence Reform and Terrorism Prevention Act, IRPTA, of 2004, the creation of the Office of the Director of National Intelligence, DNI, and the establishment of the roles and responsibilities of that office were important accomplishments that we on the Intelligence Committee wish to see strengthened through robust implementation of the provisions of that act.

The Intelligence Reform and Terrorism Prevention Act gave the DNI broad acquisition authorities over the NIP, but for NIP programs conducted within the DOD, the act required that the DNI and the Secretary of Defense share these authorities. Specifically, the act required: ''For each intelligence program within the National Intelligence Program for the acquisition of a major system, the Director of National Intelligence shall . . . serve as exclusive milestone decision authority, except that with respect to the Department of Defense programs the Director shall serve as milestone decision authority jointly with the Secretary of Defense or the designee of the Secretary.''

Subsequently, Director of National Intelligence Michael McConnell and Secretary of Defense Robert Gates agreed in a memorandum of agreement, MOA, signed in March 2008 that this joint milestone decision authority would be extended to majority NIP-funded acquisition programs as well. They agreed that wholly and majority NIP-funded acquisition programs would be executed according to intelligence community acquisition policy. The MOA states that its purpose is to provide for ''a single acquisition process'' for programs covered by it. I am sure that we will all agree, as the DNI and the Secretary of Defense have done, that it is vitally important that these important intelligence acquisitions be governed by a clear process with clear lines of responsibility as provided for by the MOA.

The MOA of the DNI and Secretary of Defense was later implemented in DOD Instruction No. 5000.2 on December 8, 2008.

It should also be pointed out that in fact wholly and majority NIP-funded major system acquisitions executed in accordance with intelligence community acquisition policies are now usually deemed to be ''highly sensitive classified programs'' under title 10 U.S.C. 2430

Because S. 454 would cover all ''major defense acquisition programs'' within the meaning of title 10 U.S.C. 2430, not just major weapons systems, I appreciate Chairman LEVIN agreeing to this colloquy to clarify the impact of the legislation on NIP-funded acquisition programs executed within the Department of Defense.

Mr. Chairman, is it the case that S. 454 would not extend DOD's jurisdiction to any programs over which it does not already have authority and that to the extent that NIP programs are outside the DOD acquisition system today, they would not be brought into the DOD acquisition system by this bill?

Mr. LEVIN. That is the case. This bill would neither extend nor contract DOD's jurisdiction or authority over the acquisition programs of DOD components that are a part of the intelligence community.

Mrs. FEINSTEIN. Mr. Chairman, do you further agree that this bill is not intended to change the DNI's roles and responsibilities under the Intelligence Reform and Terrorism Protection Act of 2004 or to require revision of the March 2008 memorandum of agreement between the DNI and Secretary of Defense concerning NIP-funded acquisition programs?

Mr. LEVIN. I agree with the chairman of the Intelligence Committee. S. 454 is not intended to amend IRTPA or to modify the respective authorities of the DNI and the Secretary of Defense under that statute. S. 454 does not address the March 2008 memorandum of agreement between the DNI and the Secretary of Defense concerning NIP-funded acquisition programs. It neither ratifies that memorandum of agreement nor requires any modification to the memorandum of agreement.

Mrs. FEINSTEIN. I thank the distinguished chairman of the Armed Services Committee and manager of this bill.

Ms. SNOWE. Mr. President, as ranking member of the Senate Committee on Small Business and Entrepreneurship, I rise with my colleague Senator COLLINS, to file this vital amendment to correct disparities among the Small Business Administration's, SBA, small business contracting programs and thus create a more equitable method for Federal agencies to fairly allocate Federal procurement dollars to small business contractors across the nation.

This targeted amendment reflects a proposed rule promulgated last year, March 2008, by the Department of Defense, DOD, the Government Services Administration, GSA, and the National Aeronautics and Space Administration, NASA, which requires the Federal Acquisitions Regulations, FAR, clearly reflect the SBA's interpretation of the Small Business Act and the SBA's analysis of its own regulations and provide an equal playing field for small business firms who participate in the Federal contracting marketplace. The SBA's own counsel asserts that parity legislation must be adopted because Federal agencies '' must be afforded some discretion in determining which small business program to utilize.'' Parties agree that small business should be treated uniformly.

Our amendment would provide Federal agencies with the necessary flexibility to satisfy their Government-wide statutory small business contracting goals. It would provide these agencies with the ability to achieve their goaling requirements equally through an award to a small business, a historically underutilized business zone, HUBZone, small business concern, a service-disabled veteran-owned small business, SDVOSB, firm, or a small business participating in the 8(a) Business Development Program. Of course this list should also include the Women's Procurement Program once it finally becomes fully implemented by the SBA.

For years, it has been unclear to the acquisition community what, if any, is the true order of preference when determining which small business contracting program is at the top of the agency's priority list. This amendment will make clear to purchasing agencies that contracting officers may award contracts to HUBZone, SDVOSB, 8(a) firms with equal deference to each program.

This amendment represents the essence of true parity—where each program has an equal chance of being selected for an award. And during these difficult economic times, it is imperative that small business contractors possess an equal opportunity to compete for Federal contracts on the same playing field with each other.

I urge my colleagues on both sides of the aisle to support this amendment.

Mr. CASEY. Mr. President, I rise to express my strong support for the Weapons System Acquisition Reform Act, introduced by the two leading military experts in the U.S. Senate today—Senators CARL LEVIN and JOHN MCCAIN. This rapid passage, after years of delay and inaction, has occurred in part because of the strong support demonstrated by President Obama. The President, in public remarks recently on this issue, reaffirmed his strong commitment to be a wise steward of the American taxpayer's dollars. That commitment to fiscal prudence and wise budgeting must apply equally to the Pentagon as it does any other Cabinet Department. Those who argue that it is acceptable to tolerate some waste

and inefficiency in our military budgets because we are talking about our national security have it wrong. It is precisely because our security is at stake that we must ensure, as Secretary Gates has said, every dollar wasted on cost overruns or inefficient contracting is a dollar that cannot be spent on our men and women in service and making sure they have the right tools to succeed.

Defense acquisition reform is one of those perennial Washington issues that everyone talks about, but nobody ever seems to get around to solving. Many of my colleagues, in the debate over the past 2 days, have cited the GAO report last year chronicling $296 billion in cumulative cost overruns in the 96 major acquisition programs currently maintained by the Pentagon. But I would like to quote from another report:

> public confidence in the effectiveness of the defense acquisition system has been shaken by a spate of ''horror stories''—overpriced spare parts, test deficiencies, and cost and schedule overruns. Unwelcome at any time, such stories are particularly unsettling when the Administration and Congress are seeking ways to deal with record budget deficits.

This other report was not published this year or last year. I am quoting from the legendary Packard Report, published in 1986, which offered a scathing indictment of the defense acquisition process. Unfortunately, little seems to have changed in the intervening 23 years, and in some respects, our procurement system has only deteriorated.

Year after year, we hear of cost overruns and schedule delays that cost the American taxpayer billions of dollars. Yet we never seem to muster the political will to tackle the problem and crack down on the systemic flaws that produce these chronic poor results. So I am very pleased that this legislation has moved from introduction to committee markup to final Senate passage in a matter of months—after years of reports and blue ribbon commission of studies emphasizing the need for fundamental reform of the process by which the Pentagon purchases the weapons systems used every day by our brave men and women.

The Levin-McCain bill on the floor today seeks to address key deficiencies in the early stages of the acquisition process for a weapons system, where many of the problems first materialize. The legislation would support the Pentagon's efforts to rebuild its procurement workforce, which has been dismantled over the past fifteen years and contracted out. It would establish an independent office in the Pentagon to assess initial cost estimates provided for weapons systems, to ensure that rose-colored cost predictions are no longer permitted to pass muster. Finally, the bill reinforces so-called Nunn-McCurdy provisions to ensure that programs that go seriously off track are terminated unless there is a compelling reason not to do so.

I was also proud to serve as a cosponsor on a series of important amendments offered by my colleague from Missouri, Senator MCCASKILL. I applaud the Senator's single-minded determination to root out waste, fraud and abuse in our procurement and contracting systems, and I am very pleased to collaborate with her on these important amendments, all of which have been accepted by voice vote. Briefly, the amendments ensure that our war fighters in the field, as represented by the Combatant Commanders, provide input to the weapons acquisition process; offer an opportunity for the key Pentagon civilian official in charge of acquisition to sign off on all acquisition program decisions made something that oddly does not yet occur on a regular basis; and strengthen safeguards to ensure competitive prototyping for all major weapons systems before final purchase decisions are made.

What matters, at the end of the day, is not just the dollars we save. All of us have a fiduciary responsibility to safeguard the interests of our young men and women who serve our nation. We cannot continue paying excess dollars on out of control weapons acquisition programs while we shortchange our troops on time at home from extended deployments and the full range of benefits they and their families deserve. That is at the heart of why the Levin-McCain acquisition reform legislation must be enacted into law by Memorial Day, as called for by the President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, we are approaching the end of our debate. I believe the Senator from Alabama wishes to speak for up to 5 minutes.

I ask unanimous consent that no further amendments be in order, that following the remarks of Senator SESSIONS, the Senate proceed as provided for under a previous order with respect to passage of S. 454.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object—and I will not object—I thank the chairman and all the staff for the hard work they have done on this legislation. Many hundreds of hours have been put in, as well as hours of hearings. I thank the chairman for his leadership and the kind of nonpartisanship these important issues require for the good of the country.

I do not object.

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

The Senator from Michigan.

Mr. LEVIN. Mr. President, I join in thanking Senator MCCAIN and our staffs. The work that has gone into this bill has been extraordinary on the part of both staffs. I will get into that after passage of the bill and have perhaps further thoughts. The role of Senator MCCAIN has been absolutely invaluable and essential. We have worked together very closely; as he puts it, in a nonpartisan way. I thank him and his staff as well as my own.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senators LEVIN and MCCAIN for their work. We do need to address wasteful spending. Both of these Senators understand it. Senator MCCAIN has always been willing to challenge programs he thinks are not justified for the warfighter.

I wish to note a few things before we vote on passage as well as urge support for the legislation. First, the legitimate concerns voiced by the Department of Defense about the implications of this bill have been listened to and have been reasonably accommodated. I wish to highlight a few points identified by a report last month by the Government Accountability Office, the independent GAO, titled ''Defense Acquisitions, Assessments of Selected Weapon Programs.''

Since 2003, the number of major defense acquisitions programs has grown from 77 to 96. All 96 programs were assessed by GAO. They found investment in these programs had grown from $1.2 trillion to $1.6 trillion. Research and development costs are now 42 percent higher than originally expected. The cumulative cost growth was $296 billion. I find that to be a stunning number. I almost have to believe that somehow they calculated it in an excessive way. Sometimes numbers can look misleading. But if it is a third of that, we have a major problem. They concluded the cost growth on these programs was almost $300 billion. The average delay in delivering the initial capabilities has increased to 22 months. So we have an excessive delay in producing our capabilities. GAO found that only 28 percent of the programs were expected to be delivered on time or ahead of schedule.

To combat cost growth, they found that quantities; that is, the number of the weapon systems and vehicles and other things that were to be produced, had to be reduced by 25 percent or more for 15 of the programs in the 2008 portfolio, and 10 of the largest acquisition programs, which account for half the overall acquisition dollars in the portfolio, have seen quantities reduced by almost one-third.

When the price per item goes up significantly, often the compensating action is to reduce the numbers. But the net reality is, that the taxpayer hasn't received as much as they expected out of the program. So clearly these statistics are disturbing and underscore the need for this important legislation and reform.

In summary, our warfighters are receiving less capability at a higher cost

than was originally agreed upon. I believe this bill will improve the acquisition process by ensuring the Department and industry are more thoughtful when estimating the production cost at the beginning and the total life cycle cost of these programs. While I am mindful that acquisition reforms can continue to be improved, I encourage colleagues to vote in favor of this legislation. It is clearly a step in the right direction.

I salute our chairman and our ranking member, Senators LEVIN and MCCAIN, for this accomplishment.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the substitute amendment, as amended, is agreed to.

The question is on the engrossment and third reading of the bill.

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

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on the passage of the bill.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''yea.''

Mr. KYL. The following Senator is necessarily absent: the Senator from Missouri (Mr. BOND).

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

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—93

| | | |
|---|---|---|
| Akaka | Dodd | Lugar |
| Alexander | Dorgan | Martinez |
| Barrasso | Durbin | McCain |
| Baucus | Ensign | McCaskill |
| Bayh | Enzi | McConnell |
| Begich | Feingold | Merkley |
| Bennet | Feinstein | Mikulski |
| Bennett | Gillibrand | Murkowski |
| Bingaman | Graham | Murray |
| Boxer | Grassley | Nelson (NE) |
| Brown | Gregg | Nelson (FL) |
| Brownback | Hagan | Pryor |
| Bunning | Harkin | Reed |
| Burr | Hatch | Reid |
| Burris | Hutchison | Risch |
| Byrd | Inhofe | Roberts |
| Cantwell | Inouye | Sanders |
| Cardin | Isakson | Schumer |
| Carper | Johanns | Sessions |
| Casey | Kaufman | Shaheen |
| Chambliss | Kerry | Shelby |
| Coburn | Klobuchar | Snowe |
| Cochran | Kohl | Specter |
| Collins | Kyl | Stabenow |
| Conrad | Landrieu | Tester |
| Corker | Leahy | Thune |
| Cornyn | Levin | Udall (CO) |
| Crapo | Lieberman | Udall (NM) |
| DeMint | Lincoln | Vitter |
| Voinovich | Webb | Wicker |
| Warner | Whitehouse | Wyden |

NOT VOTING—6

| | | |
|---|---|---|
| Bond | Kennedy | Menendez |
| Johnson | Lautenberg | Rockefeller |

The bill (S. 454), as amended, was passed, as follows:

S. 454

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Weapon Systems Acquisition Reform Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—ACQUISITION ORGANIZATION

Sec. 101. Reports on systems engineering capabilities of the Department of Defense.
Sec. 102. Director of Developmental Test and Evaluation.
Sec. 103. Assessment of technological maturity of critical technologies of major defense acquisition programs by the Director of Defense Research and Engineering.
Sec. 104. Director of Independent Cost Assessment.
Sec. 105. Role of the commanders of the combatant commands in identifying joint military requirements.
Sec. 106. Clarification of submittal of certification of adequacy of budgets by the Director of the Department of Defense Test Resource Management Center.

TITLE II—ACQUISITION POLICY

Sec. 201. Consideration of trade-offs among cost, schedule, and performance in the acquisition of major weapon systems.
Sec. 202. Preliminary design review and critical design review for major defense acquisition programs.
Sec. 203. Ensuring competition throughout the life cycle of major defense acquisition programs.
Sec. 204. Critical cost growth in major defense acquisition programs.
Sec. 205. Organizational conflicts of interest in the acquisition of major weapon systems.
Sec. 206. Awards for Department of Defense personnel for excellence in the acquisition of products and services.
Sec. 207. Earned Value Management.
Sec. 208. Expansion of national security objectives of the national technology and industrial base.
Sec. 209. Plan for elimination of weaknesses in operations that hinder capacity to assemble and assess reliable cost information on acquired assets under major defense acquisition programs.

**SEC. 2. DEFINITIONS.**

In this Act:

(1) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) The term ''major defense acquisition program'' has the meaning given that term in section 2430 of title 10, United States Code.

**TITLE I—ACQUISITION ORGANIZATION**

**SEC. 101. REPORTS ON SYSTEMS ENGINEERING CAPABILITIES OF THE DEPARTMENT OF DEFENSE.**

(a) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Under Secretary of Defense for Acquisition, Technology, and Logistics a report setting forth the following:

(1) A description of the extent to which such military department has in place development planning organizations and processes staffed by adequate numbers of personnel with appropriate training and expertise to ensure that—

(A) key requirements, acquisition, and budget decisions made for each major weapon system prior to Milestones A and B are supported by a rigorous systems analysis and systems engineering process;

(B) the systems engineering strategy for each major weapon system includes a robust program for improving reliability, availability, maintainability, and sustainability as an integral part of design and development; and

(C) systems engineering requirements, including reliability, availability, maintainability, and sustainability requirements, are identified during the Joint Capabilities Integration Development System process and incorporated into contract requirements for each major weapon system.

(2) A description of the actions that such military department has taken, or plans to take, to—

(A) establish needed development planning and systems engineering organizations and processes; and

(B) attract, develop, retain, and reward systems engineers with appropriate levels of hands-on experience and technical expertise to meet the needs of such military department.

(b) REPORT BY UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the system engineering capabilities of the Department of Defense. The report shall include, at a minimum, the following:

(1) An assessment by the Under Secretary of the reports submitted by the service acquisition executives pursuant to subsection (a) and of the adequacy of the actions that each military department has taken, or plans to take, to meet the systems engineering and development planning needs of such military department.

(2) An assessment of each of the recommendations of the report on Pre-Milestone A and Early-Phase Systems Engineering of the Air Force Studies Board of the National Research Council, including the recommended checklist of systems engineering issues to be addressed prior to Milestones A and B, and the extent to which such recommendations should be implemented throughout the Department of Defense.

**SEC. 102. DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.**

(a) ESTABLISHMENT OF POSITION.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, is amended by inserting after section 139b the following new section:

**''§ 139c. Director of Developmental Test and Evaluation**

''(a) There is a Director of Developmental Test and Evaluation, who shall be appointed

by the Secretary of Defense from among individuals with an expertise in acquisition and testing.

''(b)(1) The Director of Developmental Test and Evaluation shall be the principal advisor to the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics on developmental test and evaluation in the Department of Defense.

''(2) The individual serving as the Director of Developmental Test and Evaluation may also serve concurrently as the Director of the Department of Defense Test Resource Management Center under section 196 of this title.

''(3) The Director shall be subject to the supervision of the Under Secretary of Defense for Acquisition, Technology, and Logistics and shall report to the Under Secretary.

''(4)(A) The Under Secretary shall provide guidance to the Director to ensure that the developmental test and evaluation activities of the Department of Defense are fully integrated into and consistent with the systems engineering and development processes of the Department.

''(B) The guidance under this paragraph shall ensure, at a minimum, that—

''(i) developmental test and evaluation requirements are fully integrated into the Systems Engineering Master Plan for each major defense acquisition program; and

''(ii) systems engineering and development planning requirements are fully considered in the Test and Evaluation Master Plan for each major defense acquisition program.

''(c) The Director of Developmental Test and Evaluation shall—

''(1) develop policies and guidance for the developmental test and evaluation activities of the Department of Defense (including integration and developmental testing of software);

''(2) monitor and review the developmental test and evaluation activities of the major defense acquisition programs and major automated information systems programs of the Department of Defense;

''(3) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;

''(4) supervise the activities of the Director of the Department of Defense Test Resource Management Center under section 196 of this title, or carry out such activities if serving concurrently as the Director of Developmental Test and Evaluation and the Director of the Department of Defense Test Resource Management Center under subsection (b)(2);

''(5) review the organizations and capabilities of the military departments with respect to developmental test and evaluation and identify needed changes or improvements to such organizations and capabilities; and

''(6) perform such other activities relating to the developmental test and evaluation activities of the Department of Defense as the Under Secretary of Defense for Acquisition, Technology, and Logistics may prescribe.

''(d) The Director of Developmental Test and Evaluation shall have access to all records and data of the Department of Defense (including the records and data of each military department) that the Director considers necessary in order to carry out the Director's duties under this section.

''(e)(1) The Director of Developmental Test and Evaluation shall submit to Congress each year a report on the developmental test and evaluation activities of the major defense acquisition programs and major automated information system programs of the of the Department of Defense. Each report shall include, at a minimum, the following:

''(A) A discussion of any waivers to testing activities included in the Test and Evaluation Master Plan for a major defense acquisition program in the preceding year.

''(B) An assessment of the organization and capabilities of the Department of Defense for test and evaluation.

''(2) The Secretary of Defense may include in any report submitted to Congress under this subsection such comments on such report as the Secretary considers appropriate.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by inserting after the item relating to section 139b the following new item:

''139c. Director of Developmental Test and Evaluation.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 196(f) of title 10, United States Code, is amended by striking ''the Under Secretary of Defense for Acquisition, Technology, and Logistics'' and all that follows and inserting ''the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Director of Developmental Test and Evaluation.''.

(B) Section 139(b) of such title is amended—

(i) by redesignating paragraphs (4) through (6) as paragraphs (5) through (7), respectively; and

(ii) by inserting after paragraph (3) the following new paragraph (4):

''(4) review and approve the test and evaluation master plan for each major defense acquisition program of the Department of Defense;''.

(b) REPORTS ON DEVELOPMENTAL TESTING ORGANIZATIONS AND PERSONNEL.—

(1) REPORTS BY SERVICE ACQUISITION EXECUTIVES.—Not later than 180 days after the date of the enactment of this Act, the service acquisition executive of each military department shall submit to the Director of Developmental Test and Evaluation a report on the extent to which the test organizations of such military department have in place, or have effective plans to develop, adequate numbers of personnel with appropriate expertise for each purpose as follows:

(A) To ensure that testing requirements are appropriately addressed in the translation of operational requirements into contract specifications, in the source selection process, and in the preparation of requests for proposals on all major defense acquisition programs.

(B) To participate in the planning of developmental test and evaluation activities, including the preparation and approval of a test and evaluation master plan for each major defense acquisition program.

(C) To participate in and oversee the conduct of developmental testing, the analysis of data, and the preparation of evaluations and reports based on such testing.

(2) FIRST ANNUAL REPORT BY DIRECTOR OF DEVELOPMENTAL TEST AND EVALUATION.—The first annual report submitted to Congress by the Director of Developmental Test and Evaluation under section 139c(e) of title 10, United States Code (as added by subsection (a)), shall be submitted not later than one year after the date of the enactment of this Act, and shall include an assessment by the Director of the reports submitted by the service acquisition executives to the Director under paragraph (1).

**SEC. 103. ASSESSMENT OF TECHNOLOGICAL MATURITY OF CRITICAL TECHNOLOGIES OF MAJOR DEFENSE ACQUISITION PROGRAMS BY THE DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.**

(a) ASSESSMENT BY DIRECTOR OF DEFENSE RESEARCH AND ENGINEERING.—

(1) IN GENERAL.—Section 139a of title 10, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) The Director of Defense Research and Engineering shall, in consultation with the Director of Developmental Test and Evaluation, periodically review and assess the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense and report on the findings of such reviews and assessments to the Under Secretary of Defense for Acquisition, Technology, and Logistics.

''(2) The Director shall submit to the Secretary of Defense and to Congress each year a report on the technological maturity and integration risk of critical technologies of the major defense acquisition programs of the Department of Defense.''.

(2) FIRST ANNUAL REPORT.—The first annual report under subsection (c)(2) of section 139a of title 10, United States Code (as added by paragraph (1)), shall be submitted to Congress not later than March 1, 2011, and shall address the results of reviews and assessments conducted by the Director of Defense Research and Engineering pursuant to subsection (c)(1) of such section (as so added) during the preceding calendar year.

(b) REPORT ON RESOURCES FOR IMPLEMENTATION.—Not later than 120 days after the date of the enactment of this Act, the Director of Defense Research and Engineering shall submit to the congressional defense committees a report describing any additional resources, including specialized workforce, that may be required by the Director, and by other science and technology elements of the Department of Defense, to carry out the following:

(1) The requirements under the amendment made by subsection (a).

(2) The technological maturity assessments required by section 2366b(a) of title 10, United States Code, as amended by section 202 of this Act.

(3) The requirements of Department of Defense Instruction 5000, as revised.

(c) TECHNOLOGICAL MATURITY STANDARDS.—For purposes of the review and assessment conducted by the Director of Defense Research and Engineering in accordance with subsection (c) of section 139a of title 10, United States Code (as added by subsection (a)), a critical technology is considered to be mature—

(1) in the case of a major defense acquisition program that is being considered for Milestone B approval, if the technology has been demonstrated in a relevant environment; and

(2) in the case of a major defense acquisition program that is being considered for Milestone C approval, if the technology has been demonstrated in a realistic environment.

**SEC. 104. DIRECTOR OF INDEPENDENT COST ASSESSMENT.**

(a) DIRECTOR OF INDEPENDENT COST ASSESSMENT.—

(1) IN GENERAL.—Chapter 4 of title 10, United States Code, as amended by section 102 of this Act, is further amended by inserting after section 139c the following new section:

**''§ 139d. Director of Independent Cost Assessment**

''(a) There is a Director of Independent Cost Assessment in the Department of Defense, appointed by the President, by and with the advice and consent of the Senate. The Director shall be appointed without regard to political affiliation and solely on the basis of fitness to perform the duties of the Director.

''(b) The Director is the principal advisor to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Under Secretary of Defense (Comptroller) on cost estimation and cost analyses for the acquisition programs of the Department of Defense and the principal cost estimation official within the senior management of the Department of Defense. The Director shall—

''(1) prescribe, by authority of the Secretary of Defense, policies and procedures for the conduct of cost estimation and cost analysis for the acquisition programs of the Department of Defense;

''(2) provide guidance to and consult with the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and the Secretaries of the military departments with respect to cost estimation in the Department of Defense in general and with respect to specific cost estimates and cost analyses to be conducted in connection with a major defense acquisition program under chapter 144 of this title or a major automated information system program under chapter 144A of this title;

''(3) establish guidance on confidence levels for cost estimates on major defense acquisition programs, require that all such estimates include confidence levels compliant with such guidance, and require the disclosure of all such confidence levels (including through Selected Acquisition Reports submitted pursuant to section 2432 of this title);

''(4) monitor and review all cost estimates and cost analyses conducted in connection with major defense acquisition programs and major automated information system programs; and

''(5) conduct independent cost estimates and cost analyses for major defense acquisition programs and major automated information system programs for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority—

''(A) in advance of—

''(i) any certification under section 2366a or 2366b of this title;

''(ii) any certification under section 2433(e)(2) of this title; and

''(iii) any report under section 2445c(f) of this title; and

''(B) whenever necessary to ensure that an estimate or analysis under paragraph (4) is unbiased, fair, and reliable.

''(c)(1) The Director may communicate views on matters within the responsibility of the Director directly to the Secretary of Defense and the Deputy Secretary of Defense without obtaining the approval or concurrence of any other official within the Department of Defense.

''(2) The Director shall consult closely with, but the Director and the Director's staff shall be independent of, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and all other officers and entities of the Department of Defense responsible for acquisition and budgeting.

''(d)(1) The Secretary of a military department shall report promptly to the Director the results of all cost estimates and cost analyses conducted by the military department and all studies conducted by the military department in connection with cost estimates and cost analyses for major defense acquisition programs of the military department.

''(2) The Director may make comments on cost estimates and cost analyses conducted by a military department for a major defense acquisition program, request changes in such cost estimates and cost analyses to ensure that they are fair and reliable, and develop or require the development of independent cost estimates or cost analyses for such program, as the Director determines to be appropriate.

''(3) The Director shall have access to any records and data in the Department of Defense (including the records and data of each military department) that the Director considers necessary to review in order to carry out the Director's duties under this section.

''(e)(1) The Director shall prepare an annual report summarizing the cost estimation and cost analysis activities of the Department of Defense during the previous year and assessing the progress of the Department in improving the accuracy of its costs estimates and analyses. The report shall include an assessment of—

''(A) the extent to which each of the military departments have complied with policies, procedures, and guidance issued by the Director with regard to the preparation of cost estimates; and

''(B) the overall quality of cost estimates prepared by each of the military departments.

''(2) Each report under this subsection shall be submitted concurrently to the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Under Secretary of Defense (Comptroller), and Congress not later than 10 days after the transmission of the budget for the next fiscal year under section 1105 of title 31. The Director shall ensure that a report submitted under this subsection does not include any information, such as proprietary or source selection sensitive information, that could undermine the integrity of the acquisition process. Each report submitted to Congress under this subsection shall be posted on an Internet website of the Department of Defense that is available to the public.

''(3) The Secretary may comment on any report of the Director to Congress under this subsection.

''(f) The President shall include in the budget transmitted to Congress pursuant to section 1105 of title 31 for each fiscal year a separate statement of estimated expenditures and proposed appropriations for that fiscal year for the Director of Independent Cost Assessment in carrying out the duties and responsibilities of the Director under this section.

''(g) The Secretary of Defense shall ensure that the Director has sufficient professional staff of military and civilian personnel to enable the Director to carry out the duties and responsibilities of the Director under this section.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title, as so amended, is further amended by inserting after the item relating to section 139c the following new item:

''139d. Director of Independent Cost Assessment.''.

(3) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Director of Operational Test and Evaluation, Department of Defense the following new item:

''Director of Independent Cost Assessment, Defense of Defense.''.

(b) REPORT ON MONITORING OF OPERATING AND SUPPORT COSTS FOR MDAPS.—

(1) REPORT TO SECRETARY OF DEFENSE.—Not later than one year after the date of the enactment of this Act, the Director of Independent Cost Assessment under section 139d of title 10 United States Code (as added by subsection (a)), shall review existing systems and methods of the Department of Defense for tracking and assessing operating and support costs on major defense acquisition programs and submit to the Secretary of Defense a report on the finding and recommendations of the Director as a result of the review, including an assessment by the Director of the feasibility and advisability of establishing baselines for operating and support costs under section 2435 of title 10, United States Code.

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after receiving the report required by paragraph (1), the Secretary shall transmit the report to the congressional defense committees, together with any comments on the report the Secretary considers appropriate.

(c) TRANSFER OF PERSONNEL AND FUNCTIONS OF COST ANALYSIS IMPROVEMENT GROUP.—The personnel and functions of the Cost Analysis Improvement Group of the Department of Defense are hereby transferred to the Director of Independent Cost Assessment under section 139d of title 10, United States Code (as so added), and shall report directly to the Director.

(d) CONFORMING AMENDMENTS.—

(1) Section 181(d) of title 10, United States Code, is amended by inserting ''the Director of Independent Cost Assessment,'' before ''and the Director''.

(2) Section 2306b(i)(1)(B) of such title is amended by striking ''Cost Analysis Improvement Group of the Department of Defense'' and inserting ''Director of Independent Cost Assessment''.

(3) Section 2366a(a)(4) of such title is amended by striking ''has been submitted'' and inserting ''has been approved by the Director of Independent Cost Assessment''.

(4) Section 2366b(a)(1)(C) of such title is amended by striking ''have been developed to execute'' and inserting ''have been approved by the Director of Independent Cost Assessment to provide for the execution of''.

(5) Section 2433(e)(2)(B)(iii) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(6) Subparagraph (A) of section 2434(b)(1) of such title is amended to read as follows:

''(A) be prepared or approved by the Director of Independent Cost Assessment; and''.

(7) Section 2445c(f)(3) of such title is amended by striking ''are reasonable'' and inserting ''have been determined by the Director of Independent Cost Assessment to be reasonable''.

(e) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF OPERATING AND SUPPORT COSTS OF MAJOR WEAPON SYSTEMS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on growth in operating and support costs for major weapon systems.

(2) ELEMENTS.—In preparing the report required by paragraph (1), the Comptroller General shall, at a minimum—

(A) identify the original estimates for operating and support costs for major weapon systems selected by the Comptroller General for purposes of the report;

(B) assess the actual operating and support costs for such major weapon systems;

(C) analyze the rate of growth for operating and support costs for such major weapon systems;

(D) for such major weapon systems that have experienced the highest rate of growth in operating and support costs, assess the factors contributing to such growth;

(E) assess measures taken by the Department of Defense to reduce operating and support costs for major weapon systems; and

(F) make such recommendations as the Comptroller General considers appropriate.

(3) MAJOR WEAPON SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in 2379(d) of title 10, United States Code.

**SEC. 105. ROLE OF THE COMMANDERS OF THE COMBATANT COMMANDS IN IDENTIFYING JOINT MILITARY REQUIREMENTS.**

(a) IN GENERAL.—Section 181 of title 10, United States Code, as amended by section 104(d)(1) of this Act, is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by adding after subsection (d) the following new subsection (e):

''(e) INPUT FROM COMBATANT COMMANDERS ON JOINT MILITARY REQUIREMENTS.—The Council shall seek and consider input from the commanders of the combatant commands in carrying out its mission under paragraphs (1) and (2) of subsection (b) and in conducting periodic reviews in accordance with the requirements of subsection (f). Such input may include, but is not limited to, an assessment of the following:

''(1) Any current or projected missions or threats in the theater of operations of the commander of a combatant command that would justify a new joint military requirement.

''(2) The necessity and sufficiency of a proposed joint military requirement in terms of current and projected missions or threats.

''(3) The relative priority of a proposed joint military requirement in comparison with other joint military requirements.

''(4) The ability of partner nations in the theater of operations of the commander of a combatant command to assist in meeting the joint military requirement or to partner in using technologies developed to meet the joint military requirement.''.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF IMPLEMENTATION.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the requirements of subsection (e) of section 181 of title 10, United States Code (as amended by subsection (a)), for the Joint Requirements Oversight Council to solicit and consider input from the commanders of the combatant commands. The report shall include, at a minimum, an assessment of the extent to which the Council has effectively sought, and the commanders of the combatant commands have provided, meaningful input on proposed joint military requirements.

**SEC. 106. CLARIFICATION OF SUBMITTAL OF CERTIFICATION OF ADEQUACY OF BUDGETS BY THE DIRECTOR OF THE DEPARTMENT OF DEFENSE TEST RESOURCE MANAGEMENT CENTER.**

Section 196(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) If the Director of the Center is not serving concurrently as the Director of Developmental Test and Evaluation under subsection (b)(2) of section 139c of this title, the certification of the Director of the Center under subparagraph (A) shall, notwithstanding subsection (c)(4) of such section, be submitted directly and independently to the Secretary of Defense.''.

## TITLE II—ACQUISITION POLICY

**SEC. 201. CONSIDERATION OF TRADE-OFFS AMONG COST, SCHEDULE, AND PERFORMANCE IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.**

(a) CONSIDERATION OF TRADE-OFFS.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement mechanisms to ensure that trade-offs between cost, schedule, and performance are considered as part of the process for developing requirements for major weapon systems.

(2) ELEMENTS.—The mechanisms required under this subsection shall ensure, at a minimum, that—

(A) Department of Defense officials responsible for acquisition, budget, and cost estimating functions are provided an appropriate opportunity to develop estimates and raise cost and schedule matters before performance requirements are established for major weapon systems; and

(B) consideration is given to fielding major weapon systems through incremental or spiral acquisition, while deferring technologies that are not yet mature, and capabilities that are likely to significantly increase costs or delay production, until later increments or spirals.

(3) MAJOR WEAPONS SYSTEM DEFINED.—In this subsection, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

(b) DUTIES OF JOINT REQUIREMENTS OVERSIGHT COUNCIL.—Section 181(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(C) in ensuring the consideration of trade-offs among cost, schedule and performance for joint military requirements in consultation with the advisors specified in subsection (d);''.

(c) REVIEW OF JOINT MILITARY REQUIREMENTS.—

(1) JROC SUBMITTAL OF RECOMMENDED REQUIREMENTS TO UNDER SECRETARY FOR ATL.—Upon recommending a new joint military requirement, the Joint Requirements Oversight Council shall transmit the recommendation to the Under Secretary of Defense for Acquisition, Technology, and Logistics for review and concurrence or non-concurrence in the recommendation.

(2) REVIEW OF RECOMMENDED REQUIREMENTS.—The Under Secretary for Acquisition, Technology, and Logistics shall review each recommendation transmitted under paragraph (1) to determine whether or not the Joint Requirements Oversight Council has, in making such recommendation—

(A) taken appropriate action to solicit and consider input from the commanders of the combatant commands in accordance with the requirements of section 181(e) of title 10, United States Code (as amended by section 105);

(B) given appropriate consideration to trade-offs among cost, schedule, and performance in accordance with the requirements of section 181(b)(1)(C) of title 10, United States Code (as amended by subsection (b)); and

(C) given appropriate consideration to issues of joint portfolio management, including alternative material and non-material solutions, as provided in Chairman of the Joint Chiefs of Staff Instruction 3170.01G.

(3) NON-CONCURRENCE OF UNDER SECRETARY FOR ATL.—If the Under Secretary for Acquisition, Technology, and Logistics determines that the Joint Requirements Oversight Council has failed to take appropriate action in accordance with subparagraphs (A), (B), and (C) of paragraph (2) regarding a joint military requirement, the Under Secretary shall return the recommendation to the Council with specific recommendations as to matters to be considered by the Council to address any shortcoming identified by the Under Secretary in the course of the review under paragraph (2).

(4) NOTICE ON CONTINUING DISAGREEMENT ON REQUIREMENT.—If the Under Secretary for Acquisition, Technology, and Logistics and the Joint Requirements Oversight Council are unable to reach agreement on a joint military requirement that has been returned to the Council by the Under Secretary under paragraph (4), the Under Secretary shall transmit notice of lack of agreement on the requirement to the Secretary of Defense.

(5) RESOLUTION OF CONTINUING DISAGREEMENT.—Upon receiving notice under paragraph (4) of a lack of agreement on a joint military requirement, the Secretary of Defense shall make a final determination on whether or not to validate the requirement.

(d) ANALYSIS OF ALTERNATIVES.—

(1) REQUIREMENT AT MATERIAL SOLUTION ANALYSIS PHASE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires the Milestone Decision Authority to conduct an analysis of alternatives (AOA) during the Material Solution Analysis Phase of each major defense acquisition program.

(2) ELEMENTS.—Each analysis of alternatives under paragraph (1) shall, at a minimum—

(A) solicit and consider alternative approaches proposed by the military departments and Defense Agencies to meet joint military requirements; and

(B) give full consideration to possible trade-offs between cost, schedule, and performance for each of the alternatives so considered.

(e) DUTIES OF MILESTONE DECISION AUTHORITY.—Section 2366b(a)(1)(B) of title 10, United States Code, is amended by inserting ''appropriate trade-offs between cost, schedule, and performance have been made to ensure that'' before ''the program is affordable''.

**SEC. 202. PRELIMINARY DESIGN REVIEW AND CRITICAL DESIGN REVIEW FOR MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) PRELIMINARY DESIGN REVIEW.—Section 2366b(a) of title 10, United States Code, as amended by section 201(d) of this Act, is further amended—

(1) in paragraph (1), by striking ''and'' at the end;

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

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) has received a preliminary design review (PDR) and conducted a formal post-preliminary design review assessment, and certifies on the basis of such assessment that the program demonstrates a high likelihood of accomplishing its intended mission; and''; and

(4) in paragraph (3), as redesignated by paragraph (2) of this section—

(A) in subparagraph (D), by striking the semicolon and inserting '', as determined by the Milestone Decision Authority on the basis of an independent review and assessment by the Director of Defense Research and Engineering; and'';

(B) by striking subparagraph (E); and

(C) by redesignating subparagraph (F) as subparagraph (E).

(b) CRITICAL DESIGN REVIEW.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that Department of Defense guidance on major defense acquisition programs requires a critical design review and a formal post-critical design review assessment for each major defense acquisition program to ensure that such program has attained an appropriate

level of design maturity before such program is approved for System Capability and Manufacturing Process Development.

**SEC. 203. ENSURING COMPETITION THROUGHOUT THE LIFE CYCLE OF MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) ENSURING COMPETITION.—The Secretary of Defense shall ensure that the acquisition plan for each major defense acquisition program includes measures to ensure competition, or the option of competition, at both the prime contract level and the subcontract level of such program throughout the life cycle of such program as a means to incentivize contractor performance.

(b) MEASURES TO ENSURE COMPETITION.—The measures to ensure competition, or the option of competition, utilized for purposes of subsection (a) may include, but are not limited to, measures to achieve the following, in appropriate cases where such measures are cost-effective:

(1) Competitive prototyping.

(2) Dual-sourcing.

(3) Funding of a second source for interchangeable, next-generation prototype systems or subsystems.

(4) Utilization of modular, open architectures to enable competition for upgrades.

(5) Periodic competitions for subsystem upgrades.

(6) Licensing of additional suppliers.

(7) Requirements for Government oversight or approval of make or buy decisions to ensure competition at the subsystem level.

(8) Periodic system or program reviews to address long-term competitive effects of program decisions.

(9) Consideration of competition at the subcontract level and in make or buy decisions as a factor in proposal evaluations.

(c) COMPETITIVE PROTOTYPING.—The Secretary of Defense shall modify the acquisition regulations of the Department of Defense to ensure with respect to competitive prototyping for major defense acquisition programs the following:

(1) That the acquisition strategy for each major defense acquisition program provides for two or more competing teams to produce prototypes before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority for such program waives the requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing competitive prototypes exceeds the potential life-cycle benefits of such competition, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(2) That if the milestone decision authority waives the requirement for prototypes produced by two or more teams for a major defense acquisition program under paragraph (1), the acquisition strategy for the program provides for the production of at least one prototype before Milestone B approval (or Key Decision Point B approval in the case of a space program) unless the milestone decision authority waives such requirement on the basis of a determination that—

(A) but for such waiver, the Department would be unable to meet critical national security objectives; or

(B) the cost of producing a prototype exceeds the potential life-cycle benefits of such prototyping, including the benefits of improved performance and increased technological and design maturity that may be achieved through prototyping.

(3) That whenever a milestone decision authority authorizes a waiver under paragraph (1) or (2), the waiver, the determination upon which the waiver is based, and the reasons for the determination are submitted in writing to the congressional defense committees not later than 30 days after the waiver is authorized.

(4) That prototypes may be required under paragraph (1) or (2) for the system to be acquired or, if prototyping of the system is not feasible, for critical subsystems of the system.

(d) COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF CERTAIN WAIVERS.—

(1) NOTICE TO COMPTROLLER GENERAL.—Whenever a milestone decision authority authorizes a waiver of the requirement for prototypes under paragraph (1) or (2) of subsection (c) on the basis of excessive cost, the milestone decision authority shall submit a notice on the waiver, together with the rational for the waiver, to the Comptroller General of the United States at the same time a report on the waiver is submitted to the congressional defense committees under paragraph (3) of that subsection.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after receipt of a notice on a waiver under paragraph (1), the Comptroller General shall—

(A) review the rationale for the waiver; and

(B) submit to the congressional defense committees a written assessment of the rationale for the waiver.

(e) APPLICABILITY.—This section shall apply to any acquisition plan for a major defense acquisition program that is developed or revised on or after the date that is 60 days after the date of the enactment of this Act.

**SEC. 204. CRITICAL COST GROWTH IN MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) AUTHORIZED ACTIONS IN EVENT OF CRITICAL COST GROWTH.—Section 2433(e)(2) of title 10, United States Code, is amended—

(1) by redesignating subparagraph (C) as subparagraph (E);

(2) by striking subparagraph (B); and

(3) by inserting after subparagraph (A) the following new subparagraphs (B), (C), and (D):

''(B) terminate such acquisition program and submit the report required by subparagraph (D), unless the Secretary determines that the continuation of such program is essential to the national security of the United States and submits a written certification in accordance with subparagraph (C)(i) accompanied by a report setting forth the assessment carried out pursuant to subparagraph (A) and the basis for each determination made in accordance with clauses (I) through (IV) of subparagraph (C)(i), together with supporting documentation;

''(C) if the program is not terminated—

''(i) submit to Congress, before the end of the 60-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title, a written certification stating that—

''(I) such acquisition program is essential to national security;

''(II) there are no alternatives to such acquisition program which will provide equal or greater capability to meet a joint military requirement (as that term is defined in section 181(h)(1) of this title) at less cost;

''(III) the new estimates of the program acquisition unit cost or procurement unit cost were arrived at in accordance with the requirements of section 139d of this title and are reasonable; and

''(IV) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost;

''(ii) rescind the most recent Milestone approval (or Key Decision Point approval in the case of a space program) for such program and withdraw any associated certification under section 2366a or 2366b of this title; and

''(iii) require a new Milestone approval (or Key Decision Point approval in the case of a space program) for such program before entering into a new contract, exercising an option under an existing contract, or otherwise extending the scope of an existing contract under such program;

''(D) if the program is terminated, submit to Congress a written report setting forth—

''(i) an explanation of the reasons for terminating the program;

''(ii) the alternatives considered to address any problems in the program; and

''(iii) the course the Department plans to pursue to meet any continuing joint military requirements otherwise intended to be met by the program; and''.

(b) TOTAL EXPENDITURE FOR PROCUREMENT RESULTING IN TREATMENT AS MDAP.—Section 2430(a)(2) of such title is amended by inserting '', including all planned increments or spirals,'' after ''an eventual total expenditure for procurement''.

**SEC. 205. ORGANIZATIONAL CONFLICTS OF INTEREST IN THE ACQUISITION OF MAJOR WEAPON SYSTEMS.**

(a) REVISED REGULATIONS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall revise the Defense Supplement to the Federal Acquisition Regulation to address organizational conflicts of interest by contractors in the acquisition of major weapon systems.

(b) ELEMENTS.—The revised regulations required by subsection (a) shall, at a minimum—

(1) ensure that the Department of Defense receives advice on systems architecture and systems engineering matters with respect to major weapon systems from federally funded research and development centers or other sources independent of the prime contractor;

(2) require that a contract for the performance of systems engineering and technical assistance (SETA) functions with regard to a major weapon system contains a provision prohibiting the contractor or any affiliate of the contractor from having a direct financial interest in the development or construction of the weapon system or any component thereof;

(3) provide for an exception to the requirement in paragraph (2) for an affiliate that is separated from the contractor by structural mechanisms, approved by the Secretary of Defense, that are similar to those required for special security agreements under rules governing foreign ownership, control, or influence over United States companies that have access to classified information, including, at a minimum—

(A) establishment of the affiliate as a separate business entity, geographically separated from related entities, with its own employees and management and restrictions on transfers for personnel;

(B) a governing board for the affiliate that has organizational separation from related entities and governance procedures that require the board to act solely in the interest of the affiliate, without regard to the interests of related entities, except in specified circumstances;

(C) complete informational separation, including the execution of non-disclosure agreements;

(D) initial and recurring training on organizational conflicts of interest and protections against organizational conflicts of interest; and

(E) annual compliance audits in which Department of Defense personnel are authorized to participate;

(4) prohibit the use of the exception in paragraph (3) for any category of systems engineering and technical assistance functions (including, but not limited to, advice on source selection matters) for which the potential for an organizational conflict of interest or the appearance of an organizational conflict of interest makes mitigation in accordance with that paragraph an inappropriate approach;

(5) authorize waiver of the requirement in paragraph (2) in cases in which the agency head determines in writing that—

(A) the financial interest of the contractor or its affiliate in the development or construction of the weapon system is not substantial and does not include a prime contract, a first-tier subcontract, or a joint venture or similar relationship with a prime contractor or first-tier subcontractor; or

(B) the contractor—

(i) has unique systems engineering capabilities that are not available from other sources;

(ii) has taken appropriate actions to mitigate any organizational conflict of interest; and

(iii) has made a binding commitment to comply with the requirement in paragraph (2) by not later than January 1, 2011; and

(6) provide for fair and objective ''make-buy'' decisions by the prime contractor on a major weapon system by—

(A) requiring prime contractors to give full and fair consideration to qualified sources other than the prime contractor for the development or construction of major subsystems and components of the weapon system;

(B) providing for government oversight of the process by which prime contractors consider such sources and determine whether to conduct such development or construction in-house or through a subcontract;

(C) authorizing program managers to disapprove the determination by a prime contractor to conduct development or construction in-house rather than through a subcontract in cases in which—

(i) the prime contractor fails to give full and fair consideration to qualified sources other than the prime contractor; or

(ii) implementation of the determination by the prime contractor is likely to undermine future competition or the defense industrial base; and

(D) providing for the consideration of prime contractors ''make-buy'' decisions in past performance evaluations.

(c) ORGANIZATIONAL CONFLICT OF INTEREST REVIEW BOARD.—

(1) ESTABLISHMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall establish within the Department of Defense a board to be known as the ''Organizational Conflict of Interest Review Board''.

(2) DUTIES.—The Board shall have the following duties:

(A) To advise the Under Secretary of Defense for Acquisition, Technology, and Logistics on policies relating to organizational conflicts of interest in the acquisition of major weapon systems.

(B) To advise program managers on steps to comply with the requirements of the revised regulations required by this section and to address organizational conflicts of interest in the acquisition of major weapon systems.

(C) To advise appropriate officials of the Department on organizational conflicts of interest arising in proposed mergers of defense contractors.

(d) MAJOR WEAPON SYSTEM DEFINED.—In this section, the term ''major weapon system'' has the meaning given that term in section 2379(d) of title 10, United States Code.

**SEC. 206. AWARDS FOR DEPARTMENT OF DEFENSE PERSONNEL FOR EXCELLENCE IN THE ACQUISITION OF PRODUCTS AND SERVICES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a program to recognize excellent performance by individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense in the acquisition of products and services for the Department of Defense.

(b) ELEMENTS.—The program required by subsection (a) shall include the following:

(1) Procedures for the nomination by the personnel of the military departments and the Defense Agencies of individuals and teams of members of the Armed Forces and civilian personnel of the Department of Defense for eligibility for recognition under the program.

(2) Procedures for the evaluation of nominations for recognition under the program by one or more panels of individuals from the government, academia, and the private sector who have such expertise, and are appointed in such manner, as the Secretary shall establish for purposes of the program.

(c) AWARD OF CASH BONUSES.—As part of the program required by subsection (a), the Secretary may award to any individual recognized pursuant to the program a cash bonus authorized by any other provision of law to the extent that the performance of such individual so recognized warrants the award of such bonus under such provision of law.

**SEC. 207. EARNED VALUE MANAGEMENT.**

(a) ENHANCED TRACKING OF CONTRACTOR PERFORMANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review the existing guidance and, as necessary, prescribe additional guidance governing the implementation of the Earned Value Management (EVM) requirements and reporting for contracts to ensure that the Department of Defense—

(1) applies uniform EVM standards to reliably and consistently measure contract or project performance;

(2) applies such standards to establish appropriate baselines at the award of a contract or commencement of a program, whichever is earlier;

(3) ensures that personnel responsible for administering and overseeing EVM systems have the training and qualifications needed to perform this function; and

(4) has appropriate mechanisms in place to ensure that contractors establish and use approved EVM systems.

(b) ENFORCEMENT MECHANISMS.—For the purposes of subsection (a)(4), mechanisms to ensure that contractors establish and use approved EVM systems shall include—

(1) consideration of the quality of the contractors' EVM systems and the timeliness of the contractors' EVM reporting in any past performance evaluation for a contract that includes an EVM requirement; and

(2) increased government oversight of the cost, schedule, scope, and performance of contractors that do not have approved EVM systems in place.

**SEC. 208. EXPANSION OF NATIONAL SECURITY OBJECTIVES OF THE NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.**

(a) IN GENERAL.—Subsection (a) of section 2501 of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Maintaining critical design skills to ensure that the armed forces are provided with systems capable of ensuring technological superiority over potential adversaries.''.

(b) NOTIFICATION OF CONGRESS UPON TERMINATION OF MDAPS OF EFFECTS ON NATIONAL SECURITY OBJECTIVES.—Such section is further amended by adding at the end the following new subsection:

''(c) NOTIFICATION OF CONGRESS UPON TERMINATION OF MAJOR DEFENSE ACQUISITION PROGRAM OF EFFECTS ON OBJECTIVES.—(1) Upon the termination of a major defense acquisition program, the Secretary of Defense shall notify Congress of the effects of such termination on the national security objectives for the national technology and industrial base set forth in subsection (a), and the measures, if any, that have been taken or should be taken to mitigate those effects.

''(2) In this subsection, the term 'major defense acquisition program' has the meaning given that term in section 2430 of this title.''.

**SEC. 209. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Madam President, very briefly, we have done extremely well with this overwhelming vote for the passage of S. 454, the Weapon Systems Acquisition Reform Act. We have done it on a bipartisan basis, which is the way it should be done when it comes to matters of national defense and a whole host of other issues. I am deeply grateful to my friend, our ranking member, Senator MCCAIN.

Of course, a large share of this moment belongs to our hard-working and very talented staff, led on our side by Rick DeBobes and on the Republican side by Joe Bowab. Our special collective thanks must also be given to Peter Levine and Creighton Green on the majority staff and to Richard Fontaine, Chris Paul, and Pablo Corrillo on the minority staff. We thank them all for their hard work. It will bear fruit, we hope within the next month, when we work something out with the House. Then, over the coming years, we will not only save taxpayers' dollars, but we will provide the right equipment to our troops who deserve the best we can get. We will make sure we don't waste these defense dollars, because when we do that, we not only are hurting the taxpayer but we are depriving our troops of funds they need for needed weapon systems.

Mr. KYL. Madam President, the bill we passed contains provisions that I support and others that I oppose. I want to indicate why I voted aye. In the end, I think it is critical for Congress to increase the FDIC's borrowing authority to reduce a costly special assessment that the FDIC intends to impose on distressed banks, and therefore I supported the bill.

Over the last 2 years the FDIC has had to take over 41 different failed depository institutions and in the process has depleted its insurance fund. At its current level, the FDIC is required by law to increase its insurance premiums on banks to recapitalize the fund. However, increasing banks' costs now would only worsen the current recession.

Congress can reduce the size of this assessment by 50 percent if it increases the FDIC's borrowing authority from $30 billion to $100 billion. Doing so will help banks hold onto capital that they can use to absorb future losses and make it through these difficult economic conditions.

Unfortunately, this bill would increase the FDIC's borrowing authority at the same time that it would expand the HOPE for Homeowners Program—a $300 billion program designed to allow up to 400,000 borrowers to refinance into an FHA-backed loan. The FHA mortgage program has exploded with the decline of the subprime industry as borrowers have flocked to the Government program. FHA loans are attractive due to the high loan limits—up to $729,250 in high cost areas—and only a 3.5-percent downpayment requirement. According to Inside Mortgage Finance, the FHA's market e jumped to nearly a third of all mortgages in the fourth quarter of 2008 from about 2 percent in early 2006.

At the same time, FHA mortgage defaults have increased sharply and are diminishing the FHA's reserve fund. Roughly 7.5 percent of FHA loans were seriously delinquent at the end of February, up from 6.2 percent a year earlier. The FHA's reserve fund fell to about 3 percent of its mortgage portfolio in fiscal year 2008, down from 6.4 percent in the previous year. By law, the reserve fund must remain above 2 percent. Recently, HUD Secretary Shaun Donovan told a Senate Appropriations subcommittee that he did not know whether the FHA would be able to continue to pay its obligations. Many believe that Congress will have to inject additional funding into the FHA.

The HOPE for Homeowners Program will sunset in 2011. I expect the Obama administration to do everything in its power to guarantee the solvency of the FHA mortgage program and will be watching how the Secretary of HUD implements HOPE the for Homeowners Program.

In the end, I believe the broader economy would benefit from an increase in the FDIC's borrowing authority. We cannot recover from this economic downturn until banks have the capital to lend freely to all borrowers. Therefore, I voted for S. 896 despite some reservations that I have with other provisions in the bill.

Mr. FEINGOLD. Madam President, I voted in favor of the Weapon Systems Acquisition Reform Act of 2009 but I am disappointed that it does not include key reforms of our defense procurement system. While President Obama and leaders in Congress deserve credit for beginning to address the longstanding problem of wasteful and abusive defense contracting, we need to go further.

Secretary Gates has stated that we ''must consistently demonstrate the commitment and leadership to stop programs that significantly exceed their budget or which spend limited tax dollars to buy more capability than the nation needs.'' Unfortunately, this bill falls short in this regard. It permits programs to continue even if they have experienced cost growth of over 25 percent. GAO has found that 42 percent of our programs have experienced cost growth and that, due in part to such cost overruns, we have scaled back the number of weapons we are buying in 10 major programs by 30 percent. Congress's failure to make tough choices and restructure troubled programs is therefore having a direct impact on our ability to deliver sufficient quantities to our fighting forces.

Secretary Gates has also stated that ''we must ensure that requirements are reasonable and technology is adequately mature to allow the department to successfully execute the programs.'' This bill encourages such reforms, but unfortunately does not require them. For example, it requires additional reporting on the Department's reliance on immature, risky technologies but does not prohibit the Department from purchasing such equipment. GAO reported this year that of 40 programs that it has reviewed, the Department will decide to move to the production of nearly a fourth of them without requiring realistic testing of their critical technologies.

No company would buy a plane before they have flown it. I don't know why it should be any different for the U.S. Armed Forces. Indeed, given that our brave men and women in uniform are relying on these weapons systems, stricter standards should be enforced.

Unfortunately, these are not new issues. I first objected to inadequate testing of weapons systems in 1998 when the Navy sought to rush the F–18 through its tests, notwithstanding the fact that preliminary tests had discovered serious problems in the aircraft. I am disappointed that a decade has passed and we are still seeing the same problems over and over again.

I suggested that we should require higher level review of alternative acquisition strategies before purchasing systems that have not been tested in a realistic environment but was informed that this would be too strict of a requirement. While I am pleased that the committee at least accepted an amendment I cosponsored that will ensure that annual reports to the Congress identify programs moving into production without undergoing adequate testing, this is just a start.

Secretary Gates demonstrated his commitment to fixing these problems when he recommended the cancellation of several programs that were over budget, were behind schedule, relied on immature technologies and were designed to combat a military-peer that does not exist. GAO had been reporting that these systems were in trouble for several years. If these systems had been restructured when it first became obvious that they were unnecessary and unrealistic, it would have saved the government tens of billions of dollars and sped up our efforts to replace our aging weapons systems.

It is my hope that Congress will eventually forgo the parochial interests that have prevented it from making the tough choices that need to be made and stop repeating the same mistakes of the past. I will continue to work with my colleagues until we have achieved this goal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

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

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

(The remarks of Senator LINCOLN pertaining to the introduction of S. 997 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mrs. LINCOLN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, as in executive session, I ask unanimous consent that at 1:45 p.m. today, the Senate proceed to executive session to consider Calendar No. 64, the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy, with the time until 2 p.m. equally divided and controlled between the leaders or their designees; that at 2 p.m., the Senate proceed to vote on confirmation of the nomination; that upon confirmation, the motion to reconsider be laid upon the table; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

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

## RECESS

Mr. REID. Madam President, I now ask unanimous consent that the Senate stand in recess until 1:45 p.m. today. We have the leaders of Afghanistan and Pakistan here today. They are important meetings. We have a number of things, and it would be better if we are not in session. I appreciate everyone allowing this consent to go forward.

There being no objection, the Senate, at 12:46 p.m., recessed until 1:45 p.m. and reassembled when called to order by the Presiding Officer (Mr. UDALL of New Mexico).

## EXECUTIVE SESSION

## NOMINATION OF R. GIL KERLIKOWSKE TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of R. Gil Kerlikowske of Washington to be Director of National Drug Control Policy.

The PRESIDING OFFICER. The time until 2 p.m. is equally divided.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, our Nation's next drug czar is going to face a number of key challenges. The Office of Drug Control Policy is going to play a leading role in addressing the drug-related violence in Mexico and along the southwest border—an area where, if we don't take the right steps to tackle problems today, we will most certainly see the spread of violence and drugs into towns and residences thousands of miles from the Mexican border.

We also know from history that as the economy falls, crime rises, and that crime is growing at the same time law enforcement agencies across the country face painful cutbacks and greater strains on their personnel and resources. It is, therefore, incumbent upon the next drug czar to ensure that law enforcement at all levels is working smarter, forging new relationships, and leveraging the resources they have. We will also have to address the rise in prescription drug abuse, the continued scourge of methamphetamine use, and the violence that affects so many of our communities due to drug trafficking.

Seattle Police Chief Gil Kerlikowske is the right man to address these big challenges. Chief Kerlikowske brings a fresh new perspective to the job as the Nation's drug czar. He is a cop's cop, and his perspective was shaped patrolling the streets in Florida, New York, and Washington State. Along the way, he has helped thousands of people touched by violence and drugs. He and the law enforcement officials that he has led have been on the front lines of our Nation's war against illicit narcotics and in keeping our communities safe. And I know that he will bring this hands-on perspective to his job as our Nation's drug czar.

Chief Kerlikowske also understands the importance of partnerships between ONDCP and our State and local law enforcement communities, because he has been on the local level. As the head of the Major Cities Chiefs Organization, which represents the 63 largest police departments in the United States, he sees the common problems facing cities across the country. I have seen this firsthand in his work as Seattle police chief.

This past December, under Chief Kerlikowske's leadership, the Seattle Police Department, in cooperation with county, State, and Federal law enforcement agencies, he was able to bust a drug ring that stretched from Mexico to Idaho to Seattle.

Chief Kerlikowske worked cooperatively to create a regional response to gang violence in Seattle and in King County. He built a coalition with the King County Sheriff's Office and other King County police chiefs, with the Washington Department of Corrections, the ATF, and other community leaders to tackle persistent gang violence in our neighborhoods. These multiagency, Federal-local partnerships require cooperation and compromise, and they require a leader with Chief Kerlikowske's experience to bring them all together. Local police chiefs and sheriffs have told me they are sorry to see him go, but the Nation is gaining a true innovator in Gil Kerlikowske. I know he is going to continue to work on these relationships with State and local law enforcement across the country, and this approach will make all of our communities safer.

Chief Kerlikowske also understands that the drug war will not only be won on the streets but in our classrooms and in our homes. For the past 9 years, he has been the national board chairman for the group Fight Crime: Invest in Kids. Under the guidance of Chief Kerlikowske, this group has focused their efforts on the importance of prevention by fighting for early childhood intervention funding, afterschool programs, and efforts to prevent child abuse. Chief Kerlikowske knows the best way to end the use of drugs and spread of crime is to prevent it, and he will bring that commonsense approach to ONDCP.

Chief Kerlikowske has served the people of our State well, and he will serve the people of the Nation well also. I am so proud to support his confirmation. In a few short minutes, the Senate will be voting on this confirmation, and I am very proud to stand here today to tell my colleagues they will be glad they voted with us to confirm this nomination.

Mr. President, I yield the floor.

Mr. COBURN. Mr. President, I would like to take a minute to briefly discuss my opposition to the nomination of Gil Kerlikowske to be Director of National Drug Control Policy. Chief Kerlikowske has had a long career in law enforcement, and he enjoys the support of many of his colleagues. However, the concerns I have about certain aspects of his record prevent me from being able to support his nomination to be Director of ONDCP.

The principal purpose of ONDCP is to establish policies, priorities, and objectives for the nation's drug control program. The office has arguably never been more important, as the United States seeks to deal with the violent drug cartels whose influence has begun to cross into our borders. Yet Chief

Kerlikowske has no experience with international drug interdiction, which is among my chief concerns with this nomination.

Although I suppose my concerns about Chief Kerlikowske's lack of experience with international drug enforcement could be overcome by a strong record of domestic enforcement, I am afraid that Chief Kerlikowske lacks such a record. Instead, he has gained a reputation for being soft on marijuana enforcement, once stating that pursuing possession offenses was ''not a priority.'' Despite local attitudes on this issue, as the top law enforcement officer in Seattle, Chief Kerlikowske has an obligation to make all crime a priority.

Chief Kerlikowske's lax record on marijuana enforcement has even led many pro-marijuana groups to endorse his nomination. In this country, marijuana remains a Schedule I drug and is known as the ''gateway drug,'' because it can lead to the abuse of more dangerous substances. For this reason, the next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics. I am concerned that Mr. Kerlikowske does not have such a record or reputation.

I have other concerns about Chief Kerlikowske's record that I will not detail here. Those concerns include: his decision to withhold police from a riot that broke out in 2001, in which a 20-year-old college student was murdered; his direction for police not to check immigration status or take action on any such violations; and his record on gun control. With respect to the Second Amendment, at a time when facts about the influence of American guns in Mexican drug cartel violence are being distorted—often with the intent to restrict the constitutional rights of American citizens—it is crucial that we have leaders who are ready to defend those rights. I am concerned that Chief Kerlikowske will not be such a defender.

In short, Chief Kerlikowske's lack of experience with international interdiction and his record of lax enforcement of domestic laws respecting drugs—particularly marijuana—and other crimes leaves me concerned that he is the wrong person to lead ONDCP at this crucial time. Therefore, I will oppose his nomination.

Mr. HATCH. Mr. President, in March, Gil Kerlikowske was tapped by the President to be the Director of the Office of National Drug Control Policy. Chief Kerlikowske is certainly qualified for this position. He is a 36-year veteran of law enforcement. He has been the chief of police of four police departments, and most recently chief of the Seattle Police Department. If confirmed, Chief Kerlikowske would be charged with the mission to develop and implement the Nation's drug control strategy. My hope is that he would be confirmed today.

The formal announcement of Seattle Chief Gil Kerlikowske as the new Director of the Office of National Drug Control Policy was heralded by none other than Vice President BIDEN. In 1982, Vice President BIDEN saw the need for a Cabinet-level position to coordinate the efforts of various agencies. He is credited with coining the term ''Drug Czar.'' Then Senator BIDEN was always a champion for elevating this position to Cabinet-level status. During our time on the Senate Judiciary Committee we often collaborated on keeping the Office of National Drug Control Policy relevant in the country's efforts to curb illicit drug use and increase education. Unfortunately, Chief Kerlikowske will be assuming a position that was downgraded by the administration. The Obama administration has elected to downgrade the Director of the Office of National Drug Control Policy from a Cabinet-level position to a presidential appointment in the Executive Office. This is a major departure from the precedent which was set in 1993 under President Clinton.

As the Mexican drug cartel violence has been placed front and center by the media and this body, Cabinet-level executives deploy their personnel and weigh in on the illicit drug trade and violence that has consumed the southwest border. Mexico is the leading supplier of methamphetamine. Recent analysis suggests that meth manufacturers are adding chocolate flavoring so that their product will be more appealing to a younger customer base. The Office of National Drug Control Policy has an annual operating budget of over $14 billion. Current estimates indicate that the cartel's profits exceed what we spend on deterrence by more than a 2 to 1 ratio.

By downgrading this position, President Obama is not sending a vociferous message about the future of the national drug control strategy. A key element of the Office of National Drug Control Policy is its control over the High Intensity Drug Trafficking Area designation. Stabilization of the southwest border with Mexico needs all the resources of the U.S. Government to include the Federal and local task forces operated and funded by the HIDTA initiatives. The principal purpose of the Office of National Drug Control Policy, ONDCP, is to establish policies, priorities, and objectives for the Nation's drug control program. The goals of the program are to reduce illicit drug use, manufacturing, trafficking, and drug-related crimes of violence. The ONDCP also develops initiatives and campaigns that educate youths on the ill effects of drug abuse and drug-related health consequences. To achieve these goals, the Drug Czar is charged with producing the National Drug Control Strategy. This delegation of authority was established through previous Executive orders and legislative authority as crafted by Congress.

In some respects, I believe the President and I are on the same page when it comes to addressing our Nation's illicit drug problem. You cannot solely arrest your way out of this issue. I have always believed that everybody makes mistakes and is entitled to forgiveness. I believe in putting some emphasis on rehabilitation in conjunction with appropriate punishment. The Director of the National Office of Drug Control Policy is supposed to have the ear of the President on how the approaches of rehabilitation and the criminal justice system will meet to curtail this crime. I commend his choice of Gil Kerlikowske to head the ONDCP. However, I question the President's decision to downgrade this important position at a time when our Nation needs key leadership to form our strategy to combat our Nation's addiction to illicit drugs.

It is my sincere hope that this ill-advised decision by President Obama to downgrade the position of the Director of the National Office of Drug Control Policy, which Mr. Kerlikowske will hold, will not come back to haunt Americans for years to come with increased illicit drug use by our children, increased illicit drug manufacturing, increased trafficking, and increased drug-related crimes of violence. That would be a truly tragic mistake for all Americans. The ramifications of a vibrant illicit drug market in the U.S. will take lives, ruin families, destroy potential and leave us a much weaker nation.

I support Mr. Kerlikowske in his new post and I wish him the best. I offer him my support as he undertakes this large assignment. Also, I encourage our President to return the Director's office back to a Cabinet level position where it belongs.

Mr. GRASSLEY. Mr. President, the next Director of the Office of National Drug Control Policy, ONDCP, has a tough job ahead of him.

The new drug czar will have to work hard to stem the rise in prescription and over-the-counter medicine abuse and the drug cartel violence crossing our southern borders, as well as the issues we have been combating for many years: traditional drug abuse.

The U.S. has a major drug problem. While we are leveraging law enforcement resources for interdiction and drug crime reduction, we also face an active movement to legalize dangerous drugs. I have long been an opponent of the legalizing cause, as I hear all the time how dangerous drugs are to our youth and families.

The new ONDCP Director must emphasize and invigorate the law enforcement community's efforts to stop illegal drug use. He must be a strong leader for all agencies and organizations that are stakeholders in the fight against illegal drugs. He must bring a respect to the office of ONDCP that has been lacking for some time. It is vital that the new Director is able to coordinate domestic and international drug strategy, including ensuring that the Merida Initiative is a success. The next

Director must also be able to bring together and work with coalitions at the local level to combat meth, coordinate policy on the laws directed to eradicate meth and marijuana production, and be engaged in efforts to stop opium production in Afghanistan and Colombia. His drug strategy must produce results at the national and international level to address drug manufacturing, interdiction, prevention, and abuse.

I have some concerns about Chief Kerlikowske's nomination, given his record.

For instance, in 2003, Seattle voters passed Initiative 75, which made marijuana possession the lowest priority for the Seattle Police Department. During the debate, Chief Kerlikowske opposed the measure only because he disagreed with voters determining what laws a police force should enforce. In answers to my written questions, he merely noted marijuana was already low on the force's list. Chief Kerlikowske's lax record on marijuana enforcement concerns me because marijuana is still often the precursor to more dangerous drugs, and it only endangers those who use it. The next ONDCP Director must be a strong opponent of marijuana and all illegal drugs, as well as act as an aggressive enforcer of the laws regulating these harmful narcotics.

Additionally, Chief Kerlikowske apparently has no experience on international supply interdiction. We need someone who understands international drug problems and can help formulate a successful long-term strategy to address them. Chief Kerlikowske's lack of this experience, along with his lax record on marijuana crimes, raise questions for me on his ability to act as an effective Director of ONDCP. However, several organizations, such as the Major Cities Chief Association, the National Association of State Alcohol and Drug Abuse Directors, and the Community Anti-Drug Coalitions of America, have expressed support for this nominee. While I will not hold up his nomination, I put Chief Kerlikowske on notice that I expect him to provide strong leadership in producing and coordinating drug control strategy and to aggressively work to enforce our drug laws.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. MURRAY. Mr. President, I ask unanimous consent that the time during the quorum be charged equally to both sides.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEAHY. Mr. President, today, at last, the Senate considers President Obama's nomination of Chief R. Gil Kerlikowske to be Director of National Drug Control Policy. This highly qualified nominee has drawn widespread support, and I had hoped the Senate would confirm him before our last recess. I look forward to his being confirmed today with strong bipartisan support.

Chief Kerlikowske has almost 40 years of experience in law enforcement, including in his current role as chief of police for the Seattle Police Department. In his long career in public service, Chief Kerlikowske has demonstrated a comprehensive understanding of narcotics issues. He currently serves as the elected president of the Major Cities Chiefs Association, and he began his career as an Outstanding Military Police Officer Honor Graduate in the U.S. Military Police in 1970. He served as the police commissioner of Buffalo, NY, and as the police chief in two Florida cities, Fort Pierce and Port St. Lucie. He worked in the Justice Department during the Clinton administration, where he served as the Deputy Director of the Office of Community Oriented Police Services.

I thank the Senators from Washington State, Senator MURRAY and Senator CANTWELL, for their strong endorsement of this outstanding nominee at our April 1 hearing and for their continued efforts in support of his confirmation.

Chief Kerlikowske's nomination has received numerous letters of support, including strong endorsements from Republican and Democratic public officials, State and local law enforcement officials, the National Center for Victims of Crime, the United States Conference of Mayors, the Community Anti-Drug Coalition of America, the Washington Association of Sheriffs and Police, and the National Council on Crime and Delinquency. General Barry R. McCaffrey, who led the Office of National Drug Control Policy during the Clinton administration, writes that Chief Kerlikowske ''is known and highly respected internationally for his knowledge of crime and drugs.''

Mary Lou Leary, the executive director of the National Center for Victims of Crime, describes Chief Kerlikowske as a ''strong manager,'' who is ''committed to crime prevention'' and who ''understands the connection between illegal drugs and crime.'' Arthur T. Dean, the chairman and CEO of the Community Anti-Drug Coalition of America, wrote that Chief Kerlikowske understands that drug policy ''must be comprehensive and coordinated'' and ''recognizes that the perspectives of those closest to the ground—state and local enforcement, prevention, treatment, and recovery professionals—play a critical role in this strategy.''

As a former prosecutor, I have always advocated vigorous enforcement and punishment of those who commit serious crimes. Along with others who serve in law enforcement, I also know that punishment alone will not solve the problems of drugs and violence in our rural communities. I am pleased that Mr. Kerlikowske supports combating drug use and crime with all the tools at our disposal, including enforcement, prevention, and treatment.

I congratulate Chief Kerlikowske and his family on his confirmation today, and I look forward to working with him in the years ahead.

Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is scheduled to vote at 2 p.m. on the nomination of Mr. Kerlikowske.

Mr. LEAHY. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. Who yields time?

Without objection, all time is yielded back.

The question is, Will the Senate advise and consent to the nomination of R. Gil Kerlikowske to be Director of National Drug Control Policy? The yeas and nay have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New Jersey (Mr. MENENDEZ), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Missouri (Mr. BOND) and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 91, nays 1, as follows:

[Rollcall Vote No. 187 Ex.]

YEAS—91

| | | |
|---|---|---|
| Akaka | Brownback | Collins |
| Alexander | Bunning | Conrad |
| Barrasso | Burr | Corker |
| Baucus | Burris | Cornyn |
| Bayh | Byrd | Crapo |
| Begich | Cantwell | DeMint |
| Bennet | Cardin | Dodd |
| Bennett | Carper | Dorgan |
| Bingaman | Casey | Durbin |
| Boxer | Chambliss | Ensign |
| Brown | Cochran | Enzi |

Feingold
Feinstein
Gillibrand
Graham
Grassley
Gregg
Hagan
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johanns
Kaufman
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McCaskill
McConnell
Merkley
Mikulski
Murkowski
Murray
Nelson (NE)
Nelson (FL)
Pryor
Reed
Reid
Risch
Roberts
Sanders
Schumer
Sessions
Shaheen
Shelby
Snowe
Specter
Stabenow
Tester
Thune
Udall (CO)
Udall (NM)
Voinovich
Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—1

Coburn

NOT VOTING—7

Bond
Johnson
Kennedy
Lautenberg
Menendez
Rockefeller
Vitter

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and tabled. The President shall be notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

The majority leader is recognized.

## UNANIMOUS CONSENT AGREEMENT—H.R. 627

Mr. REID. Mr. President, I ask unanimous consent that at 3 p.m. Monday, May 11, the Senate proceed to Calendar No. 55, H.R. 627; and that once the bill is reported, Senator DODD or his designee be recognized to offer the Dodd-Shelby substitute; further that the cloture motion on the motion to proceed be withdrawn.

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

Mr. REID. Mr. President, Senators Dodd and Shelby have done very good work on this bill. This is a bill that passed the House with some 377 votes. It is a very important piece of legislation. It is bipartisan in nature. I had a press event this morning—actually it was 12:30—with Senator DURBIN, Senator SCHUMER, and Senator MURRAY.

There I made the best case I could to talk about how much we have been able to get done with the help of the Republicans. We have done some good work, and more indication of that is what we have been able to do with this piece of legislation. It is important that we get this done, that we finish it.

We are not going to go to tobacco until we come back. We are going to finish the work we have to do on the supplemental appropriations bill. We hope to get some nominations done. But we have had some real good work. I am very happy with the way we have worked together. We have a lot more work together we need to do, but this is certainly a step in the right direction.

## MORNING BUSINESS

Mr. REID. I now ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

This will be the last vote of the week. We will not have another vote until Tuesday.

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

The Senator from Illinois is recognized.

## NATIONAL TRAIN DAY

Mr. BURRIS. Mr. President, many of my colleagues and citizens across the country recognize this Saturday as National Train Day, a celebration of 140 years of coast-to-coast rail travel in the Unite States.

I rise to commemorate the proud history of America's railways, but also to mark this as a time for more than celebration.

We must see this occasion as an opportunity to look ahead, to reinvest in our nation's infrastructure and begin a fresh chapter of high-speed rail service.

In May of 1869, the Central Pacific and Union Pacific Railroads were joined in the remote Utah desert, connecting the east and west coasts of the United States and completing the very first transcontinental railroad in our Nation's history.

For almost a century and a half since, trains have transformed the way goods are transported and intercity passengers reach their destinations.

From the moment of their birth, America's railroads have represented our efforts to meet the challenges and opportunities of living in a Nation that spans a continent.

The rails that connected Atlantic to Pacific became the backbone upon which we built American commerce and ingenuity. In many ways they defined the fabric of our culture, laying the foundation that allowed our civilization to push the American frontier ever westward.

Every year, Amtrak transports 28 million Americans between 500 communities in 46 States.

Intercity passenger rail is 18 percent more energy efficient than air travel and 25 percent more efficient than automobiles, making the modern locomotive one of the most refined and environmentally friendly technologies in American history.

I have seen this firsthand. My early life was shaped in part by the great American railway. I was raised in Centralia, IL, a small town that was very much centered around the railroad.

We lived along a major line originating in Chicago, a national transportation hub that ships goods, passengers and economic opportunity to every community it touches as the trains set out across the American heartland.

Like many in our town, my father, grandfather and four great uncles worked many years for the Illinois Central Railroad.

I am proud to be a part of the legacy that he and many others helped to create in Illinois and across the country, a legacy that continues to shape us even today.

But now the aging infrastructure that gave definition to this country is badly in need of repair. The time has come once again to invest in rail travel.

Throughout my career, I have supported high-speed rail technology, which will curb pollution and ease crowding on our roads and in the skies.

Now, under President Obama's leadership, we have the chance to make this dream a reality.

By making a substantial investment in clean, safe high-speed rail, we can renew the deep connections that bind our cities and states to one another and to our shared national identity.

We can create jobs, revitalize our economy, protect our environment, and continue the proud tradition of our national railways.

I ask my colleagues to join with me in reaffirming this commitment to modern rail service. I am glad that so many recognize the importance of railroads in shaping the past we share. But this year, on National Train Day, we should celebrate our past by looking to the future.

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

The PRESIDING OFFICER (Mr. UDALL of Colorado). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WYDEN. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

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

## HEALTH CARE

Mr. WYDEN. Mr. President, the Senate Finance Committee, on which I serve, is about to take up the toughest issue in the debate about health care reform; that is, the question of how to pay for it.

To be credible, that means showing that you are not going to sit around and wait for years and years to start cutting costs but, in fact, you are going to start generating savings, in the $2.5 trillion our country spends on health care, quickly. And you must do it in a bipartisan fashion that is acceptable to our people.

So, today, I offer the four pillars of immediate health care cost containment. Each one of these pillars is an idea that is supported by influential Democratic Senators and influential Republican Senators in the Senate.

The first pillar of immediate health care cost containment requires that

there be tax relief for the middle class but no more tax subsidies for designer smiles. It sounds incredible, but today hard-working middle-class folks who are uninsured or underinsured—every day—watch their taxes go to subsidize designer smiles for the most affluent that would be worthy of Hollywood.

The first pillar of health care cost containment starts saving billions of dollars immediately by taking away unneeded tax breaks and beefing up health care tax relief for middle-class workers and their families.

The second pillar of immediate health care cost containment means taking an axe to health care administrative costs. Americans are drowning in health care rules and administrative hassles. Now you can junk the health care bureaucracy by doing everything just once: signing up for the health care you want; paying for it through the withholding system you use with every paycheck; keeping what you have, if you leave your job, or your job leaves you; and easily finding out about the costs and quality of health care services that are near you, and doing it on line.

The third principle of immediate health care cost containment is everybody is in, and everyone has to be personally responsible. You cannot lower health care costs in this country without good, quality, affordable coverage for all. If you do not cover everyone, there is too much cost shifting and not enough prevention.

Personal responsibility is just as important. Americans cannot fix health care unless everyone secures basic coverage, with extra help for folks who would have difficulty affording that. More than 11 million people with incomes of well over $60,000 do not buy basic health insurance, and that is part of the reason hospital emergency rooms are so busy in America. Cutting health care costs means getting everybody in the system, and it means everyone would be personally responsible.

Finally, the fourth principle of immediate health care cost containment is a revolution in health insurance. Today, health insurance is about cherrypicking. The private insurance companies scour your health history, and they want you if you are healthy and wealthy. Sick people, on the other hand, are sent to Government programs more fragile than they are.

Holding down costs soon means changing this, prohibiting the insurance companies from discriminating against those with illnesses and requiring a system that features real competition—real competition where the insurance industry does not compete to see who is the best at leaving out those who have health problems but competition that is based on benefit and quality and price. That is not Government-run health care. That is old-fashioned competition—the kind of bedrock principles of competition our country understands.

When insurance companies compete on the basis of price, benefit, and quality, that is about as pure a kind of competition as you could have in our country, and it would revolutionize the health insurance business in our country.

Each one of these four pillars of immediate health care cost containment is supported by influential Democrats and Republicans in the Senate. If these four principles were adopted, the Senate could go to the country and show our people that on the health issue they care about the most—which is containing costs—the Senate has a plan for cost containment that will kick in quickly, in the next few years—not something for which you have to wait 10, 15, 20 years from now. And certainly there are a lot of changes in the health care system that ought to be made now because they will save money in 10 or 15 years.

But the four pillars of immediate health care cost containment I outlined this afternoon—tax relief for the middle class and no more tax breaks for designer smiles; taking an axe to health care administrative costs; everybody in the system, and everyone personally responsible; and a revolution in the health insurance business—those are ideas that are now sponsored by Democrats and Republicans in the Senate and will soon save health care costs. They will reduce health care costs, and do it quickly, so that the Senate can be credible with the country on this issue of health care reform.

There are other important principles to this question of getting health care on track. Chairman BAUCUS, in my view, has done yeoman work in terms of his sessions to look at the various issues—delivery and coverage.

I have made the case, with considerable passion, on the coverage question that I think Americans want on the coverage issue—coverage that is at least as good as Members of Congress have—and the Congressional Budget Office has said it is possible to pay for that, again, with the kinds of principles of cost containment I have outlined. Other colleagues, I am sure, will have other views with respect to what the basic benefit package ought to be about.

I also think it is going to be very important to send a straightforward message to those who have coverage that there are considerable benefits for them in reform as well. We have talked on this floor before—Democrats and Republicans—about making sure everybody can keep the coverage they have. That is something Senators hear about at every meeting they have when they discuss health care, and I think there are going to be 100 Senators voting in favor of the principle that all our people ought to be able to keep the coverage they have.

But there are two other words I think those people with coverage are looking for. I say to the Presiding Officer, you and I have had some discussion on this issue before. Those folks with coverage want to hear about how they are going to be wealthier and healthier with the health care reform legislation that would be passed in the Congress. On this issue, the fundamental question is going to be about increasing the choices that individuals have for their coverage.

I have not spoken about this on the floor of the Senate in the past, but I was flabbergasted to learn that those who are lucky enough to have employer-based coverage in this country—of that group, 85 percent of them get no choice at all. They get one package, and that is it. So you have 85 percent of the people in this country who are lucky enough to have health care coverage who do not get what their elected officials from Colorado and Oregon and everywhere get.

We get a full menu of health care choices. Of course, that is a big factor in holding down health care costs for all because then you have some competition. And if one company does not do well in 2009, everybody is off in 2010 and choosing somebody else.

So it is going to be very important to show those with coverage—people who want to be healthier and wealthier after health care reform is passed—that one of the ways to get some additional money in your pocket is to have more choices. Because when you have only one choice, of course, there are not the kind of competitive juices at work in your health care system that even Members of Congress have.

So what I have been interested in is saying that if you want to stay with your employer's package—absolutely—Democrats and Republicans in the Senate are committed to doing that. But if you, for example, want to choose one of the private alternatives that would be established in health reform legislation, and would be certified by your State as protecting consumers, you ought to be able to make that choice. And if in making that choice you save money relative to what it might cost for your employer's package, you get to get those savings and—without offense to Colorado—you can use the money to go fishing in Oregon because we have created a marketplace.

So I wanted to come today and lay out the four immediate principles of health care cost containment. I think there will be other central questions, such as the issue of coverage and the question of how to make sure the Senate keeps faith with the 160 million people—it is about 160 million people, on any given day, who have employer-based coverage and wish to keep what they have—who would like to be healthier and wealthier, and, finally, if they want to leave their job or their job leaves them, their coverage ought to be portable and they can take it with them.

Finally, let me note that I think Chairman BAUCUS and Senator GRASSLEY, the leaders on the Finance Committee, are doing an exceptionally good and an exceptionally fair job in terms of tackling this issue. The fact

is, health care reform, particularly financing it, is not a subject for the fainthearted. There is a reason this issue has been tough to tackle since the days of Harry Truman of 60 years ago. But under the leadership of Chairman BAUCUS and Senator GRASSLEY and the Finance Committee—and I think I can speak for Senators on both sides of the aisle that we are very appreciative of what Chairman KENNEDY and Senator ENZI are doing in the HELP Committee. The four of them are our committee leaders, our chairs and our ranking minority members. I believe that this time, after 60 years of working on this issue, it can get done.

The fact is, for health reformers, the history of trying to fix health care is almost the story of unrequited love. If you look back on this issue, almost every 15 years reformers say: This is the time. I finally found the one. I am going to be able to have my dreams realized.

Of course, it has been exactly 15 years since the last effort in 1994, during the Clinton years. Harry and Louise pretty much soured that romance in 1993 and 1994. But I do think, largely because of the good work being done by Chairman BAUCUS and Senator GRASSLEY and Chairman KENNEDY and Senator ENZI, this year is different. A lot of colleagues on both sides of the aisle have moved toward an approach that I believe will allow us to come together.

There is a recognition that Democrats have been right on the proposition that if you fix this, you have to cover everybody. If you don't get all Americans high-quality, affordable coverage, you have that cost-shifting I spoke about and inadequate attention to prevention. I think there is a recognition that colleagues on the other side of the aisle in the Republican Party are making valid points as well. There ought to be private choices. It is important not to freeze innovation. We ought to stay clear of price controls. So there is an opportunity now, with the Senate being led by two very fine chairs and ranking minority members, to get this done.

I will close with an observation from a number of economists. Our country clearly is concerned about the cost of these bailouts and financial obligations in the banking and housing sector. Most of those folks believe that the astounding sums being spent on financial bailouts—they are going to look like a rounding error if health care is not fixed. So the stakes are very high. Fixing the economy means fixing health care.

With the principles I have outlined here today, the four immediate principles of health care and cost containment, I think the Senate can get off on the most important and most difficult issue of health care—containing costs—and do it in a bipartisan way.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## CRAIG FUGATE NOMINATION

Mr. NELSON of Florida. Mr. President, a couple of weeks ago, Senator MARTINEZ and I had the privilege of introducing Craig Fugate, President Obama's nominee for the head of FEMA, before the Senate Homeland Security and Governmental Affairs Committee. The committee promptly reported him right out. It is because he is so uniquely qualified.

Craig has served as the director of emergency management in our State since 2001, and he has overseen the response to 11 Presidentially declared disasters in our State. He is one of the most respected leaders in emergency management in the country, and he is the one—if you want a pro's pro—with the experience and the expertise FEMA needs at this time. Why? Look at how he came up: a former firefighter, a paramedic, a fire rescue lieutenant, an emergency manager. All of that was at the local government level, Alachua County, which is Gainesville, FL.

He spent 15 years working in local emergency management before he went up to the Emergency Operations Center at the State level. Since he has become the director of emergency management, he has handled the responses to the landfall of five major hurricanes in Florida, and that was within a 2-year time period.

I will never forget when Hurricane Charley came barreling up the southwest Florida coast headed straight for Tampa Bay. Suddenly, at the last minute, it took a right-hand turn and it went right up Charlotte Bay. Ground zero was Punta Gorda, FL.

By the way, people had evacuated Tampa and then come down to the hotels, especially the Holiday Inn Punta Gorda, and here they are right in the middle of the storm.

That storm was so intense that it blew the roof off of the Charlotte County Emergency Operation Center. They had to evacuate the CCEOC in the middle of the storm. I got there later that day, after the storm hit that morning, and I will never forget seeing Craig in the mobile emergency operation center that the State of Florida brought in as he was taking over and directing operations in the midst of that chaos. Our Florida emergency management response to disasters—with a sense of urgency and efficiency—has emerged as a role model for disaster preparation and disaster response. That, in large part, has been as a result of the leadership of Craig Fugate.

It is also very interesting, when you respond to these kinds of national disasters, that you have cooperation between the civilian emergency response and the National Guard. Of course, the Florida National Guard is the best in the business because they know how to take care of business when it comes to emergency response to hurricanes.

Under Craig's leadership, Florida has become the first State to receive full accreditation for its emergency management program. Craig not only has creativity but a sense of humor. He judges things after a hurricane by the ''Waffle House'' test. He says if the Waffle House is open after the hurricane, that means there is power and water in there. If the Waffle House is closed, things are pretty bad, and a lot of things have been shut down. If the Waffle House is open and they have a limited menu, then it generally means the power has been out for quite a while because everything in their freezer has melted and has spoiled.

I think Craig's exemplary service speaks for itself.

Mr. President, I ask unanimous consent that a number of documents be printed in the RECORD, including a letter from Governor Crist, and a letter from a host of organizations, all the way from the Public Works Association, the American Red Cross—I will not list them all, but it goes through the National Wildlife Federation and the Reinsurance Association of America. Another one is by the Council of State Governments. Everybody is singing Craig Fugate's praises.

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

APRIL 17, 2009.

Hon. BILL NELSON,
*U.S. Senate, Washington, DC.*
Hon. MEL MARTINEZ,
*U.S. Senate, Washington, DC.*

DEAR SENATORS NELSON AND MARTINEZ: I would like to extend my most sincere appreciation to you for introducing Florida Division of Emergency Management Director Craig Fugate at his United States Senate confirmation hearing on Wednesday, April 22. Craig's nomination to be the Director of the Federal Emergency Management Agency instills a great sense of pride in all Floridians. Although his confirmation would mean that we are losing a great asset to our state, Craig's renowned expertise in disaster preparedness, response, recovery, and mitigation activities will, without a doubt, benefit our entire nation.

As you well know, Craig has consistently proven to be among the most respected leaders in emergency management through his outstanding work and vast experience. As the Director of the Florida Division of Emergency Management, Craig has dealt with every type of natural disaster ranging from wildfires to hurricanes, and he has managed them all effectively through his total commitment to ensuring the safety of Florida's citizens.

For Craig, success is not about personal glory. Instead, it is about building a great team that takes action to prepare for, and respond to, disasters and their impacts. I know we share the belief that Craig would utilize this same leadership philosophy as FEMA director.

In advance, thank you for helping to shepherd the nomination of Craig Fugate through the United States Senate. It is exciting to see the hard work and expertise of

a great Floridian like Craig recognized at the national level. I am confident he will continue to make all of Florida proud of his leadership.

Please do not hesitate to contact me if there is anything else I can do to help expedite the process of confirming Florida's Craig Fugate to this important post. He is the right person at the right time.

Sincerely,

CHARLIE CRIST,
*Florida Governor.*

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MAY 5, 2009.

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL:

The undersigned organizations are members of the Stafford Act Coalition and are writing to ask for swift confirmation of William Craig Fugate as the Administrator of the Federal Emergency Management Agency (FEMA). The undersigned organizations and associations represent state and local officials, the nation's realtors, surveyors, conservation interests, and others with a stake in flood management and response, disaster mitigation and emergency response and recovery. The Stafford Act Coalition supports hazard mitigation programs and maintaining the intent of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

It is critical that FEMA leadership be put in place swiftly and not delayed. Currently, our nation is addressing the H1N1 flu and the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. We encourage the Senate to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management issues. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624–5459 or *krobinson@csg.org.*

Sincerely,

Peter King, American Public Works Association; Larry Decker, American Red Cross; Larry Larson, Association of State Flood Plain Managers; Chris Whatley, Council of State Governments; Martha Braddock, International Association of Emergency Managers; Dalen Harris, National Association of Counties; Amy Linehan, National Association of Development Agencies; Susan Gilson, National Association of Flood and Stormwater Management Agencies; Kristin Robinson, National Emergency Management Association; Laura Schepis, National Rural Electric Cooperative Association; David Conrad, National Wildlife Federation; Franklin Nutter, Reinsurance Association of America.

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NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
*Washington, DC, April 29, 2009.*

Hon. HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: As the President of the National Emergency Management Association (NEMA), I am writing on behalf of the emergency management directors from the states, the U.S. territories, and the District of Columbia. We ask for the Senate's immediate action to confirm William Craig Fugate of Florida as the Administrator of the Federal Emergency Management Agency (FEMA). It is critical that FEMA leadership be put in place swiftly and not delayed.

Currently, our nation is addressing the H1 N1 flu, preparing for the upcoming hurricane season, and continuing the response and recovery for multiple other disasters involving flooding, severe storms, tornadoes and wildfires. Mr. Fugate has been a leader in the emergency management community and in NEMA for years and he is widely respected by his peers across the nation. NEMA respectfully encourages the Committee to confirm Mr. Craig Fugate as FEMA Administrator as swiftly as possible.

Thank you for your support of emergency management. If you or your staff has any questions, please contact Kristin Robinson in NEMA's Washington, D.C. Office at (202) 624–5459 or *krobinson@csg.org.*

Sincerely,

NANCY DRAGANI,
*NEMA President and Director of the Ohio Emergency Management Agency.*

Mr. NELSON of Florida. Mr. President, it is my hope the hold that is on Craig for an issue unrelated to Craig—related to the question of FEMA putting a flood zone declaration on some areas of New Orleans—it is my hope that we can resolve that and get on. After all, this is now 1 week into the month of May. Remember, hurricane season officially starts June 1.

We need to have Craig Fugate in place so that FEMA is ready to go at this particular time, when there is another challenge facing the gulf coast and the Atlantic coast, and potentially the Pacific coast. I hope the Senate is going to act quickly on his confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

## NOMINATION OF INEZ TENENBAUM AND ROBERT ADLER

Mr. DURBIN. Madam President, yesterday President Obama announced he would nominate Inez Tenenbaum as the new Chair of the Consumer Product Safety Commission, and Robert Adler as the new CPSC Commissioner. The President also announced he would restore this Commission from a three- to a five-commissioner body and provide $107 million for the agency in its fiscal year 2010 budget, a 71-percent increase in that budget over President Bush's request for fiscal year 2007.

I share President Obama's commitment to consumer safety and his goal of restoring the CPSC to prominence as our Nation's premier consumer watchdog agency. CPSC oversees the safety of over 15,000 consumer products, but for far too long it was hindered by a lack of funding, a lack of staff, outdated authorities and failed leadership. We all remember what happened after that. Faulty cribs that trapped and killed infants; toys coated in lead paint that endangered toddlers and children; magnetic toys that, when swallowed, caused serious injuries and even a child's death.

Most Americans were shocked when they read the stories. They assumed that if they put it on a shelf in a store in America, somebody took a look at it. That is not always the case. Sadly, this agency, which had a special responsibility for dangerous products, had fallen into a state of disrepair, not just in terms of adequate staffing and resources but, unfortunately, in the previous administration, not adequate commitment. There was a belief this had to continue to be a small and virtually unheard of agency at a time when exports into the United States were flooding the market. If there were ever a time when we needed a consumer watchdog, it was over the last 10 years, as more and more of these imports from foreign countries came onto our shores.

We learned the hard way. We learned with pet food from China that had been spiked with melamine for economic reasons and ended up killing a lot of dogs and cats that people dearly loved. We learned it with the toys with lead paint and the toys that were dangerous. We learned this agency was not up to the task.

I can remember meeting with some of the people who worked there. Some of them were good, hard-working people. But when I met with the man whose name was Bob, who was the toy tester, I found that his laboratory for testing toys exported to the United States looked about as bad as my workbench in my basement at home. Unfortunately, he didn't have any kind of technical equipment. What Bob had done was draw a couple marks on the wall, one was at about 4 feet, another at 6 feet, and Bob would take the toy and drop it from 4 feet to see if it fell apart into little pieces that the kids might swallow. If it made that test, Bob took it up to 6 feet and dropped it again. That was the Federal toy testing program for the United States of America.

We learned the hard way, when a lot of dangerous toys were sold and a lot of them went untested. That had to change. With the leadership of one of my colleagues from Arkansas, Senator MARK PRYOR, we embarked on a reauthorization of this agency and gave it new authorities and new powers. Sadly, some of the holdovers—one Commissioner from a previous administration—complained, said she didn't understand why we needed to do this, that we were going too far in giving more power to this agency. It tells you a lot about the mindset of the agency in the old days.

Then we matched that with appropriations funds from an appropriations subcommittee that I chair to make sure they had enough money to hire testers and buy equipment and to make certain they could take a look at products before they arrived in the warehouses of America and on the store shelves to make certain they were safe before they came in.

It went along very slowly, when it should have gone quickly because the right leadership was not at the agency. When President Obama was sworn in, one of my first calls was to urge him to fill the slots at the Consumer Product Safety Commission with true consumer advocates. Our passage of the Consumer Product Safety Improvement Act—which President Bush had signed into law—by an overwhelming vote of 89 to 3 in the Senate was an indication this was a bipartisan issue, as it should have been. That law virtually eliminated lead from toys and children's products, made sure the products met national standards, authorized a doubling of the Consumer Product Safety Commission budget, and strengthened the Commission's ability to protect Americans.

Yesterday, President Obama's announcement of these two vacancies being filled builds on that effort to make sure the Commission has the right leadership in place to implement a law in a comprehensive, yet commonsense, manner.

Inez Tenenbaum is someone I know. She is a long-time advocate for children and families. She was the former superintendent of education in South Carolina. She oversaw an agency larger than the Consumer Product Safety Commission in both budget and staff, and under her tenure student achievement in that State improved the fastest in the Nation.

Robert Adler, consumer advocate and expert on the Consumer Product Safety Commission, was a professor at the University of North Carolina, where he worked extensively on consumer protection and product liability. He has also served as an attorney and advisor to previous CPSC Commissioners. I strongly support President Obama's nominees. I am glad he is going to bring about a new day at this agency. It is long overdue. Millions of Americans, millions of families and kids are counting on this agency to make sure that when products make the shelves in America, they are safe for American consumers.

## AMERICA'S GLOBAL DEVELOPMENT CAPACITY ACT

Mr. DURBIN. Earlier this year, President Obama announced a new policy for Afghanistan and Pakistan beginning to really focus important resources and attention on those countries—resources that were, tragically, diverted during the war in Iraq.

I was honored today to be invited for a lunch with President Zardari of Pakistan and President Karzai of Afghanistan. They are now working together—and that was not always the case—to stop the spread of the Taliban and al-Qaida. They are starting to do things which I think should have been done a long time ago. For example, I was surprised to learn when I visited Afghanistan a little over a year ago that we had fewer than 10 agricultural experts in that country. We know that country, which was once a prolific exporter of agricultural products, has now descended to a point where the major export is poppy and heroin, which, of course, fuels the underground economy and fuels the Taliban in their efforts to bring terrorism to Afghanistan and Pakistan. Well, to learn that we have fewer than 10 agricultural experts working on the ground in Afghanistan to try to change this was disappointing. This administration, the new Obama administration, has made a commitment to raise that number to over 50 in a hurry, as they should, so that we will be able to counsel those in agriculture in Afghanistan about lucrative, profitable crops that will not be feeding terrorism. That is one of the things that needs to be done, not just the military side but the economic side as well.

We understand—and Secretary Clinton has said such—that if we are going to be successful in Afghanistan and Pakistan, we have to bring this effort down to ground level, not just to suppress the violence but to make certain we build a civil economy and a civil government that can sustain democratic and free growth in those two countries. I was glad to be part of that effort today. I believe there is a lot more to do. I join with Senators KIT BOND of Missouri, PATTY MURRAY of Washington, and CHRIS DODD of Connecticut, as well as SHELDON WHITEHOUSE of Rhode Island, in introducing a bill that is called the Increasing America's Global Development Capacity Act, to improve our Nation's capacity to undertake global development activities.

The bill would triple the number of USAID Foreign Service officers by 2012. If we implement this legislation, in 3 years USAID will have 3,000 talented, committed Americans serving in the world's most difficult locations, helping to improve the lives of others, and showing the world what America is all about. I would much rather beef up the USAID than run the risk of sending more American soldiers to face the dangers of war in those foreign countries. I think we can help win over the hearts and minds of people around the world if we have the right American ambassador in a civilian capacity using diplomacy and development as major tools.

The President's strategy wisely emphasizes training the Afghan army and building up the police; a renewed effort to deal with the Taliban's safe havens in Pakistan; and a long overdue civilian surge in State Department and U.S. Agency for International Development personnel, with particular emphases on diplomacy, agriculture, good governance, and job creation.

It is unfortunate that more than 7 years after the war in Afghanistan began we are only now providing sufficient civilian resources and experts to help win the peace in Afghanistan.

The Bush administration neglected to focus on post-war needs in both Iraq and Afghanistan. Once our brave military men and women accomplished their early military goals, few if any plans existed for significant investments in strengthening critical economic, governance, and rule of law institutions.

The results have been sadly obvious. Our military has had to stay longer than anticipated while we play catch up on these basic building blocks that are needed for any true long-term stability.

This failure to invest in and deploy our civilian experts has placed an unfair burden on our military and their families.

Our military leaders have recognized the critical nature of the civilian development and diplomatic component of American engagement abroad.

Secretary of Defense Gates has said it clearly:

> What is clear to me is that there is a need for a dramatic increase in spending on the civilian instruments of national security—diplomacy, strategic communications, foreign assistance, civic action, and economic reconstruction and development.

He continued;

> One of the most important lessons of the wars in Iraq and Afghanistan is that military success is not sufficient to win: economic development, institution-building and the rule of law, promoting internal reconciliation, good governance, providing basic services to the people, training and equipping indigenous military and police forces, strategic communications, and more—these, along with security, are essential ingredients for long-term success.

Secretary Clinton has similarly said:

> In order for us to pursue an ambitious foreign policy to both solve and manage problems, to address our interests and advance our values, we have to reform both State and USAID. And to do so, we have to create a Department and an agency that are funded the right way, where the people doing this work have the tools and authorities that they need. This is particularly important in dangerous regions like Iraq and Afghanistan.

Our Nation's ability to help others improve their lives is a critical component of American foreign policy. Development initiatives help stem HIV/AIDS and other global pandemics; provide food, clean water, and sanitation to the world's poor; strengthen democratic processes and institutions; and foster economic growth.

These efforts demonstrate our leadership and concern, foster goodwill and an appreciation of American values, and provide alternatives to the despair that can lead others to turn against us.

That is why a recent story in the New York Times about Afghanistan is so tragic. The article's title ''G.I.'s

Filling Civilian Gap to Rebuild Afghanistan'' says it all.

We now have a President who has formed a sound policy for Afghanistan, but we simply do not have the civilian international development experts necessary to fill the civilian needs in Afghanistan.

This is tragic.

Think about after the attacks of September 11 how many Americans wanted to serve their country, whether in the military, in Americorps programs, or in the Foreign Service.

We should have taken advantage of that groundswell of American idealism and determination to bring some of our brightest minds into the State Department and U.S. Agency for International Development where they could use their talents and desire for public service to make a difference in the lives of others around the world and to help bring stability to faraway places.

The need is stark. Take USAID alone. In the 1960s when President Kennedy launched the agency, it had more than 5,000 Foreign Service officers. Today, with obvious needs around the world from Afghanistan to Iraq to Congo, it has just over 1,000.

Its budget in real dollars has shrunk by almost one quarter.

That is right. At a time when people on both sides of the aisle, as well as in the military and civilian leadership of our government, agree on the great need for such civilian engagement, our lead international development agency has seen its key staff cut by 80 percent and its funding by more than 25 percent.

We have this all backwards.

This increase in development professionals would be a first step towards rebalancing the three pillars of our foreign policy and national security—development, defense, and diplomacy, and would go a long way in helping face some of our country's biggest global challenges.

I urge support for this bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

## NUCLEAR ENERGY

Mr. CHAMBLISS. Madam President, I rise this afternoon to discuss the benefits of nuclear power to our Nation.

Last week, I was fortunate enough to visit the Savannah River Site, along with three of our colleagues, Senator ISAKSON and our two South Carolina colleagues, Senator GRAHAM and Senator DEMINT, to watch the Department of Energy employees at the Savannah River Site carry out their mission.

This site has been safely operating since the 1950s refining materials for nuclear weapons. In more than fifty years, there has not been a single nuclear incident at the Savannah River Site, proving that it is possible to safely operate and maintain our nuclear facilities. But in the past decade, the place that has helped bolster America's standing in the atomic age and has been a watchword for America's nuclear might has also begun to harness spent forces for peaceful purposes—to bring light and heat into American homes.

The Savannah River Site has helped lead the way in disposing of nuclear material. For more than 6 years, the facility has blended weapons-grade, highly enriched uranium to make low-enriched uranium that is being converted into commercial reactor fuel. It recently expanded its mission to include converting excess weapons-grade plutonium from decommissioned nuclear weapons and will become a consolidation point for all weapons-grade plutonium in the United States. This will result in more fuel for commercial power reactors.

Materials that once tipped our arsenal of nuclear warheads are now being used to provide the light by which Georgians eat dinner, do their homework, and the power with which they heat their homes in winter and cool them in our hot summers. In fact, one-fifth of Georgia's total generating capacity comes from nuclear power—second only to coal.

The two nuclear plants in Georgia provide some of the lowest cost electricity in our State. The power they generate is safe, reliable, and, most significant in the midst of this national debate on climate change—emissions free and environmentally responsible.

Despite those clear advantages, in America at large, nuclear power produces some 20 percent of the Nation's energy. Compare that to France, where nuclear power sources provide nearly 80 percent of that country's power.

Intriguingly, in terms of national security, the Savannah River Site is playing a key role in America's nuclear nonproliferation efforts. The nuclear power generated from reducing our nuclear weapons stockpile at the Savannah River Site is coming full circle: In its conversion from weapons to commercial nuclear fuel, it is helping reduce America's dependance on foreign energy sources, often from countries that do not like us and do not have our best interests at heart.

Additionally, the work conducted at the Savannah River Site helps maintain America's technical and scientific nuclear base, preserving the expertise to expand commercial nuclear energy as well as the expertise to modernize our existing nuclear weapons arsenal.

I was impressed by the talent and expertise of Savannah River Site employees I met who are some of the leading nuclear experts in the world. However, they are an endangered breed and will continue to be unless America commits to expanded nuclear energy and research and development.

We know America's energy consumption will increase. We know the increased demand will drive the need for more base-load capacity. Demographers predict that 40 percent of the total U.S. population will live in the Southeast by 2030. Georgia alone is slated to add 4 million new residents during that time frame. If we are to meet the growing energy needs of Georgia and of our Nation in keeping with America's national security interests, the ingenuity of employees at the Savannah River Site and other such facilities is key to such efforts. I applaud their great work. I look forward to many more years of expansion of the technology that is being developed to dispose of our nuclear waste as well as recycle our nuclear waste and to reuse that waste.

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

## VOTE EXPLANATION

• Mr. MENENDEZ. Madam President, due to an official event in New Jersey, I was necessarily absent for rollcall votes 186 and 187. Had I been present, on rollcall No. 186, passage of S. 454, the Weapon Systems Acquisition Reform Act of 2009, I would have voted yea; rollcall No. 187, the confirmation of R. Gil Kerlikowske to be Director of National Drug Control Policy, I would have voted yea.•

## RETIREMENT OF LIEUTENANT GENERAL CLYDE A. VAUGHN

Mr. LEAHY. Madam President, this week, LTG Clyde Vaughn, Director of the Army National Guard, retires after almost 35 years of excellent service to the Army National Guard and the U.S. Army. He has been an absolutely superb Army Guard Director.

Under General Vaughn's watch, the Guard has undertaken one of the most successful recruiting programs in history. The Army Guard has become more capable, ready, and better equipped than at any point over the past several decades. Under his watch, the Army Guard has helped make the country stronger. General Vaughn leaves big shoes to fill.

The Army National Guard is a critically important part of the Army and the entire Armed Forces. Citizen-soldiers from the Army National Guard have comprised a high percentage of the forces on the ground in Iraq and Afghanistan. The members of the Army Guard also are our military first responders for emergencies at home, ready to quickly support our elected leaders and other civilian authorities in such emergencies as flooding and hurricanes. General Vaughn has brought an acute understanding of the Army National Guard, built from his experiences in the Missouri National Guard and from successful joint assignments in Washington and further afield.

During his time as Army Guard Director, the National Guard has racked up some extraordinary accomplishments. Soldiers—the proud citizen-soldiers from all the States and Territories—and families have remained

foremost in General Vaughn's mind. In recent years, the Army Guard has reversed a downward trend in filling its ranks and boosted enlistments tremendously. We have a more educated and a healthier force with more full-time personnel. In his last months on the job, General Vaughn has laid out a sensible plan to build readiness within the Army Guard, ending the harmful practice of counting untrained and transient soldiers against the end-strength of various units.

Working closely with Congress, General Vaughn has also ensured that the Guard has more modern equipment. The Army Guard has much better gear today than it did 4 years ago.

Lieutenant General Vaughn is a leader who forthrightly lays out his views, whether to Congress or his counterparts in the active Army. It is this deep honesty and intelligence that has made him an inspiration to his subordinates and a close adviser to his superiors. Lieutenant General Clyde Vaughn knows and loves the Army National Guard, having lived and breathed with this force of citizen-soldiers for more than three decades. The country owes General Vaughn, as well as his wife Carol and kids Chad and Kristi, our thanks and hearty congratulations on a job, very well done.

## NOMINATION OF DEMETRIOS JAMES MARANTIS

Mr. BAUCUS. Madam President, today I would like to recognize one of the finest members of my staff to ever work for me, the State of Montana, and the U.S. Senate. Demetrios James Marantis has served in the Senate since 2005, and on Wednesday, the Senate approved his nomination to be Deputy U.S. Trade Representative.

When Demetrios first joined my staff more than 4 years ago, he came with a chorus of support and an impressive set of skills and experience. This week, he leaves the Senate for his next challenge with an even larger group of supporters and another impressive list of accomplishments.

Demetrios was at the center of the largest expansion and reform of trade adjustment assistance since its creation four decades ago. He was critical to our granting permanent normal trade relations to Vietnam, and instrumental in keeping U.S.-China economic ties on track in challenging times. Demetrios helped me and the Senate extend trade preference programs to the world's poorest nations, and worked to lay the groundwork for the important pending trade agreements that I hope that the Senate will consider in the coming months.

He did all of this with an unwavering commitment to this country, and an unassailable reputation for fairness and openness to supporters and opponents alike. And as many of my colleagues and their staff will always remember, Demetrios never failed to bring a little bit of fun and a good sense of humor to even the hardest job.

But what I will remember most about Demetrios is his commitment to the people that our economic policies affect. In Montana, Demetrios made a point to know the ranchers in Molt, the seed potato farmers in Manhattan, and the wheat farmers in Three Forks. Demetrios's intelligence and experience helped guide me and the Senate through the letter of our trade laws. But his good character and heart reminded us what those trade laws are really about America's workers, farmers, ranchers, and families.

I congratulate Demetrios on his nomination, thank him for his good work, and wish him the best of luck as Deputy U.S. Trade Representative.

Mr. GRASSLEY. Madam President, I wish to speak a few words about Demetrios Marantis, who was confirmed last night by the Senate to be a Deputy U.S. Trade Representative.

Demetrios is well known to all of us on the Finance Committee. For 4 years, he has very ably served Chairman BAUCUS—most recently as the Democratic chief international trade counsel. So he has played a central role in all of the committee's efforts on trade policy during this time.

Not only is Demetrios a very sharp trade lawyer and policy adviser, he is also a skilled negotiator. That will serve him well in his new position. I am grateful for the genuine spirit of bipartisanship that Demetrios brought to the Finance Committee, and I am sorry to see him depart. His energy and good nature will certainly be missed.

At the same time, I am comforted by the fact that our Nation will continue to benefit from Demetrios' commitment to public service. He assumes a very important portfolio at the Office of the United States Trade Representative, as a trade Ambassador to Asia and Africa, and also with responsibility for the trade and development portfolio, as well as for labor and the environment.

I therefore look forward to engaging Demetrios in efforts to open up new market opportunities for U.S. exporters in the Asian region. I also look forward to working with him on a reform of our unilateral trade preference programs. We must address these key trade priorities in the 111th Congress, so I expect that we'll continue to see Demetrios on a regular basis for some time to come.

In closing, I commend Demetrios for his outstanding service to the Finance Committee, and I wish Ambassador Marantis every success in his new position.

## 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:

I am sending you this email in regards to our gas prices. I feel that the taxes that Idaho has on the gas should be dropped in our state.

So many people are already unemployed. People are suffering enough trying to keep the jobs that they have. Many people travel from Caldwell and Nampa to jobs in Boise. They are only making $9, maybe $10, an hour. That is just two gallons of gas. Because of this, we will only be adding to our unemployment line. This only takes away the money coming into our state from the taxes from their paychecks.

My daughter is trying to find work herself. Do you have any idea the hardship of this? She cannot find a job because she cannot put the $8 for two gallons of gas into her car to find a job. If you removed the gas tax, she would have at least a fighting chance!

My son lives in Boise and works in Nampa. He had to leave his car on the freeway because he ran out of gas and had just put in the last of his money he had in his pocket.

What about our elderly and all the others on fixed income? We have to get a hold of this situation now. Thank you for your time and consideration in this important matter.

GERALD and TONIE, *Nampa*.

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Thank you, Senator, for asking for input. Yes, we need to protect our planet from excess wrongful pollution; yes we need to have alternatives to the current fossil fuel dilemma. Yes, drilling here and drilling now needs to happen, although it will not give relief for many years to come and at what loss to business and individual Americans, prior to our becoming more energy independent?

It is time to steal a page from the Democrats play book of 2000 and dump oil from our strategic reserves, referenced http://schumer.senate.gov/SchumerWebsite/pressroom/press_releases/2004/PR02640.Gas051904.html, in the market place to lower prices at the pump.

This will have many-fold positive effect. It can boost the economy by helping business to maintain pricing at lower levels. It will cause a price lowering on the world market needed by many other nations, i.e., French truckers causing gridlock by blocking roadways. We replenish our reserves at a lower cost oil than today, and it ought have an adverse effect on those speculators that are driving the price of oil through the ceiling. How many of the speculators buying futures contracts for oil are foreign investors wanting to drive up the price of their oil? These positive reactions can only have positive impact.

For the future, alternative fuel sources other than our food, wheat, rice, corn ought

to be developed, i.e., hydrogen which is in use presently in the East under controlled situations, work towards federal funding for a research facility to developed an economical solution/use for the shale that surrounds Idaho in Wyoming, Utah and Colorado. Partner with them. Build the research facility in Idaho.

JAMES, *Nampa*.

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Your video interview on KTVB [seemed to be lacking in understanding. Why would you want to give sob stories to Congress?] The problem is the way you are approaching the matter. [The current] approach is to focus on an issue that has been allowed to spiral out of control, so it is now labeled as a significant emotional event that affects a large contingency of or state. You want input from constituents on a possible solution to this crisis.

You are way too late, Mr. Crapo. You should have approached this problem at the root cause, when it first started years ago. Nothing was ever done to formulate a plan.

Just what are your thoughts? Is this a lame issue strategically planned based on the emotions of the people, centered on a principal of difusionary tactics to point the crisis issue from your office to the bleeding heart consumers? Just what are we going to do?

In order to solve a problem, you need to lose the ''ostrich mentality''; that is, bury your head in the sand until the danger passes by. As long as you do not see anything going on around you, then you assume all will be well once it passes; however, while your head is in the sand, your [backend] is hanging out in the air [in danger.]

This problem should have been breached months ago when gasoline prices were at $2.50 a gallon, and needed to focus on how to hold them at this price.

What you have condoned is the allowance of gasoline to skyrocket out of control, and somehow scheme a plan that involves Idahoans to offer a solution.

React when the crisis surfaces because that it the way everyone does it. Any official, manager, analyst, physics engineer knows that you start by dissecting and analyzing the root problem that drove the event. Two great books to read on this management technique are Crucial Conversations and Crucial Conversation. Try them; they are great.

As for the bleeding heart letters, I do not buy them one bit. After all, what do we have at our disposal to influence members of Congress?

Much could have been done by the American people if we, the consumers, could be in on the ground floor of these fire-side chats and actively work on the problem.

We need to be a preventative society, not a panic-reactive, flavor of the month club.

GEORGE, *Boise*.

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I saw in the news this morning that you are asking for comments about the current gas prices. I believe, like many others, that we need to end our dependency on foreign oil. If the government would end the moratoriums against off shore drilling, allow the states who are begging to drill to do so. Allow new refineries be built, I know the prices would begin to go down, just from the threat of competition alone. If our government would get out of the way, let the good old American ingenuity and capitalism take control, things would turn around in no time at all.

Thank you for the opportunity to voice my opinion.

KIM, *Moose*.

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I am very concern that my country's Congress has paralyzed our ability to become energy-independent. To get to the point, I want to be free of terrorist oil. I want our own country to provide for our energy needs. Open up the coastlines to drilling; allow drilling in Alaska, Montana and other states. Allow the mining and processing of oil shale. Develop a national energy strategy with all parties involved. This does not take ten years. Remember World War II; the homefront converted to the war effort—one example, victory ships, I want that attitude in my Congress, my nation. Please express my concerns. (I retire in two days) Get 'er done! Thank you, sir.

ALAN, *Emmett*.

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Very simple, Mike—we want alternative energy choices—sun, nuclear, wind, hydro, that do not further rape the earth. Can you lead the way on this issue? If not, get out of the way and we will elect someone who will!

RON, *Wilder*.

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A short while ago I responded to your inquiry regarding the impact that the energy crisis has had on me and my family. After sending the message, it occurred to me that I had omitted what may be the largest financial and psychological impact of all. Forty years ago, my wife and I bought a small cabin near a lake in the mountains just south of Salmon. My family and I have enjoyed many pleasant hours every summer up there. At the time we bought it, our big concern was how much time will it take to travel up there from Malad. Now the time element is the least of our concerns. Now the question is how much is it going to cost us to make the trip. So far, this year, the answer has been: Too much! We have not been able to work out a way to get there to even open it up for the season. We are seriously considering the possibility of selling it because transportation costs make it prohibitive to make the trip often enough to make it worthwhile keeping it! Having to sell it would be a blow to our entire family—as well as what would be an economic loss!

I really do not think Americans should be treated this way just because some political activists want to punish this country for being too successful. Please do not let them do it. The remedy is so obvious and attainable! Truly this is an economic crisis, not only for this nation, but for the world!

WESLEY, *Malad City*.

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Being a resident of Idaho, I feel compelled to write to you regarding my perspective on energy cost and its effect on the economy. It may be felt, being single and a nurse in the State of Idaho, by many that my situation is secure and comfortable. I must stress, it is not. Gas/fuel prices (including electricity) is a huge concern to me and affects me in ways most may not recognize. I find, as others, filling at the tank is overwhelming at times, but what I find interesting is how it has affected so much more than just getting gas for a vehicle. It does make it more difficult to obtain the fuel for the vehicle that brings one to work, but the effect goes so much beyond that.

I find my grocery bill has increased from 10–30% on items I used to feel comfortable in purchasing previously. I find I am no longer looking at brands like I have before, and I find I am going without some items I would have thought to be necessary before.

We are a spoiled nation, there is no doubt; however, whenever I stop buying things and chipping away from those items I have enjoyed I think of those individuals who work for those companies that my meager dollar use to support no longer can, and in turn, causes an effect on their ability to continue their lifestyle endeavors.

I find an unusual event here in Idaho with regard to my career. I am an RN. I am told there is a huge shortage of nurses, but I am forced off from being able to work because, ''census is down'' at the major hospital I work at in Boise. My thinking on this, though there is no study I am aware of to support it, is that people have become very afraid of the economic situation. ''Elective surgery'' (even though necessary) is being held off, even declined. Why? People have a hard time with insurance coverage now even as before the crunch. I believe they would rather chance their well being over an additional concern of a medical bill, because they cannot afford to go to work that may possibly have coverage for them, or more than likely, probably do not. So, health becomes a secondary choice to them. This, in turn, affects me. I get laid off and I cannot pay the bills . . .

I am more fortunate, in that I do have options. Not necessarily pleasant ones, i.e., leave Idaho, but options all the same. Right now I am looking at supplemental work.

Basically what I am saying, the ''gas issue'' is obviously more than just filling the tank. It is food, it is housing, it is employment availability, it is health, and it is choices or lack of. Please, I plead that you approach those who can make a difference. Recognize, America should always be first, in their decision, not outside interests.

I am born and bred American. I am proud of what we are and what we can be, but I can see greed has taken over common sense. Please do what you can do to stop the undermining of our strength. Let us be self-sufficient first and with good conscience let us use our ability to drill, invent, and create a new direction that will allow new jobs and strength.

Advice I give patients: You cannot help those you care for unless you have taken care of yourself and maintain your own strength. Be conscious to care for yourself so you can help those you love. I say the same to my country: Care for yourself.

BONNIEDEE, *Boise*.

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Living in a rural area of southeastern Idaho we have been hit particularly hard. Gas in our community is always higher than surrounding areas. I drive 120 miles roundtrip to work and 30 miles roundtrip to the grocery store. Many of my neighbors are trying to farm but the cost of putting fuel in the tractor is so high that to plow and plant a field it almost is not worth the effort anymore. We realize that, as a nation, we need to be prudent in oil drilling practices but to ignore the Alaskan oil fields and the offshore potential of our coastal regions is sheer folly. If we fail to claim and drill what is rightfully ours, the Chinese and the Cubans will find a way to do it right under our very noses. I ask you, what other country in the world is crazy enough to sit on such a resource and just let it go to waste? Regardless of whom drills for the oil we will still have the same potential environmental issues but we could easily not be the ones in control. I would like to see what would happen to the price of gas if congress woke up to the situation and opened our significant undeveloped oil fields to responsible drilling. Congress cannot continue to make the oil companies the ''scapegoat'' in this situation. Congress and the President, past and current, need to accept responsibility for their major part in the entire mess.

CLARE, *Preston*.

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A couple of week ago you were a guest speaker on our local radio program and asked us voters to write you about what trouble and hard times have fallen upon us regular working stiffs. Well, I started this letter five times, but did not finish because of the way I was brought up, i.e., ''Do not be

a whiner, be a winner and a doer! Well, you asked, so here is my story.

I am a certificated flight instructor and had a very promising flight school in the Magic Valley (the only flight school in the valley) at the Jerome County Airport. Then 9/11. I learned two very good lessons after that: [there is little understanding of the real world among the bureaucrats who operate many agencies, and that too often the price for problems is paid by those who had nothing to do with the problem.]

While billions [were dumped] into the airline industry, [my business] went under. Just because I was grounded and held accountable for the actions of 9/11, my bills were not ''grounded'' and I ended up losing my airplanes, my business and every cent I had! Oh, well, no complaints, I was not in a rubble pile in D.C., or New York, New York, or dead at a crash site in Pennsylvania. My heart still hurts for those who lost their lives that day. Like I said, no complaints. I am a proud American that is used to pulling me up by the boot straps and, by the way, I was offered a low interest $5,000 loan by the government; that would not have even covered my fuel bill! It has taken me years to pay off the losses, but I have. And I have been teaching flying lessons in student-owned planes. If they come to me without an airplane I have to turn them away. That means out of the Magic Valley because there had been no other flight schools open. Flying is not a privilege like driving, it is a right put down on paper by the Congress and the Senate!

Now to end this story—you ask for $5.50 a gallon aviation fuel! It has put me completely out of the teaching game! Thanks a lot! (Not you.) I have been doing this teaching thing for the last 18 years. I do not know anything else! I am 52 years old, too old to start over and become an expert at anything else, I will not be on this planet long enough! Sure, I could go to Dubai, India, China or some other enemy country and teach their students how to fly and probably make a a lot of money, but that is not what it is about. It is about molding good, safe and better American pilots! Not going to the Middle East and teaching the bucks. No, I will never do that! Never! I live in Idaho and that is where I will be put into the good potato-growing earth of Idaho!

I feel [let down by my elected officials.] Please keep up your effort to help us no-counts here in Idaho! I do know that you are trying.

JIM, *Jerome.*

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My husband is on permanent Social Security Disability. The high gas prices make it impossible for us to leave our area, and it is more expensive for me to drive to work. We just try to buy less groceries; no extras. I am really worried about purchasing propane next winter. The minimum you can now have delivered is $300, and that does not even last a month. I hate to see what it will cost next winter. If gas prices do not go down, many living in Idaho will eat less and heat less!

BARBARA, *Idaho Falls.*

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First I want to thank you for all the good work you are doing to represent your Idaho constituents. It is so refreshing to have an honest, wise thinking, conservative congressman. We have lived in liberal states in the past and it can be very discouraging.

About the fuel prices, I just want to share that I am a hospice nurse which requires that I drive all over Canyon and some of Ada counties. We do get paid mileage for our trips to and from our patients, but the $.43 a mile is quickly being eaten up by the rising fuel prices. Also my husband and I are private pilots and love to fly over our beautiful state, but again the cost of fuel is making it necessary to but back on those trips. What is so frustrating to us is knowing that we have plenty of oil in our own country, if our government would just allow production to increase. I also favor developing alternate energy. I especially think that nuclear energy can be developed safely and should be looked at very seriously.

LINDA and ALAN, *Nampa.*

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It is very obvious that Russia is on an aggressive quest to control the global oil. The U.S. should have already been on top of this, but where are the leaders of the two Houses? They're on vacation (except for a few fighters) instead of attending to very important and critical issues. It is extremely important to deal with the energy issues as soon as possible. We have oil available in the Bakken Formation, Alaska and other areas, which contain the following estimates: 8 times as much oil as Saudi Arabia, 18 times as much oil as Iraq, 21 times as much oil as Kuwait, 22 times as much oil as Iran, 500 times as much oil as Yemen—all right here in the U.S.

The issues at hand are affecting the rapidly increasing day-to-day costs. Inflation is rising, not at .05%, rather more like 30%. For example, groceries are costing almost 50% more than in January. That is if one can afford the gasoline.

The COLA increase in the next budget for Social Security and the Military should be a minimum of 15%—just to stay even with rising costs.

This is not a time for partisan bickering. This is time for a conscience effort toward the business of American citizens.

GEORGE. *Craigmont.*

## ADDITIONAL STATEMENTS

### TRIBUTE TO HEATHER FONG

• Mrs. BOXER. Madam President, I am pleased to pay tribute to San Francisco Police Chief Heather Fong as she retires from the city and county of San Francisco's Police Department after 32 years of dedicated service.

A lifelong Californian, Chief Fong was born and raised in the city of San Francisco. She grew up in a small flat on Bannam Place, a tiny alley in North Beach just outside Chinatown, and attended St. Rose Academy in the western addition. It was there that Fong was first exposed to the idea that she could pursue a career in law enforcement, when a visiting officer was brought into the academy to speak with the students. Fong quickly joined the San Francisco Police Athletic League's cadet academy, where she served for 2 years, and attended classes one night a week at the Hall of Justice. Following her graduation from St. Rose Academy, Fong pursued her undergraduate education at the University of San Francisco, and later received a master's degree in social work from San Francisco State University.

Chief Fong formally entered the police service when she was sworn in as a San Francisco police officer in 1977. Just one month into the job, she played a crucial role in the investigation of the massacre in Chinatown's Golden Dragon restaurant; her work resulted in four convictions. Because of her dedication and strong work ethic, Fong was given a beat along Clement Street with a veteran police officer, where she quickly learned the ropes. Two years later, in 1979, Fong transferred to the Police Academy, where she became the first female instructor, an honor not usually given to young officers.

Fong has served the San Francisco Police Department in various capacities over her 32 years of service, working her way through the ranks of inspector, sergeant, lieutenant, captain, commander, deputy chief, assistant chief, acting chief, and finally, chief.

San Francisco Mayor Gavin Newsom appointed Fong acting chief of Police on January 22, 2004 and chief of police on April 14, 2004. Fong was the first woman to become chief of police for San Francisco and the Nation's first Asian American woman to lead a major city's police department. Chief Fong is deserving of a very relaxing retirement—in her 5 years as police chief, she never took one vacation.

I admire Chief Fong's 32 years of dedicated service to the people of San Francisco. Along with her friends and admirers throughout the San Francisco Bay area, I thank her for her tireless efforts and wish her the best as she embarks on the next phase of her life.•

### TRIBUTE TO DR. ANDREW MOORE

• Mr. BUNNING. Madam President, today I recognize Dr. Andrew Moore of Lexington, KY, for being the recipient of the Fayette County Hero of the Year presented by the Bluegrass Area Chapter of the American Red Cross.

The Hero of the Year award was presented to Dr. Moore on April 23, 2009. The Heroes campaign fosters community awareness and generates funds to support the mission and services of the American Red Cross.

Dr. Moore is the founder and president of the nonprofit organization Surgery on Sunday, which provides outpatient surgical services to income-eligible individuals and families who are without health insurance and are not eligible for Federal or State assistance. Patients are referred to the program by community organizations and receive medical procedures that range from general operations to dental work and reconstructive surgeries.

In its first year of operation, Surgery on Sunday provided services to more than 150 individuals without health insurance or the means to pay. By the end of its second year, the organization had performed more than 2,000 procedures. It is estimated that $1.5 million worth of medical services has been donated by more than 600 volunteer surgeons, physicians, nurses, and other health professionals.

I would like to thank Dr. Moore and all of the volunteers for Surgery on Sunday for their contributions to the Commonwealth of Kentucky. Dr. Moore is truly an inspiration to all Kentuckians and I wish him the best of luck in his future endeavors.•

## TRIBUTE TO OKLAHOMA NURSES

• Mr. INHOFE. Madam President, I wish to honor the men and women who have dedicated their lives to caring for others through the nursing profession. As you may know, National Nurses' Week is celebrated from May 6 through 12. Nurses play a crucial role in our health care system. The need for attention to detail, medical expertise, time management, critical thinking, and compassion shape a vocation that is more than a career. Professional nurses make enduring investments in their patients' lives.

Nursing is the largest health care occupation, with over 2.5 million nurses nationwide. In my State of Oklahoma, there are over 25,000 registered nurses alone. Nurses are found in a wide variety of settings, including hospitals, doctors' offices, schools, nursing homes, community clinics, and even the battlefield. Nurses do more than treat wounds and assist doctors. They help us all, regardless of age or standing, from the tiniest premature baby to the senior who has a life full of memories. They comfort those in pain, ease children's fears, educate students, attend deliveries, and offer assurance to worried parents. Nurses are trained to take care of the whole patient, sick or healthy.

It is no coincidence that the last day of National Nurses' Week, May 12, is also the birthday of Florence Nightingale, the founder of the modern nursing profession. Her work set an example of commitment to patients that can be seen and felt even today. The skill, dedication, and strength of our nurses are too often overlooked. Quality of life has increased for many Oklahomans, myself included, as a result of a nurse's actions and care. Nursing is among the noblest professions.

Madam President, I ask that you join me today in honoring nurses both in Oklahoma and all across the Nation.•

## NEBRASKA ARMY CORPS OF ENGINEERS

• Mr. JOHANNS. Madam President, today I wish to commemorate the 75th anniversary of the founding of the Omaha District of the Army Corps of Engineers in Omaha, NE.

From its original mission in the 1930s working on flood control projects on the Missouri River, including the building of the Fort Peck Dam, to its contemporary work in support of our Nation's military mission in Iraq and Afghanistan, the Omaha District has served the citizens of the State of Nebraska and the United States of America with pride and distinction.

I especially note the contribution that the Corps has made every day since its inception managing and protecting Nebraska's precious water resources. Without the dedicated efforts of all of the men and women of the U.S. Army Corps of Engineers Omaha District, citizens in the State of Nebraska would: (1) be vulnerable to extensive flooding, (2) lack abundant recreational opportunities and preservation of critical wildlife habitat, and (3) face much higher electric energy bills. It is estimated that as a result of the work of the Omaha District of the U.S. Army Corps of Engineers, more than $25 billion of property damage due to flooding has been averted during its distinguished history.

I also note with extreme pride the important contribution that the Omaha District has made over the years to the success of our Armed Forces. The Omaha District was responsible for the construction of what later became known as Offutt Air Force Base. Offutt Air Force Base was the home of the Glenn L. Martin Co. Bomber Plant, which manufactured the B–29 ''Superfortress'' and the B–26 ''Marauder'' airplanes. Other more recent noteworthy projects have included work on the North American Air Defense Command headquarters at Cheyenne Mountain, construction of various missile controls and launch facilities throughout the Midwest, building of hangar facilities for B–2 ''Stealth'' bombers, and other important projects for military purposes in Nebraska and for foreign deployments.

Again, I thank the thousands of Omaha District employees who have dedicated their careers to serving the military and civilian needs of the State of Nebraska and the United States of America.•

## MILITARY FAMILIES APPRECIATION DAY

• Mr. WYDEN. Madam President, tomorrow, Oregon will be celebrating its first Military Families Appreciation Day.

All over my State, people will gather to recognize the sacrifice and service of military families and veterans throughout history.

It is a day set aside to bring people together, to learn from and support each other and to celebrate the families who serve on the home front while their wives, husbands, sons, daughters, and parents serve on the front lines.

America's military is the strongest in the world, and they draw their strength from families back home. Yet far too frequently, the sacrifices and dedication of military families have gone unacknowledged and unappreciated.

That is why Oregon will be proudly recognizing military families on this inaugural Military Families Appreciation Day.

In our Nation's recent history, millions of servicemembers have been placed in harm's way for our country, standing watch as freedom's guardian. But families, too, have stood watch at home, facing their own challenges, all too often alone.

Military families sacrifice so much—they are patriots cloaked in a quiet strength and they make all the difference to the success of each mission. They have faced the special challenges of long and repeated deployments, separations from loved ones, and frequent relocations with great courage and resolve. In doing so, their selfless dedication has directly contributed to the mission readiness of our soldiers, sailors, airmen, marines, Coast Guardsmen, and Merchant Marines.

So to every military family, I want to offer a nation's thanks.

For the times you have stood and watched a ship sail from the harbor, an aircraft disappear into the clouds, or a bus convoy pull out of sight, not sure when your loved one would return, we thank you.

For the anniversaries, birthdays, and holidays you have celebrated alone, we thank you.

For the helping hand you have extended to other military families when there was need—truly creating a military family—we thank you.

A country is not strong because of its armed services alone, rather the armed services draw strength from the civilians who support them. With military families setting a superior example of devotion, courage, and commitment, America will always be a nation of strength.•

## BUDGET OF THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2010—PM 16

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 Appropriations; and the Budget:

*To the Congress of the United States:*

I have the honor to transmit to you the *Budget of the United States Government for Fiscal Year 2010*

In my February 26th budget overview, *A New Era of Responsibility: Renewing America's Promise*, I provided a broad outline of how our Nation came to this moment of economic, financial, and fiscal crisis; and how my Administration plans to move this economy from recession to recovery and lay a new foundation for long-term economic growth and prosperity. This Budget fills out this picture by providing full programmatic details and proposing appropriations language and other required information for the Congress to put these plans fully into effect.

Specifically, this Budget details the pillars of the stable and broad economic growth we seek: making long overdue investments and reforms in education so that every child can compete in the global economy, undertaking health care reform so that we can control costs while boosting coverage and quality, and investing in renewable sources of energy so that we can reduce our dependence on foreign

oil and become the world leader in the new clean energy economy.

Fiscal discipline is another critical pillar in this economic foundation. My Administration came into office facing a budget deficit of $1.3 trillion for this year alone, and the cost of confronting the recession and financial crisis has been high. While these are extraordinary times that have demanded extraordinary responses, it is impossible to put our Nation on a course for long-term growth without beginning to rein in unsustainable deficits and debt. We no longer can afford to tolerate investments in programs that are outdated, duplicative, ineffective, or wasteful.

That is why the Budget I am sending to you includes a separate volume of terminations, reductions, and savings that my Administration has identified since we sent the budget overview to you 10 weeks ago. In it, we identify programs that do not accomplish the goals set for them, do not do so efficiently, or do a job already done by another initiative. Overall, we have targeted more than 100 programs that should be ended or substantially changed, moves that will save nearly $17 billion next year alone.

These efforts are just the next phase of a larger and longer effort needed to change how Washington does business and put our fiscal house in order. To that end, the Budget includes billions of dollars in savings from steps ranging from ending subsidies for big oil and gas companies, to eliminating entitlements to banks and lenders making student loans. It provides an historic down payment on health care reform, the key to our long-term fiscal future, and was constructed without commonly used budget gimmicks that, for instance, hide the true costs of war and natural disasters. Even with these costs on the books, the Budget will cut the deficit in half by the end of my first term, and we will bring non-defense discretionary spending to its lowest level as a share of GDP since 1962.

Finally, in order to keep America strong and secure, the Budget includes critical investments in rebuilding our military, securing our homeland, and expanding our diplomatic efforts because we need to use all elements of our power to provide for our national security. We are not only proposing significant funding for our national security, but also being careful with those investments by, for instance, reforming defense contracting so that we are using our defense dollars to their maximum effect.

I have little doubt that there will be various interests—vocal and powerful—who will oppose different aspects of this Budget. Change is never easy. However, I believe that after an era of profound irresponsibility, Americans are ready to embrace the shared responsibilities we have to each other and to generations to come. They want to put old arguments and the divisions of the past behind us, put problem-solving ahead of point-scoring, and reconstruct an economy that is built on a solid new foundation. If we do that, America once again will teem with new industry and commerce, hum with the energy of new discoveries and inventions, and be a place where anyone with a good idea and the will to work can live their dreams.

I am gratified and encouraged by the support I have received from the Congress thus far, and I look forward to working with you in the weeks ahead as we put these plans into practice and make this vision of America a reality.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009*.

## REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY THAT WAS ORIGINALLY DECLARED IN EXECUTIVE ORDER 13338 OF MAY 11, 2004, WITH RESPECT TO THE BLOCKING OF PROPERTY OF CERTAIN PERSONS AND PROHIBITION OF EXPORTATION AND RE-EXPORTATION OF CERTAIN GOODS TO SYRIA—PM 17

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 to the Committee on Banking, Housing, and Urban Affairs:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), provides for the automatic termination of a national emergency, unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency with respect to the actions of the Government of Syria declared in Executive Order 13338 of May 11, 2004, and relied upon for additional steps taken in Executive Order 13399 of April 25, 2006, and Executive Order 13460 of February 13, 2008, is to continue in effect beyond May 11, 2009.

The actions of the Government of Syria in supporting terrorism, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue in effect the national emergency declared with respect to this threat and to maintain in force the sanctions to address this national emergency.

BARACK OBAMA.

THE WHITE HOUSE, *May 7, 2009*.

## MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 80. A resolution authorizing the use of Emancipation Hall in the Capitol Visitor Center for an event to celebrate the birthday of King Kamehameha.

## MEASURES REFERRED

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

H.R. 1107. An act to enact certain laws relating to public contracts as title 41, United States Code, ''Public Contracts''; to the Committee on the Judiciary.

## EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1536. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled ''Premarket Approval of Pediatric Uses of Devices—FY 2008''; to the Committee on Health, Education, Labor, and Pensions.

EC–1537. A communication from the Acting Secretary of Health and Human Services, transmitting, pursuant to law, a performance report relative to the Animal Drug User Fee Act for fiscal year 2008; to the Committee on Health, Education, Labor, and Pensions.

EC–1538. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the Freight Intermodal Distribution Pilot Grant Program; to the Committee on Health, Education, Labor, and Pensions.

EC–1539. A communication from the Secretary of Education, transmitting the report of proposed legislation relative to limiting the application of the requirement to delay the effective date of certain student aid regulations; to the Committee on Health, Education, Labor, and Pensions.

EC–1540. A communication from the Acting Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits'' (29 CFR Part 4022) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Health, Education, Labor, and Pensions.

EC–1541. A communication from the Chief Privacy Officer, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''Privacy Office Second Quarter Fiscal Year 2009 Report to Congress''; to the Committee on Homeland Security and Governmental Affairs.

EC–1542. A communication from the Director of Legislative Affairs, Office of the Director of National Intelligence, transmitting,

pursuant to law, the report of a nomination for the position of General Counsel, received in the Office of the President of the Senate on May 1, 2009; to the Select Committee on Intelligence.

EC–1543. A communication from the Acting Director, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, a report entitled ''Annual Analysis of the Effectiveness of the National Youth Anti-Drug Media Campaign''; to the Committee on the Judiciary.

EC–1544. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Georgia Advisory Committee; to the Committee on the Judiciary.

EC–1545. A communication from the Staff Director, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report relative to the Commission's recent appointment of members to the Tennessee Advisory Committee; to the Committee on the Judiciary.

EC–1546. A communication from the Chair, U.S. Sentencing Commission, transmitting, pursuant to law, the amendments to the federal sentencing guidelines that were proposed by the Commission during the 2008 - 2009 amendment cycle; to the Committee on the Judiciary.

EC–1547. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled ''Multidistrict Litigation Restoration Act of 2009''; to the Committee on the Judiciary.

EC–1548. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of a draft bill entitled ''Federal Judgeship Act of 2009''; to the Committee on the Judiciary.

EC–1549. A communication from the Staff Director, U.S. Sentencing Commission, transmitting, pursuant to law, the 2008 Annual Report and Sourcebook of Federal Sentencing Statistics; to the Committee on the Judiciary.

EC–1550. A communication from the Federal Register Liaison Officer of the Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Establishment of the Lake Chelan Viticultural Area (2007R-103P)'' (RIN1513-AB42) received in the Office of the President of the Senate on May 5, 2009; to the Committee on the Judiciary.

EC–1551. A communication from the Director of Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Per Diem for Veterans in State Nursing Homes'' (RIN2900-AM97) received in the Office of the President of the Senate on May 1, 2009; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 49. A resolution to express the sense of the Senate regarding the importance of public diplomacy.

S. Res. 84. A resolution urging the Government of Canada to end the commercial seal hunt.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 327. A bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 838. A bill to provide for the appointment of United States Science Envoys.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Cynthia J. Giles, of Rhode Island, to be an Assistant Administrator of the Environmental Protection Agency.

*Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Environmental Protection Agency.

*Michelle DePass, of New York, to be an Assistant Administrator of the Environmental Protection Agency.

By Mr. LEAHY for the Committee on the Judiciary.

*John Morton, of Virginia, to be an Assistant Secretary of Homeland Security.

William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission.

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

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. SCHUMER (for himself and Mrs. GILLIBRAND):

S. 993. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the installation of residential micro-combined heat and power property; to the Committee on Finance.

By Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mrs. GILLIBRAND, Mr. SANDERS, Mr. BAYH, Mr. NELSON of Florida, Mr. MARTINEZ, Mrs. HAGAN, Mrs. FEINSTEIN, Ms. STABENOW, Ms. LANDRIEU, Mrs. MURRAY, Ms. MIKULSKI, and Mr. VITTER):

S. 994. A bill to amend the Public Health Service Act to increase awareness of the risks of breast cancer in young women and provide support for young women diagnosed with breast cancer; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ENSIGN (for himself and Mr. REID):

S. 995. A bill to amend the Energy and Policy Act of 2005 to reauthorize a provision relating to geothermal lease revenue, to direct the Secretary of the Interior to establish a pilot project to streamline certain Federal renewable energy permitting processes, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. HATCH):

S. 996. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself, Mr. LEAHY, and Mr. REED):

S. 998. A bill to amend title II of the Social Security Act to eliminate the five-month waiting period in the disability insurance program, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1000. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve access to high quality early learning and child care for low-income children and working families, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LUGAR (for himself and Mr. BINGAMAN):

S. 1001. A bill to provide for increased research, coordination and expansion of health promotion programs through the Department of Health and Human Services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Mrs. LINCOLN):

S. 1002. A bill to provide for the acquisition, construction, renovation, and improvement of child care facilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Ms. COLLINS):

S. 1004. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management and coordination services, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mrs. BOXER, Mr. INHOFE, and Mr. CRAPO):

S. 1005. A bill to amend the Federal Water Pollution Control Act and the Safe Drinking Water Act to improve water and wastewater infrastructure in the United States; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. SHAHEEN (for herself, Mr. GREGG, and Mr. KOHL):

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; to the Committee on Armed Services.

By Mr. BENNET:

S. 1009. A bill to amend title XVIII of the Social Security Act to establish a Care Transitions Program in order to improve quality and cost-effectiveness of care for Medicare beneficiaries; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1011. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself, Mr. BARRASSO, Mr. DORGAN, Mr. TESTER, Mr. BAYH, Ms. LANDRIEU, and Mr. CASEY):

S. 1013. A bill to authorize the Secretary of Energy to carry out a program to demonstrate the commercial application of integrated systems for long-term geological storage of carbon dioxide, and for other purposes; to the Committee on Energy and Natural Resources.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. KERRY (for himself and Mr. LUGAR):

S. Res. 136. A bill expressing the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with the country of Georgia; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN):

S. Res. 137. A resolution recognizing and commending the people of the Great Smoky Mountains National Park on the 75th anniversary of the establishment of the park; to the Committee on the Judiciary.

By Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER):

S. Res. 138. A resolution honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 245

At the request of Mr. KOHL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 245, a bill to expand, train, and support all sectors of the health care workforce to care for the growing population of older individuals in the United States.

S. 327

At the request of Mr. LEAHY, the names of the Senator from Utah (Mr. HATCH), the Senator from Delaware (Mr. KAUFMAN) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. 327, a bill to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections.

S. 345

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 345, a bill to reauthorize the Tropical Forest Conservation Act of 1998 through fiscal year 2012, to rename the Tropical Forest Conservation Act of 1998 as the ''Tropical Forest and Coral Conservation Act of 2009'', and for other purposes.

S. 440

At the request of Mr. SPECTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 440, a bill to amend the Internal Revenue Code of 1986 to allow an above-the-line deduction for attorney fees and costs in connection with civil claim awards.

S. 454

At the request of Mr. LEVIN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 454, a bill to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

S. 476

At the request of Mrs. BOXER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 476, a bill to amend title 10, United States Code, to reduce the minimum distance of travel necessary for reimbursement of covered beneficiaries of the military health care system for travel for specialty health care.

S. 525

At the request of Mr. DORGAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 525, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes.

S. 611

At the request of Mr. LAUTENBERG, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 611, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 614

At the request of Mrs. HUTCHISON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Virginia (Mr. WARNER), the Senator from Mississippi (Mr. WICKER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 614, a bill to award a Congressional Gold Medal to the Women Airforce Service Pilots (''WASP'').

S. 645

At the request of Mrs. LINCOLN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor 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. 671

At the request of Mrs. LINCOLN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 671, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 683

At the request of Mr. HARKIN, the names of the Senator from Colorado (Mr. UDALL) and the Senator from Delaware (Mr. KAUFMAN) were added as cosponsors of S. 683, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 701

At the request of Mr. KERRY, the name of the Senator from Illinois (Mr. BURRIS) was added as a cosponsor of S. 701, a bill to amend title XVIII of the Social Security Act to improve access of Medicare beneficiaries to intravenous immune globulins (IVIG).

S. 749

At the request of Mr. COCHRAN, the names of the Senator from Colorado (Mr. BENNET), the Senator from Vermont (Mr. LEAHY) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 749, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 775

At the request of Mr. VOINOVICH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 775, a bill to amend title 10, United States Code, to authorize the availability of appropriated funds for international partnership contact activities conducted by the National Guard, and for other purposes.

S. 883

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 883, a bill to require the Secretary of the Treasury to mint coins in

recognition and celebration of the establishment of the Medal of Honor in 1861, America's highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States, to honor the American military men and women who have been recipients of the Medal of Honor, and to promote awareness of what the Medal of Honor represents and how ordinary Americans, through courage, sacrifice, selfless service and patriotism, can challenge fate and change the course of history.

S. 967

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 967, a bill to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and for other purposes.

S. 969

At the request of Mr. KERRY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 969, a bill to amend the Public Health Service Act to ensure fairness in the coverage of women in the individual health insurance market.

S. 981

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 981, a bill to support research and public awareness activities with respect to inflammatory bowel disease, and for other purposes.

S. 982

At the request of Mr. TESTER, his name was added as a cosponsor of S. 982, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

At the request of Mr. CARDIN, his name was added as a cosponsor of S. 982, supra.

S. 987

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) 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.J. RES. 15

At the request of Mr. VITTER, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S.J. Res. 15, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. RES. 122

At the request of Mr. UDALL of New Mexico, his name was withdrawn as a cosponsor of S. Res. 122, a resolution designating April 30, 2009, as ''Dia de los Ninos: Celebrating Young Americans'', and for other purposes.

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. Res. 122, supra.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. LINCOLN (for herself and Ms. SNOWE):

S. 997. A bill to amend the Internal Revenue Code of 1986 to provide income tax relief for families, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise to highlight the greatest resource of Arkansas. It is our people. It is the working families and the small businesses in their valiant fight against the current economic crisis.

It is more important than ever before to give working families and businesses the tools they need to succeed in this world, to be competitive in the global marketplace and, more importantly, to be able to be successful on their own land. Hard work and entrepreneurship have fueled the Arkansas small business economy for decades, and we must ensure it remains that way in the future.

That is why I have designed a package of tax cuts and Tax Code simplification measures that I call the Arkansas Plan, to help move our State and hard-working families forward. Together, these tax measures will allow working families and small businesses to get ahead and emerge from this economic crisis stronger and more competitive than ever before. These measures will encourage innovation and entrepreneurship, create new jobs, and lessen our dependence on foreign oil; as well as reduce the burden on working families and small businesses by simplifying our ever-complicated Tax Code.

This week, I am focused on measures that will allow working families and small businesses to emerge from the economic crisis stronger and more competitive. I have reintroduced the Small Business Health Options Program, which would make health insurance more affordable, predictable, and accessible for small businesses and self-employed individuals. Our SHOP bill offers tax incentives to encourage States to reform the poorly functioning small group insurance market and encourages the development of State purchasing pools backstopped by a voluntary nationwide pool.

The majority of uninsured Americans are self-employed individuals and employees of small businesses. Small businesses are the No. 1 source for jobs in our great State of Arkansas. Yet only 29 percent of businesses with fewer than 50 employees offer health insurance coverage because it is simply too expensive. Of the total uninsured population of Arkansas—more than 56 percent—approximately 295,000 Arkansans are employed by a firm with 100 or fewer employees.

Our SHOP bill is a pragmatic model for larger health reform legislation that allows us to begin to address the needs of the millions of working uninsured Americans whose top priority is access to quality and affordable health care for their families. What we are looking for is to be able to give small businesses, their employees, and self-employed individuals the access to the same kind of quality and affordable health insurance we enjoy as Members of Congress.

I think it is very doable. I am looking forward to continuing my work with Senator SNOWE and others on a plan we have worked on for years now. Whether it is done independently or in the context of a larger health care reform package, it is time to do something for small businesses, their employees, and the self employed because they are the largest component of the uninsured that we could really do something substantively for.

Another piece of my Arkansas plan is legislation to help Arkansas taxpayers who have seen their investments disappear as a result of the deteriorating economic conditions. My proposal would allow taxpayers to deduct up to $10,000—up from the $3,000 cap they have now—as the amount an individual can deduct annually for capital losses suffered.

More than 100,000 Arkansans count on such investments. Arkansas families have seen the value of investments plummet during the current economic crisis. The resulting losses from the dramatic downturn in the market have been felt by all investors, but probably the hardest hit are those taxpayers who are at or near retirement age, who are counting on such funds for their retirement security. This gives them a little bit of ease.

I have also introduced the Savings for Working Families Act, which would encourage low- and middle-income families to establish savings accounts for the purchase of a first home, a college education, or to start a business. These individual development accounts have a proven track record of success in Arkansas.

In addition, today I introduce the Family Tax Relief Act to help the families of more than 140,000 Arkansas children afford the cost of childcare. If you look around this Nation at the hard-working Americans—particularly in Arkansas—who are in need of childcare, good-quality childcare, to be able to pay for it, this is a substantial difference in these economic times that helps them achieve that goal.

Also, today I introduce a bill to update rules for S corporations so that businesses can access capital and have the opportunity to expand and create the much needed jobs Arkansans need.

Together, I believe these bills will equip the working families and small businesses in our great State of Arkansas with the resources needed to navigate the current crisis.

Next week, my Arkansas Plan will focus on encouraging American innovation and entrepreneurship to create new jobs here at home and lessen our dependence on foreign oil. I will introduce a series of energy, research and development, and workforce training

tax initiatives to accomplish this objective.

The following week, I will look forward to introducing reform measures to simplify the Tax Code and reduce the burden of Arkansas' working families and businesses by working to build a tax structure that is fair and equitable for all Americans.

I encourage my colleagues to look at these commonsense measures to see how they will benefit their own constituents in States across this great land.

Throughout my career in the Senate, I have made Arkansas' working families and small businesses my top priorities. From my seat on the Senate Finance Committee, I will continue to work to bring our families the relief they need and business owners the tools they require to invest and grow and become successful and continue to be competitive.

We have a great country, and each of us feels very particular about our State. I come from a seventh-generation Arkansas farm family. My home is precious to me. I reiterate what I started with, and that is that our greatest assets and resources in Arkansas are our people. They are hard working, innovative, and stalwart in coming together to help one another and help this country. Whether they are small business individuals or whether they serve in the armed services or whether they are teachers or whether they care for parents and the elderly, they are wonderful people, and they deserve our utmost attention, as do those in other States.

I am willing to bet my colleagues that the Arkansas Plan, which I put together to benefit Arkansas small businesses and working families, will also benefit the working families in each of their States. I challenge you all to take a look at this and help me to move these initiatives forward on behalf of our working families and small businesses across this country.

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By Mr. BINGAMAN (for himself, Ms. COLLINS, and Ms. STABENOW):

S. 999. A bill to increase the number of well-trained mental health service professionals (including those based in schools) providing clinical mental health care to children and adolescents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I am introducing legislation today with Ms. COLLINS and Ms. STABENOW entitled Child Health Care Crisis Relief Act of 2009.

This important legislation will address the national shortage of children's mental health professionals, including school-based professionals, by encouraging more individuals to enter these critical fields. The landmark 1999 Surgeon General's report on mental health brought a hidden mental health crisis to the attention of the U.S. public. According to that report, 13.7 million children in our country—about one in five—suffer from a diagnosable emotional or behavioral disorder. Such disorders as Anxiety Disorders, Attention-Deficit/Hyperactivity Disorder, and Depression are among the most common in this age group. Yet more than ⅔ of these children do not receive any treatment. Long waiting lists for children seeking services, including those in crisis, are not uncommon. The primary reason is that severe shortages exist in qualified mental health professionals, including child and adolescent psychiatrists, psychologists, social workers, and counselors. The President's New Freedom Commission on Mental Health also found that ''the supply of well-trained mental health professionals is inadequate in most areas of the country . . . particular shortages exist for mental health providers who serve children, adolescents, and older Americans.'' The situation is no better in our public schools, where children's mental health needs are often first identified. According to the National Center for Education Statistics within the Department of Education, there are approximately 479 students for each school counselor in U.S. schools, nearly twice the recommended ratio of 250 students for each counselor.

The situation in my home State of New Mexico is a case in point. Estimates suggest that 56,000 children and adolescents in New Mexico have an emotional or behavioral disorder. Of these, roughly 20,000 have serious disturbances that impair their ability to fulfill the demands of everyday life. In 2009, there were a total of 55 child and adolescent psychiatrists in the entire State of New Mexico. The impact of this shortage on the affected children and their communities is disconcerting. Research shows that children with untreated emotional and behavioral disorders are at higher risk for school failure and dropping out of school, violence, drug abuse, suicide, and criminal activity. For New Mexico youth, the suicide rate is twice the national average, the fourth highest in the nation, and the third leading cause of death. By one estimate, roughly 1 in 7 youth in New Mexico detention centers are in need of mental health treatment that is just not available.

New Mexico is not alone in its struggle to address the needs of these children. Nationwide, over 1,600 urban, suburban, and rural communities have been designated Mental Health Professional Shortage Areas by the Federal Government due to their severe lack of psychiatrists, psychologists, social workers, and other professionals to serve children and adults. Rural areas are especially hard hit. For example, in New Mexico there is one psychiatrist per 20,000 residents in rural areas, whereas in urban areas there is one per 3,000 residents. In rural and frontier counties, it is not unusual for the parents of a child in need of services to travel 60 to 90 miles to reach the nearest psychiatrist, psychologist, or other mental health provider.

Finally, graduate programs providing the vital pipeline for the child mental health workforce have not sufficiently increased their funding, class sizes, and training programs to meet the ever growing need for these specialists. In the U.S., only 300 new child and adolescent psychiatrists are trained each year, despite projections by the Bureau of Health Professions that the shortage of child and adolescent psychiatrist will grow to 4,000 by the year 2020. Federal grant funding for graduate psychology education has also been significantly reduced in the past 2 years, which could reduce the numbers of child and adolescent psychologists entering the profession.

Clearly something needs to be done to address this serious shortage in mental health professionals to meet the growing needs of our Nation's youth. It is for this reason that I rise today to offer the Child Health Care Crisis Relief Act of 2009. This bill creates incentives to help recruit and retain mental health professionals providing direct clinical care, and to help create, expand, and improve programs to train child mental health professionals. It provides loan repayments and scholarships for child mental health and school-based service professionals as well as internships and field placements in child mental health services and training for paraprofessionals who work in children's mental health clinical settings. The bill also provides grants to graduate schools to help develop and expand child and adolescent mental health programs. It restores the Medicare Graduate Medical Education Program funding for child and adolescent psychiatrists and extends the board eligibility period for residents and fellows from 4 years to 6 years. Across all mental health professions, priority for loan repayments, scholarships, and grants is given to individuals and programs serving children and adolescents in high-need areas.

Finally, the Child Health Care Crisis Relief Act of 2009 requires the Secretary to prepare a report on the distribution and need for child mental health and school-based professionals, including disparities in the availability of services, on a State-by-State basis. This report will help Congress more clearly ascertain the mental health workforce needs that are facing our Nation.

This important legislation has been endorsed by the following organizations: Alliance for Children and Families, American Academy of Child and Adolescent Psychiatry, American Academy of Pediatrics, American Association for Geriatric Psychiatry, American Association for Marriage and Family Therapy, American Counseling Association, American Group Psychotherapy Association, American Mental Health Counselors Association, American Orthopsychiatric Association,

American Psychiatric Association, American Psychiatric Nurses Association, American Psychological Association, Anxiety Disorders Association of America, Association for the Advancement of Psychology, Association for Ambulatory Behavioral Healthcare, Association for Behavioral Health and Wellness, Bazelon Center for Mental Health Law, Children and Adults with Attention-Deficit/Attention Disorder, Child & Adolescent Bipolar Foundation, Child Welfare League of America, Children and Adults with Attention-Deficit/Hyperactivity Disorder, Children's Healthcare Is a Legal Duty, Depression and Bipolar Support Alliance, Eating Disorders Coalition for Research Policy & Action, Mental Health America, National Alliance to Advance Adolescent Health, National Alliance on Mental Illness, National Association for Children's Behavioral Health, National Association of Pediatric Nurse Practitioners, National Association of Psychiatric Health Systems, National Association of School Psychologists, National Association of Social Workers, National Council for Community Behavioral Healthcare, National Federation of Families for Children's Mental Health, National Mental Health Awareness Campaign, Suicide Prevention Action Network USA, Therapeutic Communities of America, U.S. Psychiatric Rehabilitation Association, Witness Justice.

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. 999

*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 ''Child Health Care Crisis Relief Act of 2009''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Center for Mental Health Services estimates that 20 percent or 13,700,000 of the Nation's children and adolescents have a diagnosable mental disorder, and about ⅔ of these children and adolescents do not receive mental health care.

(2) According to ''Mental Health: A Report of the Surgeon General'' in 1999, there are approximately 6,000,000 to 9,000,000 children and adolescents in the United States (accounting for 9 to 13 percent of all children and adolescents in the United States) who meet the definition for having a serious emotional disturbance.

(3) According to the Center for Mental Health Services, approximately 5 to 9 percent of United States children and adolescents meet the definition for extreme functional impairment.

(4) According to the Surgeon General's Report, there are particularly acute shortages in the numbers of mental health service professionals serving children and adolescents with serious emotional disorders.

(5) According to the National Center for Education Statistics in the Department of Education, there are approximately 479 students for each school counselor in United States schools, which ratio is almost double the recommended ratio of 250 students for each school counselor.

(6) According to the Bureau of Health Professions in 2000, the demand for the services of child and adolescent psychiatry is projected to increase by 100 percent by 2020.

(7) The development and application of knowledge about the impact of disasters on children, adolescents, and their families has been impeded by critical shortages of qualified researchers and practitioners specializing in this work.

(8) According to the Bureau of the Census, the population of children and adolescents in the United States under the age of 18 is projected to grow by more than 40 percent in the next 50 years from 70,000,000 to more than 100,000,000 by 2050.

(9) There are approximately 7,000 child and adolescent psychiatrists in the United States. Only 300 child and adolescent psychiatrists complete training each year.

(10) According to the Department of Health and Human Services, racial and ethnic minority representation is lacking in the mental health workforce. Although 12 percent of the United States population is African-American, only 2 percent of psychologists, 2 percent of psychiatrists, and 4 percent of social workers are African-American providers. Moreover, there are only 29 Hispanic mental health professionals for every 100,000 Hispanics in the United States, compared with 173 non-Hispanic white providers per 100,000.

(11) According to a 2006 study in the Journal of the American Academy of Child and Adolescent Psychiatry, the national shortage of child and adolescent psychiatrists affects poor children and adolescents living in rural areas the hardest.

(12) According to the Department of Health and Human Services, the ''U.S. mental health system is not well equipped to meet the needs of racial and ethnic minority populations.''. This is quite evident in access to care issues involving racial and ethnic minority children. Studies have shown that there are striking racial and ethnic differences in the utilization of mental health services among children and youth. Overall, mental health services meet the needs of 31 percent of non-minority children, but only 13 percent of minority children.

(13) According to the National Center for Mental Health and Juvenile Justice, 70 percent of youth involved in State and local juvenile justice systems throughout the country suffer from mental disorders, with at least 20 percent experiencing symptoms so severe that their ability to function is significantly impaired.

(14) The Institute of Medicine, in Improving the Quality of Health Care for Mental and Substance-Use Disorders, Quality Chasm Series (2006) recommended that clinicians and patients communicate effectively and share information to ensure quality care, which is enhanced with education programs that allow families and consumers to share information with mental health providers about the lived experience of mental illness.

**SEC. 3. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.**

Part E of title VII of the Public Health Service Act (42 U.S.C. 294n et seq.) is amended by adding at the end the following:

**"Subpart 3—Child and Adolescent Mental Health Care**

**"SEC. 775. LOAN REPAYMENTS, SCHOLARSHIPS, AND GRANTS TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.**

''(a) LOAN REPAYMENTS FOR CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program of entering into contracts on a competitive basis with eligible individuals under which—

''(A) the eligible individual agrees to be employed full-time for a specified period (which shall be not less than 2 years) in providing mental health services to children and adolescents; and

''(B) the Secretary agrees to make, during not more than 3 years of the period of employment described in subparagraph (A), partial or total payments on behalf of the individual on the principal and interest due on the undergraduate and graduate educational loans of the eligible individual.

''(2) ELIGIBLE INDIVIDUAL.—For purposes of this section, the term 'eligible individual' means an individual who—

''(A) is receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling and has less than 1 year remaining before completion of such training or clinical experience; or

''(B)(i) has a license or certification in a State to practice allopathic medicine, osteopathic medicine, psychology, school psychology, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling; and

''(ii)(I) is a mental health service professional who completed (but not before the end of the calendar year in which this section is enacted) specialized training or clinical experience in child and adolescent mental health described in subparagraph (A); or

''(II) is a physician who graduated from (but not before the end of the calendar year in which this section is enacted) an accredited child and adolescent psychiatry residency or fellowship program in the United States.

''(3) ADDITIONAL ELIGIBILITY REQUIREMENTS.—The Secretary may not enter into a contract under this subsection with an eligible individual unless—

''(A) the individual is a United States citizen or a permanent legal United States resident; and

''(B) if the individual is enrolled in a graduate program (including a medical residency or fellowship), the program is accredited, and the individual has an acceptable level of academic standing (as determined by the Secretary).

''(4) PRIORITY.—In entering into contracts under this subsection, the Secretary shall give priority to applicants who—

''(A) are or will be working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP);

''(B) have familiarity with evidence-based methods and cultural and linguistic competence in child and adolescent mental health services;

''(C) demonstrate financial need; and

''(D) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(5) MEANINGFUL LOAN REPAYMENT.—If the Secretary determines that funds appropriated for a fiscal year to carry out this subsection are not sufficient to allow a meaningful loan repayment to all expected applicants, the Secretary shall limit the

number of contracts entered into under paragraph (1) to ensure that each such contract provides for a meaningful loan repayment.

''(6) AMOUNT.—

''(A) MAXIMUM.—For each year that the Secretary agrees to make payments on behalf of an individual under a contract entered into under paragraph (1), the Secretary may agree to pay not more than $35,000 on behalf of the individual.

''(B) CONSIDERATION.—In determining the amount of payments to be made on behalf of an eligible individual under a contract to be entered into under paragraph (1), the Secretary shall consider the eligible individual's income and debt load.

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Loan Repayment Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2010 through 2014.

''(b) SCHOLARSHIPS FOR STUDENTS STUDYING TO BECOME CHILD AND ADOLESCENT MENTAL HEALTH SERVICE PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to award scholarships on a competitive basis to eligible students who agree to enter into full-time employment (as described in paragraph (4)(C)) as a child and adolescent mental health service professional after graduation or completion of a residency or fellowship.

''(2) ELIGIBLE STUDENT.—For purposes of this subsection, the term 'eligible student' means a United States citizen or a permanent legal United States resident who—

''(A) is enrolled or accepted to be enrolled in an accredited graduate program that includes specialized training or clinical experience in child and adolescent mental health in psychology, school psychology, psychiatric nursing, behavioral pediatrics, social work, school social work, marriage and family therapy, school counseling, or professional counseling and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); or

''(B)(i) is enrolled or accepted to be enrolled in an accredited graduate training program of allopathic or osteopathic medicine in the United States and, if enrolled, has an acceptable level of academic standing (as determined by the Secretary); and

''(ii) intends to complete an accredited residency or fellowship in child and adolescent psychiatry or behavioral pediatrics.

''(3) PRIORITY.—In awarding scholarships under this subsection, the Secretary shall give—

''(A) highest priority to applicants who previously received a scholarship under this subsection and satisfy the criteria described in subparagraph (B); and

''(B) second highest priority to applicants who—

''(i) demonstrate a commitment to working with high-priority populations for mental health in a Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population (MUP) and to students from high-priority populations;

''(ii) have familiarity with evidence-based methods in child and adolescent mental health services;

''(iii) demonstrate financial need; and

''(iv) are or will be working in the publicly funded sector, particularly in community mental health programs described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a scholarship to an eligible student under this subsection only if the eligible student agrees—

''(A) to complete any graduate training program, internship, residency, or fellowship applicable to that eligible student under paragraph (2);

''(B) to maintain an acceptable level of academic standing (as determined by the Secretary) during the completion of such graduate training program, internship, residency, or fellowship; and

''(C) to be employed full-time after graduation or completion of a residency or fellowship, for not less than the number of years for which a scholarship is received by the eligible student under this subsection, in providing mental health services to children and adolescents.

''(5) USE OF SCHOLARSHIP FUNDS.—A scholarship awarded to an eligible student for a school year under this subsection may be used only to pay for tuition expenses of the school year, other reasonable educational expenses (including fees, books, and laboratory expenses incurred by the eligible student in the school year), and reasonable living expenses, as such tuition expenses, reasonable educational expenses, and reasonable living expenses are determined by the Secretary.

''(6) AMOUNT.—The amount of a scholarship under this subsection shall not exceed the total amount of the tuition expenses, reasonable educational expenses, and reasonable living expenses described in paragraph (5).

''(7) APPLICABILITY OF CERTAIN PROVISIONS.—The provisions of sections 338E and 338F shall apply to the program established under paragraph (1) to the same extent and in the same manner as such provisions apply to the National Health Service Corps Scholarship Program established in subpart III of part D of title III.

''(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.

''(c) CLINICAL TRAINING GRANTS FOR PROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to accredited institutions of higher education or accredited professional training programs to establish or expand internships or other field placement programs for students receiving specialized training or clinical experience in child and adolescent mental health in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family therapy, school counseling, or professional counseling.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of students trained in child and adolescent mental health and the populations served by such students after graduation;

''(B) have demonstrated familiarity with evidence-based methods in child and adolescent mental health services;

''(C) have programs designed to increase the number of professionals serving high-priority populations and to applicants who come from high-priority communities and plan to serve in Health Professional Shortage Areas (HPSA), Medically Underserved Areas (MUA), or Medically Underserved Populations (MUP); and

''(D) offer curriculum taught collaboratively with a family on the consumer and family lived experience or the importance of family-professional partnership.

''(3) REQUIREMENTS.—The Secretary may award a grant to an applicant under this subsection only if the applicant agrees that—

''(A) any internship or other field placement program assisted under the grant will prioritize cultural and linguistic competency;

''(B) students benefitting from any assistance under this subsection will be United States citizens or permanent legal United States residents;

''(C) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(D) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(4) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with child and adolescent mental health issues.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2010 through 2014.

''(d) PROGRESSIVE EDUCATION GRANTS FOR PARAPROFESSIONALS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, in cooperation with the Administrator of the Substance Abuse and Mental Health Services Administration, may establish a program to award grants on a competitive basis to State-licensed mental health nonprofit and for-profit organizations (including accredited institutions of higher education) to enable such organizations to pay for programs for preservice or in-service training of paraprofessional child and adolescent mental health workers.

''(2) DEFINITION.—For purposes of this subsection, the term 'paraprofessional child and adolescent mental health worker' means an individual who is not a mental health service professional, but who works at the first stage of contact with children and families who are seeking mental health services.

''(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) have demonstrated the ability to collect data on the number of paraprofessional child and adolescent mental health workers trained by the applicant and the populations served by these workers after the completion of the training;

''(B) have familiarity with evidence-based methods in child and adolescent mental health services;

''(C) have programs designed to increase the number of paraprofessional child and adolescent mental health workers serving high-priority populations; and

''(D) provide services through a community mental health program described in section 1913(b)(1).

''(4) REQUIREMENTS.—The Secretary may award a grant to an organization under this subsection only if the organization agrees that—

''(A) any training program assisted under the grant will prioritize cultural and linguistic competency;

''(B) the organization will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the organization, the organization will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) APPLICATION.—The Secretary shall require that any application for a grant under this subsection include a description of the applicant's experience working with paraprofessional child and adolescent mental health workers.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2010 through 2014.

''(e) CHILD AND ADOLESCENT MENTAL HEALTH PROGRAM DEVELOPMENT GRANTS.—

''(1) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may establish a program to increase the number of well-trained child and adolescent mental health service professionals in the United States by awarding grants on a competitive basis to accredited institutions of higher education to enable the institutions to establish or expand accredited graduate child and adolescent mental health programs.

''(2) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to applicants that—

''(A) demonstrate familiarity with the use of evidence-based methods in child and adolescent mental health services;

''(B) provide experience in and collaboration with community-based child and adolescent mental health services;

''(C) have included normal child development curricula; and

''(D) demonstrate commitment to working with high-priority populations.

''(3) USE OF FUNDS.—Funds received as a grant under this subsection may be used to establish or expand any accredited graduate child and adolescent mental health program in any manner deemed appropriate by the Secretary, including by improving the course work, related field placements, or faculty of such program.

''(4) REQUIREMENTS.—The Secretary may award a grant to an accredited institution of higher education under this subsection only if the institution agrees that—

''(A) any child and adolescent mental health program assisted under the grant will prioritize cultural and linguistic competency;

''(B) the institution will provide to the Secretary such data, assurances, and information as the Secretary may require; and

''(C) with respect to any violation of the agreement between the Secretary and the institution, the institution will pay such liquidated damages as prescribed by the Secretary by regulation.

''(5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2010 through 2014.

''(f) DEFINITIONS.—In this section:

''(1) SPECIALIZED TRAINING OR CLINICAL EXPERIENCE IN CHILD AND ADOLESCENT MENTAL HEALTH.—The term 'specialized training or clinical experience in child and adolescent mental health' means training and clinical experience that—

''(A) is part of or occurs after completion of an accredited graduate program in the United States for training mental health service professionals;

''(B) consists of not less than 500 hours of training or clinical experience in treating children and adolescents; and

''(C) is comprehensive, coordinated, developmentally appropriate, and of high quality to address the unique ethnic and cultural diversity of the United States population.

''(2) HIGH-PRIORITY POPULATION.—The term 'high-priority population' means—

''(A) a population in which there is a significantly greater incidence than the national average of—

''(i) children who have serious emotional disturbances; or

''(ii) children who are racial, ethnic, or linguistic minorities; or

''(B) a population consisting of individuals living in a high-poverty urban or rural area.

''(3) MENTAL HEALTH SERVICE PROFESSIONAL.—The term 'mental health service professional' means an individual with a graduate or postgraduate degree from an accredited institution of higher education in psychiatry, psychology, school psychology, behavioral pediatrics, psychiatric nursing, social work, school social work, marriage and family counseling, school counseling, or professional counseling.''.

**SEC. 4. AMENDMENTS TO SOCIAL SECURITY ACT TO IMPROVE CHILD AND ADOLESCENT MENTAL HEALTH CARE.**

(a) INCREASING NUMBER OF CHILD AND ADOLESCENT PSYCHIATRY RESIDENTS PERMITTED TO BE PAID UNDER THE MEDICARE GRADUATE MEDICAL EDUCATION PROGRAM.—Section 1886(h)(4)(F) of the Social Security Act (42 U.S.C. 1395ww(h)(4)(F)) is amended by adding at the end the following new clause:

''(iii) INCREASE ALLOWED FOR TRAINING IN CHILD AND ADOLESCENT PSYCHIATRY.—In applying clause (i), there shall not be taken into account such additional number of full-time equivalent residents in the field of allopathic or osteopathic medicine who are residents or fellows in child and adolescent psychiatry as the Secretary determines reasonable to meet the need for such physicians as demonstrated by the 1999 report of the Department of Health and Human Services entitled 'Mental Health: A Report of the Surgeon General'.''.

(b) EXTENSION OF MEDICARE BOARD ELIGIBILITY PERIOD FOR RESIDENTS AND FELLOWS IN CHILD AND ADOLESCENT PSYCHIATRY.—Section 1886(h)(5)(G) of the Social Security Act (42 U.S.C. 1395ww(h)(5)(G)) is amended—

(1) in clause (i), by striking ''and (v)'' and inserting ''(v), and (vi)''; and

(2) by adding at the end the following new clause:

''(vi) CHILD AND ADOLESCENT PSYCHIATRY TRAINING PROGRAMS.—In the case of an individual enrolled in a child and adolescent psychiatry residency or fellowship program approved by the Secretary, the period of board eligibility and the initial residency period shall be the period of board eligibility for the specialty of general psychiatry, plus 2 years for the subspecialty of child and adolescent psychiatry.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residency training years beginning on or after July 1, 2010.

**SEC. 5. CHILD MENTAL HEALTH PROFESSIONAL REPORT.**

(a) STUDY.—The Administrator of the Health Resources and Services Administration (in this section referred to as the ''Administrator'') shall study and make findings and recommendations on—

(1) the distribution and need for child mental health service professionals, including with respect to specialty certifications, practice characteristics, professional licensure, racial and ethnic background, practice types, locations, education, and training; and

(2) a comparison of such distribution and need, including identification of disparities, on a State-by-State basis.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to the Congress and make publicly available a report on the results of the study required by subsection (a), including with respect to findings and recommendations on disparities among the States.

**SEC. 6. REPORTS.**

(a) TRANSMISSION.—The Secretary of Health and Human Services shall transmit a report described in subsection (b) to Congress—

(1) not later than 3 years after the date of enactment of this Act; and

(2) not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The reports transmitted to Congress under subsection (a) shall address each of the following:

(1) The effectiveness of the amendments made by, and the programs carried out under, this Act in increasing the number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

(2) The demographics of the individuals served by such increased number of child and adolescent mental health service professionals and paraprofessional child and adolescent mental health workers.

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By Mr. REED:

S. 1003. A bill to increase immunization rates; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I introduce the Immunization Improvement Act of 2009. The recent outbreak of H1N1 influenza makes this legislation timelier than ever before. While a vaccine has not yet been developed to protect us against this flu strain, one is currently in the works. This outbreak is a reminder of the important role that immunizations provide in protecting us against harmful or even deadly viruses, like the measles, polio, and seasonal human influenza.

Vaccinations have been proven to be clinically effective in improving health, and providing population-based immunity. Routine childhood immunizations, for example, prevent over 14 million individual cases of disease and over 33,500 deaths over the lifetime of children born in any given year.

However, significant and persistent gaps in public and private health insurance coverage of immunizations remain. Approximately 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Nearly 2/3 of adults are underinsured for immunizations—17 percent are uninsured. Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands of cases of illness.

Congress will soon embark upon meaningful health care reform. This debate will provide the opportunity for us to eliminate the obstacles—lack of insurance and high cost-sharing—to accessing routine immunizations. We must shift to a system that will make routine preventive care, like immunizations, affordable.

In fact, it is in the best interest of Government and society to ensure coverage of routine vaccinations, as these preventive vaccinations currently result in an annual cost savings of $10 billion in direct medical costs and over $40 billion in indirect societal costs.

Expanding immunization coverage will enhance these savings over the long term.

The Immunization Improvement Act would remove barriers to immunization. First, it would enable states to access routine vaccinations for adults at a discount negotiated by the Federal Government. Currently, 36 States and New York City are able to buy vaccines using the Federal discount, but these contracts are about to expire. The Immunization Improvement Act would ensure that states can continue to purchase adult vaccines under CDC contracts. It would also provide for Medicaid coverage of adult immunizations that are recommended for routine use and prohibit any cost-sharing for them.

There are a host of routinely recommended vaccinations for the Medicare population, as well. Unfortunately, Medicare Part B only covers influenza, pneumonia, and hepatitis B vaccines. Medicare beneficiaries are eligible for additional vaccines that are covered by Part D, but few of these vaccines are covered by prescription drug plans. Moreover, physicians have difficulties billing plans for the incurred costs. As such, the Medicare Payment Advisory Commission, MedPAC, has recommended that all immunizations recommended for routine use among the Medicare population be covered under Part B. The Immunization Improvement Act would codify that recommendation.

Inadequate reimbursement for administering immunizations also prevents children, adolescents, and adults from receiving necessary vaccinations. According to the National Vaccine Advisory Committee, the Centers for Medicare and Medicaid Services, CMS, and CDC should review and update the maximum allowable fees for administering routine vaccinations, and publish and update the actual fees for vaccination administration paid by each State—in an effort to encourage consistency across state lines. This legislation would also reimburse providers for administering vaccines to children who are eligible for vaccination through the Vaccines for Children program, but not Medicaid. This would enable both uninsured and underinsured children to become vaccinated in an effort to get all children vaccinated.

Finally, as we look to reform our health care system, we must also hold private health insurers accountable for covering vaccinations recommended for routine use—without any cost-sharing. The Immunization Improvement Act would require this coverage upon the enactment of health reform.

Given the current circumstances, it is evident that vaccinations can and truly do eradicate the spread of preventable diseases. However, we must do more to ensure comprehensive coverage of immunizations. It is my hope that my colleagues will join me in supporting this legislation.

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. 1003

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

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Immunization Improvement Act of 2009''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. State authority to purchase recommended vaccines for adults.
Sec. 4. Demonstration program to improve immunization coverage.
Sec. 5. Reauthorization of immunization program.
Sec. 6. Inclusion of recommended immunizations under part B of the Medicare program with no beneficiary cost-sharing.
Sec. 7. Medicaid coverage of recommended adult immunizations.
Sec. 8. Vaccine administration fees.
Sec. 9. Health insurance coverage for recommended immunizations.
Sec. 10. Immunization information systems.
Sec. 11. Reports.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Immunizations recommended for routine use have been proven to be clinically effective in improving health and preventing the spread of disease. Routine childhood immunizations prevent over 14,000,000 cases of disease and over 33,500 deaths over the lifetime of children born in any given year. In addition to protecting individuals from disease, immunization provides population-based (herd) immunity.

(2) An economic evaluation of the impact of seven vaccines routinely given as part of the childhood immunization schedule found that the vaccines are cost-effective. Over the lifetime of children born in any given year, these immunizations result in an annual cost savings of $10,000,000,000 in direct medical costs and over $40,000,000,000 in indirect societal costs.

(3) There are significant and persistent gaps in public and private health insurance coverage of immunizations. About 11 percent of young children and 21 percent of adolescents are underinsured for immunizations. Among adults, 59 percent are underinsured and 17 percent are completely uninsured for immunizations. According to the Institute of Medicine, even those with insurance increasingly have to pay higher deductibles and copayments for immunizations.

(4) Each year, vaccine-preventable diseases cause the deaths of more than 42,000 people and hundreds of thousands cases of illness.

(5) In 2003, the Institute of Medicine's Committee on the Evaluation of Vaccine Purchase Financing made the following conclusions:

(A) Current public and private financing strategies for immunization have had substantial success, especially in improving immunization rates for young children. However, significant disparities remain in assuring access to recommended vaccines across geographic and demographic populations.

(B) Many young children, adolescents, and high-risk adults have no or limited insurance for recommended vaccines. Gaps and fragmentation in insurance benefits create barriers for both vulnerable populations and clinicians that can contribute to lower immunization rates.

**SEC. 3. STATE AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.**

Section 317 of the Public Health Service Act (42 U.S.C. 247b) is amended by adding at the end the following:

''(1) AUTHORITY TO PURCHASE RECOMMENDED VACCINES FOR ADULTS.—

''(1) IN GENERAL.—The Secretary may negotiate and enter into contracts with manufacturers of vaccines for the purchase and delivery of vaccines for adults otherwise provided vaccines under grants under this section.

''(2) STATE PURCHASE.—A State may obtain adult vaccines (subject to amounts specified to the Secretary by the State in advance of negotiations) through the purchase of vaccines from manufacturers at the applicable price negotiated by the Secretary under this subsection.''.

**SEC. 4. DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.**

Section 317 of the Public Health Service Act (42 U.S.C. 247b), as amended by section 3, is further amended by adding at the end the following:

''(m) DEMONSTRATION PROGRAM TO IMPROVE IMMUNIZATION COVERAGE.—

''(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a demonstration program to award grants to States to improve the provision of recommended immunizations for children, adolescents, and adults through the use of evidence-based, population-based interventions for high-risk populations.

''(2) STATE PLAN.—To be eligible for a grant under paragraph (1), a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a State plan that describes the interventions to be implemented under the grant and how such interventions match with local needs and capabilities, as determined through consultation with local authorities.

''(3) USE OF FUNDS.—Funds received under a grant under this subsection shall be used to implement interventions that are recommended by the Task Force on Community Preventive Services (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) or other evidence-based interventions, including—

''(A) providing immunization reminders or recalls for target populations of clients, patients, and consumers;

''(B) educating targeted populations and health care providers concerning immunizations in combination with one or more other interventions;

''(C) reducing out-of-pocket costs for families for vaccines and their administration;

''(D) carrying out immunization-promoting strategies for participants or clients of public programs, including assessments of immunization status, referrals to health care providers, education, provision of on-site immunizations, or incentives for immunization;

''(E) providing for home visits that promote immunization through education, assessments of need, referrals, provision of immunizations, or other services;

''(F) providing reminders or recalls for immunization providers;

''(G) conducting assessments of, and providing feedback to, immunization providers; or

''(H) any combination of one or more interventions described in this paragraph.

''(4) CONSIDERATION.—In awarding grants under this subsection, the Secretary shall consider any reviews or recommendations of the Task Force on Community Preventive Services.

''(5) EVALUATION.—Not later than 3 years after the date on which a State receives a grant under this subsection, the State shall submit to the Secretary an evaluation of progress made toward improving immunization coverage rates among high-risk populations within the State.

''(6) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of the Immunization Improvement Act of 2009, the Secretary shall submit to Congress a report concerning the effectiveness of the demonstration program established under this subsection together with recommendations on whether to continue and expand such program.

''(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2010 through 2014.''.

**SEC. 5. REAUTHORIZATION OF IMMUNIZATION PROGRAM.**

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended—

(1) in paragraph (1), by striking ''for each of the fiscal years 1998 through 2005''; and

(2) in paragraph (2), by striking ''after October 1, 1997,''.

**SEC. 6. INCLUSION OF RECOMMENDED IMMUNIZATIONS UNDER PART B OF THE MEDICARE PROGRAM WITH NO BENEFICIARY COST-SHARING.**

(a) IN GENERAL.—Paragraph (10) of section 1861(s) of the Social Security Act (42 U.S.C. 1395x(s)) is amended to read as follows:

''(10) vaccines recommended for routine use by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;''.

(b) CONFORMING AMENDMENTS.—

(1) Section 1833 of the Social Security Act (42 U.S.C. 13951) is amended, in each of subsections (a)(1)(B), (a)(2)(G), (a)(3)(A), (b)(1), by striking ''1861(s)(10)(A)'' or ''1861(s)(10)(B)'' and inserting ''1861(s)(10)'' each place it appears.

(2) Section 1842(o)(1)(A)(iv) of the Social Security Act (42 U.S.C. 1395u(o)(1)(A)(iv)) is amended by striking ''subparagraph (A) or (B) of''.

(3) Section 1847A(c)(6) of the Social Security Act (42 U.S.C. 1395w–3a(c)(6)) is amended by striking subparagraph (G).

(4) Section 1860D–2(e)(1) of the Social Security Act (42 U.S.C. 1395w–102(e)(1)) is amended by striking ''a vaccine'' and all that follows through ''its administration) and''.

(5) Section 1861(ww)(2)(A) of the Social Security Act (42 U.S.C. 1395x(ww)(2)(A))) is amended by striking ''Pneumococcal, influenza, and hepatitis B'' and inserting ''Any''.

(6) Section 1866(a)(2)(A) of the Social Security Act (42 U.S.C. 1395cc(a)(2)(A)) is amended by striking ''1861(s)(10)(A)'' and inserting ''1861(s)(10)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to vaccines administered on or after January 1, 2010.

**SEC. 7. MEDICAID COVERAGE OF RECOMMENDED ADULT IMMUNIZATIONS.**

(a) MANDATORY COVERAGE OF RECOMMENDED IMMUNIZATIONS FOR ADULTS.—Section 1905(a)(4) of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) by striking ''and'' before ''(C)''; and

(2) by inserting after the semicolon the following: ''and (D) with respect to an adult individual, vaccines recommended for routine use by the Advisory Committee on Immunization Practices (an advisory committee established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration;''.

(b) PROHIBITION ON COST-SHARING.—

(1) IN GENERAL.—Section 1916 of the Social Security Act (42 U.S.C. 1396o), as amended by section 5006(a)(1)(A) of division B of Public Law 111–5, is amended—

(A) in subsection (a), by striking ''and (j)'' and inserting '', (j), and (k)''; and

(B) by adding at the end the following:

''(k) The State plan shall require that no provider participating under the State plan may impose a copayment, cost sharing charge, or similar charge for vaccines or their administration that the State is required to provide under sections 1902(a)(10)(A) and 1905(a)(4)(D).''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The second sentence of section 1916A(a)(1) of such Act (42 U.S.C. 1396o–1(a)(1)) is amended by striking ''or (i)'' and inserting ''(i), (j), or (k)''.

(c) ALLOWING FOR MEDICAID REBATES.—Section 1927(k)(2)(B) of such Act (42 U.S.C. 1396r–8(k)(2)(B)) is amended by striking '', other than a vaccine'' and inserting ''(including vaccines described in section 1905(a)(4)(D) but excluding qualified pediatric vaccines under section 1928)''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section take effect on October 1, 2010.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

(3) MEDICAID REBATES.—The amendment made by subsection (c) takes effect on October 1, 2010, and applies to rebate agreements entered into under section 1927 of the Social Security Act (42 U.S.C. 1396r–8) on or after that date.

**SEC. 8. VACCINE ADMINISTRATION FEES.**

(a) REVIEW OF FEDERALLY ESTABLISHED MAXIMUM ALLOWABLE ADMINISTRATIVE FEES.—Not later than October 1, 2010, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall—

(1) review the regional maximum charge for vaccine administration for each State established under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) to determine the appropriateness and adequacy of such rates; and

(2) update such rates, as appropriate, based on the results of such review and taking into account all appropriate costs related to the administration of vaccines under that program.

(b) FEDERAL REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID VACCINE-ELIGIBLE CHILDREN.—

(1) IN GENERAL.—Section 1928 of the Social Security Act (42 U.S.C. 1396s) is amended—

(A) in subsection (a)(1)(B), by inserting ''and is entitled to receive reimbursement for any fee imposed by the provider for the administration of such vaccine consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2),'' after ''delivery to the provider,'';

(B) in subsection (a)(2), by adding at the end the following new subparagraph:

''(d) REIMBURSEMENT FOR VACCINE ADMINISTRATION FOR NON-MEDICAID ELIGIBLE CHILDREN.—The Secretary shall pay each State such amounts as are necessary for the State to reimburse each program-registered provider in the State for an administration fee imposed consistent with subsection (c)(2)(C) (not to exceed the amount applicable under clause (iv) of such subsection) for the administration of a qualified pediatric vaccine to a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2).'';

(C) in subsection (c)(2)(C), by adding at the end the following new clause:

''(IV) In the case of a federally vaccine-eligible child who is described in clause (ii), (iii), or (iv) of subsection (b)(2), the State shall pay the provider an amount equal to the administration fee established under the State plan approved under this title for the administration of a qualified pediatric vaccine to a medicaid-eligible child.''; and

(D) by striking subsection (g).

(2) CONFORMING AMENDMENTS.—Section 1928 of such Act (42 U.S.C. 1396s), as amended by paragraph (1), is amended—

(A) by redesignating subsection (h) as subsection (g);

(B) in subsection (a)(1)(A), by striking ''(h)(8)'' and inserting ''(g)(8)''; and

(C) in subsection (b)(2)(A)(iv), by striking ''(h)(3)'' and inserting ''(g)(3)''.

**SEC. 9. HEALTH INSURANCE COVERAGE FOR RECOMMENDED IMMUNIZATIONS.**

(a) AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.—

(1) GROUP HEALTH COVERAGE.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

**''SEC. 2708. COVERAGE OF RECOMMENDED IMMUNIZATIONS.**

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Subpart 2 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-51 et seq.) is amended by adding at the end the following:

**''SEC. 2754. COVERAGE OF RECOMMENDED IMMUNIZATIONS.**

''The provisions of section 2708 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as such provisions apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.''.

(b) AMENDMENTS TO ERISA.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following:

**''SEC. 715. COVERAGE OF RECOMMENDED IMMUNIZATIONS.**

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance,

or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(2) TECHNICAL AMENDMENTS.—

(A) Section 732(a) of such Act (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 715''.

(B) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 713 the following new item:

''Sec. 715. Coverage of recommended immunizations.''.

(c) INTERNAL REVENUE CODE AMENDMENTS.—

(1) IN GENERAL.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(A) in the table of sections, by inserting after the item relating to section 9813 the following new item:

''Sec. 9814. Coverage of recommended immunizations.'';

and

(B) by inserting after section 9813 the following:

**''SEC. 9814. COVERAGE OF RECOMMENDED IMMUNIZATIONS.**

''A group health plan, and a health insurance issuer offering group health insurance coverage, shall provide for coverage, without the application of deductibles, coinsurance, or copayments, of vaccines recommended for routine use by the Advisory Committee on Immunization Practices (as established by the Secretary, acting through the Director of the Centers for Disease Control and Prevention) and their administration.''.

(d) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section shall be construed to preempt any provision of a collective bargaining agreement that is in effect on the date of enactment of this section.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning with the first plan year during which the Congressional Budget Office determines that any health reform legislation enacted by Congress will provide health insurance coverage to 95 percent or more of the population of the United States.

**SEC. 10. IMMUNIZATION INFORMATION SYSTEMS.**

(a) HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.—Section 3011(a) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended by adding at the end the following:

''(8) Improvement and expansion of immunization information systems (as defined in section 3000), including activities to—

''(A) support the integration and linkage of such systems with electronic birth records, health care providers, other preventive health services information systems, and health information exchanges;

''(B) support interstate data exchange;

''(C) ensure that such systems are interoperable with electronic health record systems;

''(D) provide technical support, such as training, data reporting, data quality and completeness review, and decision support, to immunization providers to integrate the use of such systems;

''(E) develop, in consultation with manufacturers, vendors, and specialty professional organizations, continuing education materials relating to the use of such systems;

''(F) ensure that such systems can provide complete and accurate data to monitor immunization coverage, uptake, and the impact of shortages in the population served within their jurisdiction; and

''(G) ensure the privacy, confidentiality, and security of all data and data exchanges with such systems.''.

(b) STATE GRANTS.—Section 3013(d) of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) in paragraph (9), by striking ''and'' at the end;

(2) by redesignating paragraph (10) as paragraph (11); and

(3) by inserting after paragraph (9), the following:

''(10) improving and expanding immunization information systems (as defined in section 3000); and''.

(c) DEFINITION.—Section 3000 of the Public Health Service Act (as added by section 13301 of the American Recovery and Reinvestment Act of 2009) is amended—

(1) by redesignating paragraphs (9) through (14) as paragraphs (10) through (15), respectively; and

(2) by inserting after paragraph (8), the following:

''(9) IMMUNIZATION INFORMATION SYSTEM.—The term 'immunization information system' means an immunization registry or a confidential, population-based, computerized information system that collects vaccination data within a geographic area, consolidates vaccination records from multiple health care providers, generates reminder and recall notifications, and is capable of exchanging immunization information with health care providers.''.

**SEC. 11. REPORTS.**

(a) COSTS OF PUBLIC AND PRIVATE VACCINE ADMINISTRATION.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Director of the Centers for Disease Control and Prevention jointly with the Administrator of the Centers for Medicare & Medicaid Services shall collect and publish data relating to the costs associated with public and private vaccine administration, including the costs associated with the delivery of vaccines, activities such as reporting data to immunization registries, and maintenance of appropriate storage requirements for vaccines.

(b) SECTION 317 IMMUNIZATION PROGRAM.—Not later than February 1, 2010, and each February 1 thereafter, the Director of the Centers for Disease Control and Prevention shall submit to Congress a report concerning the size and scope of the appropriations needed for each fiscal year for vaccine purchases, vaccination infrastructure, vaccine administration, and vaccine safety under section 317 of the Public Health Service Act (42 U.S.C. 247b).

(c) ANNUAL PUBLICATION OF STATE-ESTABLISHED ADMINISTRATIVE FEES UNDER MEDICAID.—Beginning October 1, 2009, and annually thereafter, the Administrator of the Centers for Medicare & Medicaid Services and the Director of the Centers for Disease Control and Prevention, jointly shall make publicly available the administrative fee established under each State Medicaid program for administering a qualified pediatric vaccine to a vaccine-eligible child under the Vaccines for Children program under section 1928 of the Social Security Act (42 U.S.C. 1396s) with the State and Federal contribution for such fee separately identified.

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By Mr. DURBIN:

S. 1006. A bill to require a supermajority shareholder vote to approve excessive compensation of any employee of a publicly-traded company; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, Americans have every right to be outraged over the recent bonuses given to employees of the group within AIG that led to that company's collapse. American taxpayers have provided $185 billion—and counting—to save a firm that has been deemed ''too interconnected to fail.''

It is unacceptable that millions of those taxpayer dollars have been handed over to some of the executives who caused this disaster in the first place. If there is a constitutional way to reclaim those bonuses, I support it.

But it is important to remember that executive compensation practices have been out of control for many years. While the wages and benefits of middle class workers have stagnated, CEO compensation has exploded.

According to the Economic Policy Institute's ''State of Working America,'' in 1965 U.S. CEOs at major companies made 24 times the pay of an average worker. By 2005, CEOs earned 262 times the pay of an average worker.

The comparison between CEOs and minimum wage workers is even starker. In 1965 U.S. CEOs at major companies made 51 times the pay of workers earning the minimum wage. By 2005, CEOs earned 821 times the pay of workers earning the minimum wage.

These comparisons are important not because they could be used to incite calls for class warfare, but because the American people deserve an honest accounting of the activities of the corporations that touch their lives in so many ways. Every American deserves an honest wage for honest work. And every American, from the top of the corporate ladder to the bottom, deserves to know whether they are being compensated fairly—whether they are sharing in the rewards of the company's work or whether their labors are mainly fueling ever more extravagant pay for the top executives.

We have lost the balance we once had in America. Executive pay has soared, while pay for many s has not even kept pace with their productivity increases. It's not surprising that there is widespread fury when CEOs get it wrong. After all, they have a hand in setting their own salaries. But recently, the anger of the average American worker has boiled over because so many CEOs have gotten it so wrong. That outcome is not healthy for our economy, and it's not healthy for our society.

If companies want to pay their executives handsomely for excellent performance, they should be able to do that. They should be able to compete for top talent. But the shareholders should be looking over their shoulders as they adopt excessive pay structures, and the taxpayers shouldn't be subsidizing the resulting income disparities.

To restore some balance, the shareholders of a corporation should have to approve lucrative compensation packages. And, the companies shouldn't receive a tax deduction for handing out excessive pay.

That is why today I am introducing two bills—the Excessive Pay Shareholder Approval Act S. 1006, and the Excessive Pay Capped Deduction Act, S. 1007.

The Excessive Pay Shareholder Approval Act would require a supermajority—60 percent—vote of the shareholders to approve a compensation structure in which any employee receives more than 100 times more than the average employee of that company. Corporations could pay executives whatever they think is appropriate, but shareholders would have to OK packages that are 100 times as large as the average worker earns. This bill would require greater transparency in compensation and would encourage companies to think about how they pay their lower-paid workers, not just how they reward the people at the top.

Similarly, the Excessive Pay Capped Deduction Act would limit the normal tax deduction for compensation for executives to 100 times the compensation of the average worker at that company. Again, corporations could pay executives whatever they decide is appropriate, but they could not claim limitless tax benefits for doing so. This bill also would encourage companies to look at their entire compensation structure, and it would protect taxpayers.

Here is an example. If the average worker at a company earned, including wages, paid leave, supplemental pay, and retirement, the same amount as the average worker nationwide in December of 2008, that worker would have earned around $50,000. At that company, a supermajority of shareholders would be required to approve pay packages larger than $5 million and that company could not deduct compensation in excess of $5 million.

How many companies would this affect? According to the research firm The Corporate Library, in 2007 the median compensation for CEOs of S&P 500 companies was $8.8 million. Therefore, if these companies are only paying average wages across the rest of the company, many of them would be affected by this legislation. Many would not.

From our founding, this country has benefitted from a sense of unity and balance that has brought Americans together in good times and in bad. If the rewards handed out by our leading corporations flow excessively to the very wealthy while leaving middle-class families behind, we risk losing that sense of common purpose. The uproar over AIG bonuses showed very clearly the corrosive effects of compensation packages that appear to be disconnected from the reality that the average family faces day in and day out.

The two bills I am introducing today would help to restore some of the balance we have lost, by ensuring greater accountability for the disparities in compensation for corporate leaders and the average workers they employ, and by protecting taxpayers when a company's compensation packages reach extreme levels.

I urge my colleagues to support both bills.

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. 1006

*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 ''Excessive Pay Shareholder Approval Act''.

**SEC. 2. AMENDMENT TO THE SECURITIES EXCHANGE ACT OF 1934.**

(a) IN GENERAL.—Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(h) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—

''(1) IN GENERAL.—The compensation for an employee of an issuer in any single taxable year may not exceed an amount equal to 100 times the average compensation for services performed by all employees of that issuer during such taxable year, unless not fewer than 60 percent of the shareholders have voted to approve such compensation (through a proxy or consent or authorization for an annual or other meeting of the shareholders, occurring within the preceding 18 months).

''(2) PROXY CONTENTS.—Proxy materials for a shareholder vote required by paragraph (1) shall include—

''(A) the amount of compensation paid to the lowest paid employee of the issuer;

''(B) the amount of compensation paid to the highest paid employee of the issuer;

''(C) the average amount of compensation paid to all employees of the issuer;

''(D) the number of employees of the issuer who are paid more than 100 times the average amount of compensation for all employees of the issuer; and

''(E) the total amount of compensation paid to employees who are paid more than 100 times the average amount of compensation for all employees of the issuer.

''(3) DEFINITION OF COMPENSATION.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'compensation' includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Commission determines is appropriate, in consultation with the Secretary of the Treasury.

''(B) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the issuer, or which is not employed by the issuer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subsection on an annualized basis.''.

(b) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Securities and Exchange Commission shall issue any final rules and regulations required to carry out section 16(h) of the Securities Exchange Act of 1934, as added by this section.

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By Mr. DURBIN:

S. 1007. A bill to amend the Internal Revenue Code of 1986 to deny a deduction for excessive compensation of any employee of an employer; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. 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. 1007

*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 ''Excessive Pay Capped Deduction Act of 2009''.

**SEC. 2. DENIAL OF DEDUCTION FOR PAYMENTS OF EXCESSIVE COMPENSATION.**

(a) IN GENERAL.—Section 162 of the Internal Revenue Code of 1986 is amended by inserting after subsection (h) the following new subsection:

''(i) EXCESSIVE COMPENSATION.—

''(1) IN GENERAL.—No deduction shall be allowed under this chapter for any excessive compensation for any employee of the taxpayer.

''(2) EXCESSIVE COMPENSATION.—For purposes of this subsection, the term 'excessive compensation' means, with respect to any employee, the amount by which the compensation for services performed by such employee during the taxable year exceeds the amount which is equal to 100 times the amount of the average compensation for services performed by all employees of the taxpayer during the taxable year.

''(3) OTHER DEFINITIONS AND SPECIAL RULES.—

''(A) COMPENSATION.—

''(i) IN GENERAL.—For purposes of this subsection, the term 'compensation' includes wages, salary, fees, commissions, fringe benefits, deferred compensation, retirement contributions, options, bonuses, property, and any other form of remuneration that the Secretary determines is appropriate.

''(ii) PART-TIME AND PART-YEAR EMPLOYEES.—In the case of any employee which is a part-time employee of the taxpayer or which is not employed by the taxpayer for a full taxable year, the compensation of such employee shall be calculated for purposes of this subparagraph on an annualized basis.

''(B) EMPLOYER.—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single taxpayer for purposes of this subsection.

''(4) REPORTING.—Each employer that provides any excessive compensation to any employee during a taxable year shall file a report with the Secretary with respect to such taxable year including—

''(A) the amount of compensation of the employee of the taxpayer receiving the lowest amount of compensation during such taxable year,

''(B) the amount of compensation of the employee of the taxpayer receiving the highest amount of compensation during such taxable year,

''(C) the average compensation of all employees of the taxpayer during such taxable year,

''(D) the number of employees of the taxpayer who are receiving compensation that is more than 100 times the average compensation of all employees of the taxpayer during such taxable year, and

''(E) the amounts of compensation of the employees described in subparagraph (D) during such taxable year.

Such report shall be filed at such time and in such manner as the Secretary may require.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mrs. SHAHEEN (for herself, Mr. GREGG, and Mr. KOHL):

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; to the Committee on Armed Services.

Mrs. SHAHEEN. Mr. President, I rise today to introduce the Military Retirement Pay Fairness Act of 2009. I want to thank my colleague, Senator GREGG, for cosponsoring this important legislation.

The Military Retirement Pay Fairness Act addresses a critical issue that impacts our nation's veterans. Certain service members who receive special separation pay must have that benefit recouped if they later re-enlist and become eligible for a pension. Under current law, the Department of Defense, DOD, is bound by a statutory formula for recouping that benefit and cannot change the amount it recoups each month, even if it results in severe financial hardship for our nation's veterans. In fact, many veterans are currently in dire financial straits because of this unnecessarily harsh formula. This legislation will fix the formula and provide these veterans with much needed financial relief.

I would like to talk about one particular veteran who brought this issue to my attention. Sgt. Wayne Merritt of Dover, New Hampshire served in the Air Force for nearly 14 years until the end of the Cold War, when the Defense Department began to draw down its forces. At DOD's encouragement, Mr. Merritt took a one-time Special Separation Benefit, and then started working in the private sector.

But in 1996, Sgt. Merritt decided to serve his country once again, joining the New Hampshire Air National Guard. When Sgt. Merritt retired in 2006, he became eligible for a pension that provided him and his family with enough to help pay the bills, especially his monthly mortgage payments.

However, just a couple of months ago, Sgt. Merritt had his life turned upside down when he got a letter in the mail from the Defense Department. The letter said that, within a few weeks, DOD would begin recouping his separation benefit by withholding more than half of his pension each month until the full amount is paid back.

Sgt. Merritt was shocked. He planned his family budget around a pension payment he had been receiving each month for nearly 2 years, only to get a letter saying that, in a few weeks, it would be reduced by more than half. Sgt. Merritt suddenly found himself in a position where he couldn't make ends meet and make his mortgage payments. In fact, he was so concerned that he contacted a real estate agent to talk about selling his home.

Sgt. Merritt contacted DOD, asking if there was anything that could be done to work out a manageable monthly payment plan. Sgt. Merritt did not ask for the amount to be forgiven, but simply asked DOD to be flexible and work out a payment plan that he could afford. DOD told him that there was nothing it could do to help, citing a statute that tied its hands.

On behalf of Sgt. Merritt, I contacted DOD and spoke to Undersecretary Robert Hale. He told me that DOD doesn't have a choice—it must recoup over half of his income because the formula in the statute dictates the rate. The result is that Sgt. Merritt, and over 1,000 veterans in similar situations across the country, face financial hardship as a result of an unfair rule. As each month goes by, DOD has to garnish over half of Sgt. Merritt's pension payments.

I do not believe that Congress intends to treat our Nation's veterans this way. That is why I am introducing legislation today that would provide a simple and straightforward solution. Instead of an unnecessarily harsh formula, our bill will provide DOD with the flexibility it needs to develop manageable monthly payment plans that do not impose undue financial hardship on service members. In addition, DOD would be required to consult with the service member to create a monthly payment plan, taking into account a veteran's financial situation when determining how much should be recouped each month. To make sure these payment plans are manageable, DOD would only be able to recoup, at the most, 25 percent of the veteran's monthly pension check until the benefit is repaid.

This legislation would also address other problems with pension recoupment.

It would provide service members with adequate notice of the recoupment so that they have time to prepare for the loss of income. Sgt. Merritt received his letter just weeks before DOD garnished over half of his pension pay. This legislation ensures that service members have at least 90 days notice before recoupment begins.

Finally, the legislation would also give the Secretary of Defense the flexibility to ensure that no veteran will be left destitute from this recoupment. We need to recognize that financial circumstances change over time. If recouping the benefit would cause a severe financial hardship, the Secretary of Defense should be able to waive that amount.

This legislation is critical. Each month, over 1,000 veterans face circumstances similar to Sgt. Merritt's. Undersecretary Robert Hale told me that while he sympathizes with these veterans, he has no legal recourse to change the amount it recoups every month. This legislation provides DOD with the flexibility it needs to ensure that we do not punish veterans who have made the courageous decision to serve their country again.

I'm glad that this effort has the support of DOD, as well as veterans organizations like the Veterans of Foreign Wars, VFW, and the Military Officers Association of America, MOAA.

I want to thank Senator GREGG for his support of this important, common sense legislation. I also want to thank my fellow New Hampshire delegation member, CAROL SHEA-PORTER, for introducing companion legislation in the House. I urge my colleagues to join me in addressing these important issues.

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. 1008

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Military Retired Pay Fairness Act of 2009''.

**SEC. 2. LIMITATIONS ON RECOUPMENT OF SEPARATION PAY, SPECIAL SEPARATION BENEFITS, AND VOLUNTARY SEPARATION INCENTIVE FROM MEMBERS SUBSEQUENTLY RECEIVING RETIRED OR RETAINER PAY.**

(a) SEPARATION PAY AND SPECIAL SEPARATION BENEFITS.—Section 1174(h)(1) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(1)'';

(2) in subparagraph (A), as so designated, by striking ''so much of such pay as is based on the service for which he received separation pay under this section or separation pay, severance pay, or readjustment pay under any other provision of law'' and inserting ''an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,''; and

(3) by adding at the end the following new subparagraphs:

''(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.

''(C) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

''(D) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member.''.

(b) VOLUNTARY SEPARATION INCENTIVE.—Section 1175(e)(3) of such title is amended—

(1) in subparagraph (A), by striking ''so much of such pay as is based on the service

for which he received the voluntary separation incentive'' and inserting ''an amount, in such schedule of monthly installments as the Secretary of Defense shall specify taking into account the financial ability of the member to pay and avoiding the imposition of undue financial hardship on the member and member's dependents,'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) The amount deducted under subparagraph (A) from a payment of retired or retainer pay may not exceed 25 percent of the amount of the member's retired or retainer pay for that month unless the member requests or consents to deductions at an accelerated rate. The Secretary concerned shall consult with the member regarding the repayment rate to be imposed, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member's dependents.''; and

(4) by adding at the end the following new subparagraphs:

''(D) The deduction of amounts from the retired or retainer pay of a member under this paragraph may not commence until the date that is 90 days after the date on which the Secretary concerned notifies the member of the deduction of such amounts under this paragraph. Any notice under this subparagraph shall be designed to provide clear and comprehensive information on the deduction of amounts under this paragraph, including information on the determination of the amount and period of installments under this paragraph.

''(E) The Secretary concerned may waive the deduction of amounts from the retired or retainer pay of a member under this paragraph if the Secretary determines that deduction of such amounts would result in a financial hardship for the member.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first month beginning on or after the date of the enactment of this Act and apply to deductions made from the retired or retainer pay of members of the uniformed services for that month and subsequent months.

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By Mr. AKAKA (for himself, Mr. COCHRAN, Mr. DODD, and Mr. DURBIN):

S. 1010. A bill to establish a National Foreign Language Coordinator Council; to the Committee on Health, Education, Labor, and Pensions.

Mr. AKAKA. Mr. President, I am pleased to reintroduce the National Foreign Language Coordination Act with my colleagues Senators COCHRAN, DODD, and DURBIN. Through sustained leadership and a coordinated plan of action, our bill aims to increase the number of individuals with foreign language skills and cultural understanding.

Globalization has made the world smaller and Americans must be better equipped, with language skills and cultural knowledge, not only to survive in it, but to prosper. Whether it is: competing on the world market to provide goods and services, cross cultural exchanges between educators and business people of different countries, or allied military or diplomatic operations to make the world more secure and peaceful, all of these efforts require communication to succeed.

It took the tragic events of 9–11 to bring attention to our shortage of foreign language speakers. Many of you know about the emergency call for linguists following the attacks. Unfortunately, this was not surprising. The fact that only 9.3 percent of all Americans speak both their native languages and another language fluently, compared with 56 percent of people in the European Union, is cause for alarm.

Our national security continues to be at risk without enough foreign language proficient individuals. Counterterrorism intelligence will go untranslated, or be so late as to lose its usefulness, if we do not have more foreign language experts. Foreign language skills are also vitally important to preserve the economic competitiveness of the U.S. Globalization forces some Americans to compete for jobs in a marketplace no longer limited by borders. According to the Committee for Economic Development, the lack of foreign language skills and international knowledge results in embarrassing and costly cultural blunders for companies. In fact, the Committee reports that American companies lose an estimated $2 billion a year due to inadequate cultural understanding.

Many of the Federal Government's efforts to address language needs in the U.S. over the past 40 years have come in reaction to international events. We do not have a proactive policy.

In 1958, the National Defense Education Act was passed in response to the Soviet Union's first space launch. We were determined to win the space race and make certain that the U.S. never came up short again in math, science, technology, or foreign languages. That act was a great success, but in the late 70s its foreign language programs merged into larger education reform measures and lost their prominence. The results are clear. In 1979, the President's Commission on Foreign Language and International Studies said that ''Americans' incompetence in foreign languages is nothing short of scandalous, and it is becoming worse.''

After 9–11, Congress and the administration once again took action to address language shortfalls, but I fear that these efforts will prove to be only a band-aid and not a complete cure to the Nation's recurring foreign language needs. Despite the administration's efforts to implement new programs and policies to address our language shortfalls, I fear that without sustained leadership and a coordinated effort among all Federal agencies, state and local governments, the private sector, and academia, we will remain where we are today: scrambling to find linguists after another major international event. We must be prepared to avoid another 9–11 type shortage.

Together we must commit to build and maintain language expertise and relationships with people from all across the world—whether or not the languages they speak are considered critical at the time—and to ensure that we have the infrastructure in place to prevent catastrophic events—or at least be prepared to respond to them. To this end, there needs to be one person in the Executive Branch who will lead the cross-agency efforts to better understand America's language needs for the next 5, 15, or 20 years, and to figure out how to address those needs. This leadership must be comprehensive, as no one sector—Government, industry, or academia—has all of the needs for language and cultural competency, or all of the solutions.

The Bush administration's National Security Language Initiative was a good first step at coordinating efforts among the Intelligence Directorate and the Departments of Defense, Education, and State to address our national security language needs. However, we must ensure that this effort will continue, bring in the advice of all Federal agencies and stakeholders, and address our economic security needs.

The legislation we introduce today would set us on the right course by implementing a key recommendation of the 2004 Department of Defense, DOD, National Language Conference and echoed by Department of Defense sponsored State language roadmap summits which is to establish a National Foreign Language Coordination Council, chaired by a National Language Advisor. An integrated foreign language strategy and sustained leadership within the Federal Government is needed to address the lack of foreign language proficient speakers in government, academia and the private sector. Just as I have advocated the need for deputy secretaries for management at the Departments of Defense and Homeland Security to direct and sustain management leadership, I envision a National Language Advisor to be responsible for maintaining and leading a cooperative effort to strengthen our foreign language capabilities. Without such a coordinated strategy in the world in which we live, I fear that the country's national and economic security will be at greater risk.

Specifically, our bill ensures that the key recommendations of the DOD National Language Conference be implemented by having strong leadership that will develop policies and programs that build the Nation's language and cultural understanding capability; engage Federal, State, and local agencies and the private sector in solutions; develop language skills in a wide range of critical languages; strengthen our education system, programs, and tools in foreign languages and cultures; and, integrate language training into career fields and increasing the number of language professionals.

To strengthen the role of the U.S. in the world, our country must ensure that there are sufficient numbers of individuals who are proficient in languages other than English. Increasing foreign language skills enhances national security and economic prosperity.

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. 1010

*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 Foreign Language Coordination Act of 2009''.

**SEC. 2. ESTABLISHMENT OF NATIONAL FOREIGN LANGUAGE COORDINATION COUNCIL.**

(a) ESTABLISHMENT.—There is established in the Executive Office of the President a National Foreign Language Coordination Council (in this Act referred to as the ''Council''), directed by a National Language Advisor (in this Act referred to as the ''Advisor'') appointed by the President.

(b) MEMBERSHIP.—The Council shall consist of the following members or their designees:

(1) The Advisor, who shall serve as the chairperson of the Council.

(2) The Secretary of Education.

(3) The Secretary of Defense.

(4) The Secretary of State.

(5) The Secretary of Homeland Security.

(6) The Attorney General.

(7) The Director of National Intelligence.

(8) The Secretary of Labor.

(9) The Secretary of Commerce.

(10) The Secretary of Health and Human Services.

(11) The Director of the Office of Personnel Management.

(12) The heads of such other Federal agencies as the Council considers appropriate.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Council shall be charged with—

(A) overseeing, coordinating, and implementing continuing national security and education language initiatives;

(B) not later than 18 months after the date of enactment of this Act, developing a national foreign language strategy, building upon efforts such as the National Security Language Initiative, the National Language Conference, the National Defense Language Roadmap, the Language Continuum of the Department of State, and others, in consultation with—

(i) State and local government agencies;

(ii) academic sector institutions;

(iii) foreign language related interest groups;

(iv) business associations, including industry;

(v) heritage associations; and

(vi) other relevant stakeholders;

(C) conducting a survey of the status of Federal agency foreign language and area expertise and agency needs for such expertise; and

(D) monitoring the implementation of such strategy through—

(i) application of current and recently enacted laws; and

(ii) the promulgation and enforcement of rules and regulations.

(2) STRATEGY CONTENT.—The strategy developed under paragraph (1) shall include—

(A) recommendations for amendments to title 5, United States Code, in order to improve the ability of the Federal Government to recruit and retain individuals with foreign language proficiency and provide foreign language training for Federal employees;

(B) the long term goals, anticipated effect, and needs of national security language initiatives;

(C) identification of crucial priorities across all sectors;

(D) identification and evaluation of Federal foreign language programs and activities, including—

(i) any duplicative or overlapping programs that may impede efficiency;

(ii) recommendations on coordination;

(iii) program enhancements; and

(iv) allocation of resources so as to maximize use of resources;

(E) needed national policies and corresponding legislative and regulatory actions in support of, and allocation of designated resources to, promising programs and initiatives at all levels (Federal, State, and local), especially in the less commonly taught languages that are seen as critical for national security and global competitiveness during the next 20 to 50 years;

(F) effective ways to increase public awareness of the need for foreign language skills and career paths in all sectors that can employ those skills, with the objective of increasing support for foreign language study among—

(i) Federal, State, and local leaders;

(ii) students;

(iii) parents;

(iv) elementary, secondary, and postsecondary educational institutions; and

(v) employers;

(G) recommendations for incentives for related educational programs, including foreign language teacher training;

(H) coordination of cross-sector efforts, including public-private partnerships;

(I) coordination initiatives to develop a strategic posture for language research and recommendations for funding for applied foreign language research into issues of national concern;

(J) identification of and means for replicating best practices at all levels and in all sectors, including best practices from the international community; and

(K) recommendations for overcoming barriers in foreign language proficiency.

(d) SUBMISSION OF STRATEGY TO PRESIDENT AND CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Council shall prepare and submit to the President and the relevant committees of Congress the strategy required under subsection (c).

(e) MEETINGS.—The Council may hold such meetings, and sit and act at such times and places, as the Council considers appropriate, but shall meet in formal session not less than 2 times a year. State and local government agencies and other organizations (such as academic sector institutions, foreign language-related interest groups, business associations, industry, and heritage community organizations) shall be invited, as appropriate, to public meetings of the Council at least once a year.

(f) STAFF.—

(1) IN GENERAL.—The Advisor may—

(A) appoint, without regard to the provisions of title 5, United States Code, governing the competitive service, such personnel as the Advisor considers necessary; and

(B) compensate such personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Council, any Federal Government employee may be detailed to the Council without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) EXPERTS AND CONSULTANTS.—With the approval of the Council, the Advisor may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) TRAVEL EXPENSES.—Council members and staff shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council.

(5) SECURITY CLEARANCE.—

(A) IN GENERAL.—Subject to subparagraph (B), the appropriate Federal agencies or departments shall cooperate with the Council in expeditiously providing to the Council members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements.

(B) EXCEPTION.—No person shall be provided with access to classified information under this section without the appropriate required security clearance access.

(6) COMPENSATION.—The rate of pay for any employee of the Council (including the Advisor) may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(g) POWERS.—

(1) DELEGATION.—Any member or employee of the Council may, if authorized by the Council, take any action that the Council is authorized to take in this Act.

(2) INFORMATION.—

(A) COUNCIL AUTHORITY TO SECURE.—The Council may secure directly from any Federal agency such information, consistent with Federal privacy laws, including The Family Educational Rights and Privacy Act (20 U.S.C. 1232g) and Department of Education's General Education Provisions Act (20 U.S.C. 1232(h)), the Council considers necessary to carry out its responsibilities.

(B) REQUIREMENT TO FURNISH REQUESTED INFORMATION.—Upon request of the Advisor, the head of such agency shall furnish such information to the Council.

(3) DONATIONS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(4) MAIL.—The Council may use the United States mail in the same manner and under the same conditions as other Federal agencies.

(h) CONFERENCES, NEWSLETTER, AND WEBSITE.—In carrying out this Act, the Council—

(1) may arrange Federal, regional, State, and local conferences for the purpose of developing and coordinating effective programs and activities to improve foreign language education;

(2) may publish a newsletter concerning Federal, State, and local programs that are effectively meeting the foreign language needs of the nation; and

(3) shall create and maintain a website containing information on the Council and its activities, best practices on language education, and other relevant information.

(i) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Council shall prepare and transmit to the President and the relevant committees of Congress a report that describes—

(1) the activities of the Council;

(2) the efforts of the Council to improve foreign language education and training; and

(3) impediments to the use of a National Foreign Language program, including any statutory and regulatory restrictions.

(j) ESTABLISHMENT OF A NATIONAL LANGUAGE ADVISOR.—

(1) IN GENERAL.—The National Language Advisor appointed by the President shall be a nationally recognized individual with credentials and abilities across the sectors to be involved with creating and implementing long-term solutions to achieving national foreign language and cultural competency.

(2) RESPONSIBILITIES.—The Advisor shall—

(A) develop and monitor the implementation of a national foreign language strategy, built upon the efforts of the National Security Language Initiative, across all sectors;

(B) establish formal relationships among the major stakeholders in meeting the needs of the Nation for improved capabilities in foreign languages and cultural understanding, including Federal, State, and local government agencies, academia, industry, labor, and heritage communities; and

(C) coordinate and lead a public information campaign that raises awareness of public and private sector careers requiring foreign language skills and cultural understanding, with the objective of increasing interest in and support for the study of foreign languages among national leaders, the business community, local officials, parents, and individuals.

(k) ENCOURAGEMENT OF STATE INVOLVEMENT.—

(1) STATE CONTACT PERSONS.—The Council shall consult with each State to provide for the designation by each State of an individual to serve as a State contact person for the purpose of receiving and disseminating information and communications received from the Council.

(2) STATE INTERAGENCY COUNCILS AND LEAD AGENCIES.—Each State is encouraged to establish a State interagency council on foreign language coordination or designate a lead agency for the State for the purpose of assuming primary responsibility for coordinating and interacting with the Council and State and local government agencies as necessary.

(l) CONGRESSIONAL NOTIFICATION.—The Council shall provide to Congress such information as may be requested by Congress, through reports, briefings, and other appropriate means.

(m) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this Act.

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By Mr. REID (for Mr. ROCKEFELLER (for himself, Mr. BYRD, Mr. BAYH, Mr. BEGICH, Mr. NELSON, of Nebraska, Mr. WHITEHOUSE, and Mr. LEVIN)):

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; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce the Mother's Day Centennial Coin Commemorative Coin Act. I am proud to have the senior Senator from West Virginia, Senator BYRD, as an original cosponsor given that this is a special event for our state. We are joined by Senators BAYH, BEGICH, BEN NELSON, WHITEHOUSE and LEVIN.

In 1908, a West Virginian woman by the name of Anna Jarvis petitioned her local church to declare May 9th as Mother's Day. Within 6 years, the holiday became nationally recognized. Now, more than 100 years after that first Mother's Day, we have the opportunity to commemorate the centennial of this great holiday and further recognize the millions of American mothers whose essential role in life cannot be overstated.

The legislation I am introducing today would recognize the centennial of Mother's Day by authorizing the Treasury to mint commemorative Mother's Day coins. Profits generated from the sale of the coins would be donated to Susan G. Komen for the Cure and The National Osteoporosis Foundation. Susan G. Komen for the Cure has raised more than $1 billion for breast cancer research since 1982, and the National Osteoporosis Foundation is considered our Nation's leading voluntary health organization. Thousands of women have benefited from the efforts of these organizations and they are well deserving of our support.

These coins will not only raise awareness of the proud history of Mother's Day, but will help improve the health of thousands of our Nation's mothers. Therefore, I encourage my colleagues to reflect upon their relationships with the mothers in their lives, and join me in supporting this legislation to recognize the past century's worth of noble women and help ensure the health of those to come in the next century.

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 136—A BILL EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH THE COUNTRY OF GEORGIA

Mr. KERRY (for himself and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 136

Whereas Georgia has been developing its democratic and market-economy institutions for over a decade;

Whereas the pace of democratic and economic reforms has accelerated dramatically since the Rose Revolution of 2003;

Whereas the democratically-elected government of Georgia has worked aggressively to combat corruption and increase transparency and accountability in government institutions, and should continue to do so;

Whereas Georgia has implemented a number of economic reforms, particularly in its tax and regulatory regimes;

Whereas such reforms were designed to encourage entrepreneurship and small business development;

Whereas Georgia's economic reforms have spurred strong economic growth and foreign direct investment;

Whereas the August conflict with Russia nearly halted Georgia's economic growth, depleted public resources, drove up unemployment, and left a severe humanitarian crisis in its wake;

Whereas the global financial crisis has further hindered growth and investment in Georgia;

Whereas strong economic growth and investment would provide the necessary resources for Georgia to recover quickly from the devastation of the August conflict, as well as to further strengthen democratic institutions and solidify public support for democratic governance;

Whereas a vibrant, stable democracy in the Caucasus region is in the interest of the United States;

Whereas Georgia's position along energy transit routes is of strategic importance to the United States;

Whereas Georgia has aggressively sought integration into Euro-Atlantic institutions;

Whereas closer engagement with Georgia through trade negotiations would encourage even greater reform in Georgia and build its capacity to further modernize and liberalize its economy;

Whereas Georgia is a member of the World Trade Organization; and

Whereas pursuant to an agreement between Congress and the Bush Administration reached on May 10, 2007, the United States is committed to assisting its trading partners in efforts to improve standards of environmental and labor protections: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that the United States should initiate negotiations to enter into a free trade agreement with Georgia.

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### SENATE RESOLUTION 137—RECOGNIZING AND COMMENDING THE PEOPLE OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK ON THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE PARK

Mr. ALEXANDER (for himself, Mr. BURR, Mr. CORKER, and Mrs. HAGAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 137

Whereas, in the 1920s, groups of citizens and officials in Western North Carolina and Eastern Tennessee displayed enormous foresight in recognizing the potential benefits of a national park in the Southern Appalachian Mountains;

Whereas the location of the park that became the Great Smoky Mountains National Park was selected from among the finest examples of the most scenic and intact mountain forests in the Southeastern United States;

Whereas the creation of the Great Smoky Mountains National Park was the product of more than 2 decades of determined effort by leaders of communities across Western North Carolina and Eastern Tennessee;

Whereas the State legislatures and Governors of North Carolina and Tennessee exercised great vision in appropriating the funding that was used, along with funding from the Laura Spelman Rockefeller Memorial Fund, to purchase more than 400,000 acres of private land that became part of the Great Smoky Mountains National Park;

Whereas the citizens of communities surrounding the Great Smoky Mountains National Park generously contributed funding for land acquisition to bring the Great Smoky Mountains National Park into being;

Whereas more than 1,100 families and other property owners were called upon to sacrifice their farms and homes for the benefit and enjoyment of future generations that would visit the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park was established as a completed park by the Act entitled ''An Act to establish a minimum area for the Great Smoky Mountains National Park, and for other purposes'', approved June 15, 1934 (16 U.S.C. 403g);

Whereas the Great Smoky Mountains National Park covers approximately 521,621 acres of land in the States of Tennessee and North Carolina, making it the largest protected area in the Eastern United States;

Whereas the Great Smoky Mountains National Park provides sanctuary for the most diverse flora and fauna of any national park in the temperate United States, and preserves an unparalleled collection of historic structures as a ''time capsule'' of Appalachian culture during the 19th and early 20th centuries;

Whereas, on September 2, 1940, President Franklin D. Roosevelt dedicated the Great Smoky Mountains National Park;

Whereas the Great Smoky Mountains National Park has been the most popular national park in the United States since it opened, and attracts between 9,000,000 and 10,000,000 visitors each year, making it the most visited of the 58 national parks in the United States; and

Whereas visitors to the Great Smoky Mountains National Park contribute more than $700,000,000 to the local economy each year, resulting in more than 14,000 jobs in North Carolina and Tennessee: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the citizens of Western North Carolina and Eastern Tennessee for their vision and sacrifice;

(2) commends the people of the Great Smoky Mountains National Park and the National Park Service for 75 years of successful management and preservation of the park land;

(3) congratulates the people of the Great Smoky Mountains National Park on the 75th anniversary of the park; and

(4) requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the headquarters of the Great Smoky Mountains National Park.

## SENATE RESOLUTION 138—HONORING CONCERNS OF POLICE SURVIVORS FOR 25 YEARS OF SERVICE TO FAMILY MEMBERS OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY

Ms. MURKOWSKI (for herself, Mr. DURBIN, Mrs. MURRAY, Mr. BEGICH, Ms. MIKULSKI, Mr. TESTER, Mr. RISCH, Mrs. FEINSTEIN, Mr. DODD, and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the Unites States are made aware of the good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 1057. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes.

## TEXT OF AMENDMENTS

**SA 1057.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, and for other purposes; as follows:

At the end of title II, add the following:

**SEC. 207. PLAN FOR ELIMINATION OF WEAKNESSES IN OPERATIONS THAT HINDER CAPACITY TO ASSEMBLE AND ASSESS RELIABLE COST INFORMATION ON ACQUIRED ASSETS UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Management Officer of the Department of Defense shall submit to Congress a report setting forth a plan to identify and address weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under major defense acquisition programs.

(b) ELEMENTS.—The report required under subsection (a) shall include the following:

(1) Mechanisms to identify any weaknesses in operations under major defense acquisition programs that hinder the capacity to assemble and assess reliable cost information on the systems and assets to be acquired under such programs in accordance with applicable accounting standards.

(2) Mechanisms to address weaknesses in operations under major defense acquisition programs identified pursuant to the utilization of the mechanisms set forth under paragraph (1).

(3) A description of the proposed implementation of the mechanisms set forth pursuant to paragraph (2) to address the weaknesses described in that paragraph, including—

(A) the actions to be taken to implement such mechanisms;

(B) a schedule for carrying out such mechanisms; and

(C) metrics for assessing the progress made in carrying out such mechanisms.

(4) A description of the organization and resources required to carry out mechanisms set forth pursuant to paragraphs (1) and (2).

(5) In the case of the financial management practices of each military department applicable to major defense acquisition programs—

(A) a description of any weaknesses in such practices; and

(B) a description of the actions to be taken to remedy such weaknesses.

(c) CONSULTATION.—

(1) IN GENERAL.—In preparing the report required by subsection (a), the Chief Management Officer of the Department of Defense shall seek and consider input from each of the following:

(A) The Chief Management Officer of the Department of the Army.

(B) The Chief Management Officer of the Department of the Navy.

(C) The Chief Management Officer of the Department of the Air Force.

(2) FINANCIAL MANAGEMENT PRACTICES.—In preparing for the report required by subsection (a) the matters covered by subsection (b)(5) with respect to a particular military department, the Chief Management Officer of the Department of Defense shall consult specifically with the Chief Management Officer of the military department concerned.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, May 7, 2009 at 10:30 a.m. in room 106 of the Dirksen Senate office building.

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

COMMITTEE ON ARMED SERVICES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 9:30 a.m.

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

COMMITTEE ON BANKING HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on May 7, 2009 at 2:30 p.m., to conduct a hearing entitled ''Strengthening the S.E.C.'s Vital Enforcement Responsibilities.''

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. FEINGOLD. Mr. President, I would like to ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room SD–366 of the Dirksen Senate Office Building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, May 7, 2009, to conduct a business meeting.

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

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Auctioning under Cap and Trade: Design, Participation and Distribution of Revenues''.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009, to conduct a hearing. The hearing will commence at 10 a.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate on May 7, 2009. The hearing will commence at 2 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 2:15 p.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, May 7, 2009, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON ENERGY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on Thursday, May 7, 2009, at 2:30 p.m., in room 366 of the Dirksen Senate Office Building.

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

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Thursday, May 7, 2009, at 2:30 p.m. to conduct a hearing entitled, ''Uncle Sam Wants You!: Recruitment in the Federal Government.''

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

## URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 57, S. Res. 84.

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

The legislative clerk read as follows:

A resolution (S. Res. 84) urging the Government of Canada to end the commercial seal hunt.

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

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 any statements be printed in the RECORD.

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

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 84

Whereas the Government of Canada permits an annual commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas, in recent years, the Minister of Fisheries and Oceans of Canada has authorized historically high quotas for harp seals;

Whereas more than 1,000,000 seals have been killed during the past 4 years;

Whereas harp seal pups can legally be hunted in Canada as soon as they have begun to molt their white coats, at approximately 12 days of age;

Whereas 97 percent of the seals killed are pups between just 12 days and 12 weeks of age;

Whereas, in 2007, an international panel of experts in veterinary medicine and zoology was invited by the Humane Society of the United States to observe the commercial seal slaughter in Canada;

Whereas the report by the panel noted that sealers failed to comply with sealing regulations in Canada and that officials of the Government of Canada failed to enforce such regulations;

Whereas the report also concluded that the killing methods permitted during the commercial seal hunt in Canada are inherently inhumane and should be prohibited;

Whereas many seals are shot in the course of the hunt and escape beneath the ice where they die slowly and are never recovered;

Whereas such seals are not properly counted in official kill statistics, increasing the likelihood that the actual kill level is far higher than the level that is reported;

Whereas the few thousand fishermen who participate in the commercial seal hunt in Canada earn, on average, only a tiny fraction of their annual income from killing seals;

Whereas members of the fishing and sealing industries in Canada continue to justify the seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas the consensus in the international scientific community is that culling seals will not assist in the recovery of fish stocks and that seals are a vital part of the fragile marine ecosystem of the Northwest Atlantic;

Whereas polling consistently shows that the overwhelming majority of people in Canada oppose the commercial seal hunt;

Whereas the vast majority of seal products are exported from Canada, and the sealing industry relies on international markets for its products;

Whereas 10 countries have prohibited trade in seal products in recent years, and the European Union is now considering a prohibition on trade in seal products; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

*Resolved*, That the Senate—

(1) urges the Government of Canada to prohibit the commercial hunting of seals; and

(2) strongly supports an unconditional prohibition by the European Union on trade in seal products.

## NATIONAL TRAIN DAY

Mr. REID. Madam President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 125.

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

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 125) in support and recognition of National Train Day, May 9, 2009.

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

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 en bloc, and any statements be printed in the RECORD.

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

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas, in May 1869, the ''golden spike'' was driven into the final tie at Promontory Summit, Utah to join the Central Pacific and the Union Pacific Railroads, ceremonially completing the first transcontinental railroad and therefore connecting both coasts of the United States;

Whereas, Amtrak trains and infrastructure carry commuters to and from work in congested metropolitan areas providing a reliable rail option and reducing congestion on roads and in the skies;

Whereas, for many rural Americans, Amtrak represents the only major intercity transportation link to the rest of the country;

Whereas, passenger trains provide a more fuel-efficient transportation system thereby providing cleaner transportation alternatives and energy security;

Whereas, intercity passenger rail was 18 percent more energy efficient than airplanes and 25 percent more energy efficient than automobiles on a per-passenger-mile basis in 2006;

Whereas, Amtrak annually provides intercity passenger rail travel to over 28 million Americans residing in 46 states;

Whereas, an increasing number of people are using trains for travel purposes beyond commuting to and from work; and

Whereas, community railroad stations are a source of civic pride, a gateway to over 500 of our Nation's communities, and a tool for economic growth: Now, therefore, be it

*Resolved*, That the Senate supports the goals and ideals of National Train Day, as designated by Amtrak.

## HONORING CONCERNS OF POLICE SURVIVORS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 138 submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 138) honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty.

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

Mr. LEAHY. Madam President, I am honored once again to submit this resolution to the Senate commemorating our Nation's law enforcement officers and National Peace Officers Memorial Day. The Senate's official recognition of National Peace Officers Memorial Day and Police Week is a tradition I am proud to carry out each year, and I look forward to the Senate taking up and passing this resolution.

In 2008, 133 law enforcement officers died while serving in the line of duty. We honor their memory. Though this is a decrease from 2007, it is no less tragic a loss to our Federal and state law enforcement community and to their families and friends. The fact that we commemorate the loss and bravery of so many in law enforcement each year should remove any doubts in Congress that it is necessary to give our peace officers everything they need to stay safe and to do their jobs as effectively as they can.

Currently, more than 900,000 men and women work tirelessly to protect our communities, our schools, and our children. They investigate and apprehend the most violent criminals and do more than we know in keeping our communities safe and secure. Since the first recorded police death in 1792, the names of 18,274 law enforcement officers who have made the ultimate sacrifice have been added to the National Law Enforcement Officers Memorial.

I also take this opportunity to recognize that the names of 387 fallen officers will be added to the National Law Enforcement Officers Memorial on May 13 during a candlelight vigil that will be held in their honor. These are officers from the past and present whose memory will be preserved for all time at the memorial, ensuring that their bravery and sacrifice will not be forgotten.

National Peace Officers Memorial Day provides the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, with the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by those members of our police forces. More than 20,000 peace officers are expected to gather in Washington in the days leading up to May 15, to join with the families of their fallen comrades. It is right that the Senate show its respect on this occasion, and I am proud to honor their service and their memory. I urge all Senators to join me in approving this resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The resolution (S. Res. 138) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 138

Whereas May 14, 2009, marks the 25th anniversary of the founding of Concerns of Police Survivors;

Whereas, for 25 years, Concerns of Police Survivors has answered one of the highest and most noble calls to service by providing compassionate care and support to family members of law enforcement officers killed in the line of duty;

Whereas, for 25 years, Concerns of Police Survivors has been a bedrock of strength for those family members in helping them rebuild their shattered lives;

Whereas, for 25 years, Concerns of Police Survivors has showed the highest amount of concern and respect for the tens of thousands of family members of law enforcement officers killed in the line of duty;

Whereas those family members bear the most immediate and profound burden of the absences of their loved ones;

Whereas Concerns of Police Survivors facilitates healing and provides love and renewed life to those family members far from the eye of the media and the general public;

Whereas it is essential that the people of the Unites States are made aware of the good works of Concerns of Police Survivors and recognize the contributions of Concerns of Police Survivors to so many families; and

Whereas National Police Week, observed in 2009 from May 10 to May 16, is the most appropriate time to honor Concerns of Police Survivors: Now, therefore, be it

*Resolved*, That the Senate—

(1) honors Concerns of Police Survivors for 25 years of service to the family members of law enforcement officers killed in the line of duty across the United States;

(2) recognizes and thanks Concerns of Police Survivors for assisting in rebuilding the shattered lives of those family members through the organization's invaluable programs;

(3) urges the people of the United States to join with the Senate in thanking Concerns of Police Survivors on behalf of the Nation; and

(4) recognizes with great appreciation the sacrifices made by the families of law enforcement officers killed in the line of duty in providing essential support to one another.

## APPOINTMENT

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the appointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress.

## ORDERS FOR MONDAY, MAY 11, 2009

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 2 p.m., Monday, May 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each; that following morning business, the Senate proceed to the consideration of H.R. 627, as previously ordered.

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

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 1010 to and including 128, and all nominations on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy; that all the nominations be confirmed en bloc, and the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Michael Nacht, of California, to be an Assistant Secretary of Defense.

Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense.

Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Michael W. Miller

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Marc E. Rogers

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Thomas J. Owen

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Robert R. Allardice

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. Frank G. Klotz

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General Thomas K. Andersen
Brigadier General Salvatore A. Angelella
Brigadier General Gregory A. Biscone
Brigadier General Andrew E. Busch
Brigadier General Timothy A. Byers
Brigadier General Susan Y. Desjardins
Brigadier General Judith A. Fedder
Brigadier General Eric E. Fiel
Brigadier General Craig A. Franklin
Brigadier General David L. Goldfein
Brigadier General Blair E. Hansen
Brigadier General Susan J. Helms
Brigadier General Mary K. Hertog
Brigadier General John W. Hesterman, III
Brigadier General Darrell D. Jones
Brigadier General Jan Marc Jouas
Brigadier General Robert C. Kane
Brigadier General James M. Kowalski
Brigadier General Stanley T. Kresge
Brigadier General Susan K. Mashiko
Brigadier General Michael R. Moeller
Brigadier General Clyde D. Moore, II
Brigadier General Douglas H. Owens
Brigadier General James O. Poss
Brigadier General Mark F. Ramsay
Brigadier General Robin Rand
Brigadier General Joseph Reynes, Jr.
Brigadier General Suzanne M. Vautrinot
Brigadier General Lawrence L. Wells
Brigadier General Janet C. Wolfenbarger

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Larry O. Spencer

IN THE NAVY

The following named officer for appointment as Vice Chief of Naval Operations, United States Navy and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5035:

*To be admiral*

Adm. Jonathan W. Greenert

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Adm. Patrick M. Walsh

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be admiral*

Vice Adm. John C. Harvey, Jr.

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. Samuel J. Locklear, III

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*

Rear Adm. Richard W. Hunt

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*

Rear Adm. Mark D. Harnitchek

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral (lower half)*

Capt. Mark L. Tidd

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brigadier General George J. Allen
Brigadier General Raymond C. Fox
Brigadier General Charles M. Gurganus
Brigadier General David R. Heinz
Brigadier General Steven A. Hummer
Brigadier General David G. Reist
Brigadier General John A. Toolan, Jr.
Brigadier General John E. Wissler

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Colonel John J. Broadmeadow
Colonel John W. Bullard, Jr.
Colonel Steven W. Busby
Colonel Herman S. Clardy, III
Colonel Lewis A. Craparotta
Colonel Robert F. Hedelund
Colonel Frederick M. Padilla
Colonel Michael A. Rocco
Colonel Richard L. Simcock, II
Colonel Vincent R. Stewart

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN157 AIR FORCE nominations (18) beginning MICHAEL F. ADAMES, and ending KATHRYN D. VANDERLINDEN, which nominations were received by the Senate and appeared in the Congressional Record of March 10, 2009.

PN236 AIR FORCE nominations (4) beginning PAUL L. CANNON, and ending CHERRI S. WHEELER, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN237 AIR FORCE nominations (64) beginning RICHARD EDWARD ALFORD, and ending RICHARD D. YOUNTS, which nominations were received by the Senate and appeared in the Congressional Record of March 25, 2009.

PN335 AIR FORCE nomination of George E. Loughran, was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN336 AIR FORCE nomination of Raymond B. Abarca, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN337 AIR FORCE nomination of Ian C. B. Diaz, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN338 AIR FORCE nominations (3) beginning WILLIAM T. HOUSTON, and ending DAVID L. WELLS II, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE ARMY

PN339 ARMY nomination of Elizabeth M. Sherr, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN340 ARMY nomination of Erin T. Doyle, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN341 ARMY nomination of Scott A. Bier, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN342 ARMY nomination of Robert G. Young, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN343 ARMY nominations (3) beginning GEORGE R. BERRY, and ending PERRY W. SARVER JR., which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN344 ARMY nominations (9) beginning MICHAEL G. AMUNDSON, and ending PAUL THORN, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN345 ARMY nominations (79) beginning BUSTER D. AKERS JR., and ending MICHAEL T. ZELL, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE MARINE CORPS

PN346 MARINE CORPS nominations (2) beginning JOHN W. HAHN IV, and ending STEPHANIE L. MALMANGER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

IN THE NAVY

PN347 NAVY nomination of Michael T. Echols, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN348 NAVY nomination of Gregory J. Hazlett, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN349 NAVY nomination of Brian J. Ellis Jr., which was received by the Senate and

appeared in the Congressional Record of April 21, 2009.

PN350 NAVY nomination of Jesus S. Moreno, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN351 NAVY nomination of Colleen L. Jackson, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN352 NAVY nomination of Gregory P. Mitchell, which was received by the Senate and appeared in the Congressional Record of April 21, 2009.

PN353 NAVY nominations (40) beginning JONATHAN V. AHLSTROM, and ending JOEL E. YODER, which nominations were received by the Senate and appeared in the Congressional Record of April 21, 2009.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

## PROGRAM

Mr. REID. Madam President, there will be no rollcall votes on Monday. The next vote is expected to occur on Tuesday, May 12. The managers of the bill on credit cards will be here Monday afternoon to start the opening statements on this matter. Anybody who wishes to speak on the credit card legislation would be advised to come and do that sometime Monday night.

As we get into the legislation itself, the time for opening statements may not be appropriate or timely. So I hope some will consider doing that on Monday to get it out of the way.

## ORDER TO ADJOURN

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate adjourn under the previous order following the remarks of the distinguished Republican leader.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

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

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

## TRIBUTE TO JACK KEMP

Mr. McCONNELL. Madam President, the Nation says its last farewell to Jack Kemp tomorrow afternoon. But Americans will long remember the tremendous impact he has had on our lives and on our politics. So today I would like to add my voice to the many others who have spoken well of this good man.

The arc of Jack's life is well known: middle-class son of a small businessman and his social worker wife. Jack never wanted to be anything but a professional football player, and he worked very hard at it. Good enough to get drafted by the Lions but not quite good enough to make the team, Jack dug in, passing briefly through a few football teams before being sidelined by an injury and ending up with the Buffalo Bills, where he became one of the great quarterbacks of all time. Jack showed his skills early on with the Bills. In his very first game, he completed 21 of 35 passes, including 2 touchdowns for 230 yards. By the time he retired in 1969, he would rank first in passes, completions, and passing yardage among all American Football League quarterbacks.

But Jack's restless mind was stirring even before he left the field. Teammates would later recall that on long plane rides, while they would be reading playbooks, Jack would be reading economic theory or the latest ''National Review.'' During the off season, Jack volunteered on political campaigns, including the gubernatorial campaign of Ronald Reagan. It was all the training he would need.

After retiring from pro football, his path to politics was as sure as his 10-yard pass. And so was his path to success. Armed with a kinetic personality, a sharp mind, and a passion for ideas and for people, Jack set about with the zeal of a preacher to spread his convictions about the economic benefits of sharp tax cuts. He was so convincing that tax cuts became the centerpiece of his party's platform in 1980, the basis of its revival and, most importantly, the cause of the unprecedented prosperity of the next two decades.

Growing up, Jack was the captain of every team for which he ever played. That didn't change when he came to Washington. He was calling the plays here now, and people were eager to follow. He was as likable as he was persuasive, all the more so because he didn't seek out popularity.

He was always driven by something else. At his core, Jack was motivated by nothing more than a deep desire to see America live up to its founding promise of equality for everyone, regardless of color, religion, or background. The fight for equality was Jack's consuming passion.

Like everyone who grew up playing sports, he knew firsthand that winning ball games had nothing to do with color. But as a quarterback, he appreciated this more than most. The crowds may have cheered for Jack, but he knew that every time he threw a pass or ran for a touchdown, an offensive line stood guard, many of them African American. These were his teammates, his friends, and he witnessed the discrimination they encountered many times. But there was one moment from those days that always lived in Jack's memory. It was in 1960. Jack was playing for the Chargers at the time. They were in Houston for the AFL Championship, and during the playing of the ''National Anthem,'' Jack looked over toward his father at the 50-yard line. The father of his co-captain, Charlie McNeil, was not there. He later found out that Mr. McNeil had been forced to sit in a section of the end zone that was roped off for Blacks. It was one of many terrible indignities that would make Jack a restless promoter of equality throughout his life.

A self-described bleeding heart conservative, Jack's childlike love for America and all it promised was evident until the end. In a letter to his grandchildren just this past November, Jack said his first thought upon learning that an African American had won the Presidency was: ''Is this a great country or not?'' ''Just think,'' he wrote, ''a little over 40 years ago, Blacks in America had trouble even voting in our country, much less thinking about running for the highest office in the land.''

Jack was not your average politician, but he was a necessary one, constantly challenging the establishment. He was a political entrepreneur, restless to get things done. Colleagues remember how Cabinet meetings were always livelier with Jack there—whether he was rolling his eyes in disagreement or squirming in his chair. No room ever seemed big enough to contain him. Sometimes when congressional leadership would meet over in the White House, Jack's former colleague and ours, Trent Lott, would have to kick him under the table to keep him from saying something he might regret later on. Convention just never suited him, and the Nation and our party was always a lot better because of it.

We will miss Jack's insistence, his passion, his energy, and we will miss seeing him, the broad smile, the snow-white hair, plowing into a crowd, bounding up on a stage, and hurling an imaginary football off into the distance.

Jack was a happy, raspy-voiced evangelist for the ideas that shaped a generation and revived a political party. He believed, rightly, that conservative ideas were universal—that if they applied to one group, they applied to all groups. And he rolled up his sleeves to prove it, whether as a candidate for Vice President, a Cabinet Secretary spending a night in a Philadelphia housing project, or in these last years as an advocate for many of the causes he believed in, a speaker, a wise party elder and, above all, a devoted husband to his beloved Joanne, father, and grandfather.

It is hard to imagine someone of Jack's energy and enthusiasm succumbing to anything; he was always so full of life, the vital center of every room he entered and every debate. We will miss his passion. We are all grateful for his goodness. And as we say our final goodbye to Jack French Kemp, we are consoled by the thought that after a painful illness, he has broken away now like a wide receiver from the pack, into the welcoming embrace of a loving God.

## ADJOURNMENT UNTIL MONDAY, MAY 11, 2009, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 2 p.m., Monday, May 11.

Thereupon, the Senate, at 5:24 p.m., adjourned until Monday, May 11, 2009, at 2 p.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate, Thursday, May 7, 2009:

### DEPARTMENT OF DEFENSE

MICHAEL NACHT, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

ELIZABETH LEE KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

WALLACE C. GREGSON, OF COLORADO, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. MICHAEL W. MILLER

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

*To be lieutenant general*

MAJ. GEN. MARC E. ROGERS

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

*To be lieutenant general*

MAJ. GEN. THOMAS J. OWEN

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

*To be lieutenant general*

MAJ. GEN. ROBERT R. ALLARDICE

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. FRANK G. KLOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL THOMAS K. ANDERSEN
BRIGADIER GENERAL SALVATORE A. ANGELELLA
BRIGADIER GENERAL GREGORY A. BISCONE
BRIGADIER GENERAL ANDREW E. BUSCH
BRIGADIER GENERAL TIMOTHY A. BYERS
BRIGADIER GENERAL SUSAN Y. DESJARDINS
BRIGADIER GENERAL JUDITH A. FEDDER
BRIGADIER GENERAL ERIC E. FIEL
BRIGADIER GENERAL CRAIG A. FRANKLIN
BRIGADIER GENERAL DAVID L. GOLDFEIN
BRIGADIER GENERAL BLAIR E. HANSEN
BRIGADIER GENERAL SUSAN J. HELMS
BRIGADIER GENERAL MARY K. HERTOG
BRIGADIER GENERAL JOHN W. HESTERMAN III
BRIGADIER GENERAL DARRELL D. JONES
BRIGADIER GENERAL JAN MARC JOUAS
BRIGADIER GENERAL ROBERT C. KANE
BRIGADIER GENERAL JAMES M. KOWALSKI
BRIGADIER GENERAL STANLEY T. KRESGE
BRIGADIER GENERAL SUSAN K. MASHIKO
BRIGADIER GENERAL MICHAEL R. MOELLER
BRIGADIER GENERAL CLYDE D. MOORE II
BRIGADIER GENERAL DOUGLAS H. OWENS
BRIGADIER GENERAL JAMES O. POSS
BRIGADIER GENERAL MARK F. RAMSAY
BRIGADIER GENERAL ROBIN RAND
BRIGADIER GENERAL JOSEPH REYNES, JR.
BRIGADIER GENERAL SUZANNE M. VAUTRINOT
BRIGADIER GENERAL LAWRENCE L. WELLS
BRIGADIER GENERAL JANET C. WOLFENBARGER

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

*To be lieutenant general*

MAJ. GEN. LARRY O. SPENCER

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5035:

*To be admiral*

ADM. JONATHAN W. GREENERT

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

*To be admiral*

ADM. PATRICK M. WALSH

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

*To be admiral*

VICE ADM. JOHN C. HARVEY, JR.

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. SAMUEL J. LOCKLEAR III

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*

REAR ADM. RICHARD W. HUNT

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*

REAR ADM. MARK D. HARNITCHEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral (lower half)*

CAPT. MARK L. TIDD

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIGADIER GENERAL GEORGE J. ALLEN
BRIGADIER GENERAL RAYMOND C. FOX
BRIGADIER GENERAL CHARLES M. GURGANUS
BRIGADIER GENERAL DAVID R. HEINZ
BRIGADIER GENERAL STEVEN A. HUMMER
BRIGADIER GENERAL DAVID G. REIST
BRIGADIER GENERAL JOHN A. TOOLAN, JR.
BRIGADIER GENERAL JOHN E. WISSLER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COLONEL JOHN J. BROADMEADOW
COLONEL JOHN W. BULLARD, JR.
COLONEL STEVEN W. BUSBY
COLONEL HERMAN S. CLARDY III
COLONEL LEWIS A. CRAPAROTTA
COLONEL ROBERT F. HEDELUND
COLONEL FREDERICK M. PADILLA
COLONEL MICHAEL A. ROCCO
COLONEL RICHARD L. SIMCOCK II
COLONEL VINCENT R. STEWART

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### EXECUTIVE OFFICE OF THE PRESIDENT

R. GIL KERLIKOWSKE, OF WASHINGTON, TO BE DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL F. ADAMES AND ENDING WITH KATHRYN D. VANDERLINDEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 10, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH PAUL L. CANNON AND ENDING WITH CHERRI S. WHEELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD EDWARD ALFORD AND ENDING WITH RICHARD D. YOUNTS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 25, 2009.

AIR FORCE NOMINATION OF GEORGE E. LOUGHRAN, TO BE COLONEL.

AIR FORCE NOMINATION OF RAYMOND B. ABARCA, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF IAN C. B. DIAZ, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM T. HOUSTON AND ENDING WITH DAVID L. WELLS II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

### IN THE ARMY

ARMY NOMINATION OF ELIZABETH M. SHERR, TO BE MAJOR.

ARMY NOMINATION OF ERIN T. DOYLE, TO BE MAJOR.

ARMY NOMINATION OF SCOTT A. BIER, TO BE MAJOR.

ARMY NOMINATION OF ROBERT G. YOUNG, TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH GEORGE R. BERRY AND ENDING WITH PERRY W. SARVER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH MICHAEL G. AMUNDSON AND ENDING WITH PAUL C. THORN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

ARMY NOMINATIONS BEGINNING WITH BUSTER D. AKERS, JR. AND ENDING WITH MICHAEL T. ZELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

### IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH JOHN W. HAHN IV AND ENDING WITH STEPHANIE L. MALMANGER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

### IN THE NAVY

NAVY NOMINATION OF MICHAEL T. ECHOLS, TO BE COMMANDER.

NAVY NOMINATION OF GREGORY J. HAZLETT, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF BRIAN J. ELLIS, JR., TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF JESUS S. MORENO, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF COLLEEN L. JACKSON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF GREGORY P. MITCHELL, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JONATHAN V. AHLSTROM AND ENDING WITH JOEL E. YODER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 21, 2009.

# EXTENSIONS OF REMARKS

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards, for consumer mortgage, loans, and for other purposes:

Mr. HOYER. Mr. Chair, it is well-known by now that our economic crisis began as a foreclosure crisis. It began with homeowners across America signing up for mortgages they could not afford. And even though few of us knew it at the time, much of our financial system was riding on their ability to pay those mortgages off. When it became clear that many of them could not, the economic chain reaction affected every community in America. For a family, a foreclosure is traumatic enough—but we have also learned from this crisis that foreclosures can have wide public consequences, as well.

Of those who applied for mortgages they could not possibly pay back, some were simply irresponsible. But many others were hard-working, responsible homeowners who fell victim to predatory lending. Unfortunately, incentives in our financial system made that predatory lending possible: unscrupulous mortgage brokers were not required to provide sufficient information to homeowners, and those who then sold the mortgages had little reason to see that they were sound.

This bill goes a long way toward correcting those flaws, protecting future homeowners, and cracking down on predatory lending. It helps consumers get full information—the information they need to decide wisely on what is one of the biggest financial commitments of their lives. It prevents lenders from steering borrowers into higher-cost loans and bans yield spread premiums and other compensatory incentives that lead brokers to push those loans on borrowers. It also establishes national standards for the protection of borrowers and ensures that those who entrap consumers in predatory loans are liable for adjusting the loan's terms and paying the borrower's costs, including attorneys' fees.

Finally, this bill requires those who securitize loans to third parties to put ''skin in the game'' and retain interest in at least 5% of the credit risk of each loan they sell or transfer. This provision will ensure that, at every link of the chain, there is an interest in seeing that the loan is repaid and that the homeowner does not go into foreclosure.

Mr. Chair, this is a strong, carefully deliberated response to the foreclosure crisis, one that rules out many of the unscrupulous practices that harmed so many responsible families—and helped put an entire economy at risk. I believe that if these provisions had been in place 10 years ago, the foreclosure crisis might have been averted. We cannot turn back time. But we can learn—and if we have learned anything, it is how much we need legislation like this. I urge my colleagues to support it.

## MOURNING THE PASSING OF RUSSELL DUNHAM

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to mourn the passing of an American hero.

Russell Dunham passed away on April 6, 2009, at his home in Jerseyville, Illinois. He is survived by his daughter, Mary Lee Neal and her husband Kerry, his stepdaughter Annette Wilson and her husband Glenn, and his stepson, David Bazzell. Mr. Dunham had three grandchildren, nine great-grandchildren, three brothers and three sisters. Today they have my condolences, those of this House and those of a grateful nation. He was preceded in death by his wife, Wilda, two granddaughters, five brothers and two sisters.

Mr. Dunham served our nation in the Army's 3rd Infantry Division, part of General Patton's Third Army during World War II. In January 1945, near Kayserberg, France, Technical Sergeant Dunham single-handedly silenced three German machine guns. Leading his platoon forward through the snow, Sergeant Dunham raced 75 yards through heavy fire to assault a well-emplaced enemy position. Attacking the first gun, Sergeant Dunham was seriously wounded by machine gun fire, but he kept up his assault, silencing first one, then another, and then the third and final enemy emplacement, using his 175 rounds from his carbine and 11 grenades.

Despite his wounds, Sergeant Dunham kept moving forward from one position to the next, risking his life above and beyond the call of duty. For his ''conspicuous gallantry and intrepidity,'' Technical Sergeant Russell Dunham, earned the Medal of Honor from the grateful nation he helped to save.

After the war, Mr. Dunham spent more than three decades helping area veterans through his work with the Department of Veterans Affairs. He raised a family, and was an active member of the VFW and AMVETS. He will be dearly missed by his family and his community, and his service and sacrifice will continue to earn the gratitude of all Americans.

## LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT OF 2008

SPEECH OF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 29, 2009*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was proud to cast my vote along with 249 other members of the House of Representatives in favor of the Local Law Enforcement Hate Crimes Prevention Act. This legislation will protect Americans by expanding the definition of hate crimes and providing law enforcement officers with the tools they need to prosecute these heinous crimes.

The Local Law Enforcement Hate Crimes Prevention Act is not a cure-all and it will not stop all hate violence, but it will send the message that senseless violence is unacceptable and perpetrators will be punished. Since law enforcement sometimes lacks the personnel, resources or determination needed to properly investigate and prosecute hate crimes, this measure will give the appropriate agencies the tools they need to combat hate violence in our communities.

Under current law, the Federal Government can only investigate hate crimes motivated by the victim's race, color, religion or national origin. The Hate Crimes Prevention Act extends Federal jurisdiction to hate crimes motivated by the victim's actual or perceived sexual orientation, gender, gender identity or disability. Because such crimes are directed at an entire group of people and not just one individual, the bill provides assistance to state and local law enforcement to streamline the investigation and prosecution of hate crimes.

It is my hope that the Senate will quickly take up and pass this important measure. Hate motivated crimes undermine our communities and final passage of this bill has been delayed for far too long. I look forward to the day when legislation like this will no longer be needed, but until that day comes I applaud passage of the Hate Crimes Prevention Act.

## TRIBUTE TO MS. TERRY TYBOROWSKI

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to the work of Terry Tyborowski, Professional Staff for the House Energy and Water Development Appropriations Subcommittee. Unfortunately, Terry will soon be leaving the House of Representatives for a new job at the Department of Energy, but the positive impact of her work will be felt in this House, and across this nation, for many years to come.

As a member of the Energy and Water Development Subcommittee for over 6 years, I

have had the opportunity to work with Terry on a number of vitally important energy issues. I have seen firsthand the professionalism she brings to the job and the respect she has earned from Members, staff, and stakeholders alike. That respect derives not from her position or title, but from the hard work, honesty, reliability, and deep knowledge that are so prominent in Terry's character.

Perhaps the most impressive thing about Terry is her commitment to doing that which is right for the nation and its energy future. The Energy and Water Development Subcommittee is one of the most bipartisan, or non-partisan, in Congress and the staff that work there demonstrate it daily—particularly Terry. Her opinions didn't change when David Hobson yielded the Subcommittee's gavel to Peter Visclosky and neither did her approach toward Members, staff, or issues. She remains committed to good policy and providing wise counsel while always being loyal to the Chairman for whom she worked. What more could any of us ask of the professionals who work in this body?

I have been in Congress for over 10 years and was a member of the Idaho State legislature for 14 years. I have worked with hundreds of staff members and met with thousands of policy experts over the years. Much like the rest of my colleagues, I have seen the good and bad, the loud and quiet, the effective and ineffective, and those that are honest or not. I can say with certainty that Terry is one of the finest professionals with whom I have worked and a person from whom I have learned a great deal.

Her presence here on the Hill, and in the Subcommittee, will be deeply missed by me and by all of my colleagues who work with Terry. At the same time, her expertise, fairness, and good judgment will be put to good use at the Department of Energy and those of us who represent DOE sites are looking forward to continuing our work with Terry in her new capacity.

In closing, I would simply like to thank Terry for her hard work, her tenacity, her good counsel, and most of all, her friendship.

## HONORING LIEUTENANT ROGER ''CHIP'' WEBSTER

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Lieutenant Roger ''Chip'' Webster for being selected as the Bartlett Fire Department's 2008 Officer of the Year.

Since joining the Bartlett Fire Department on August 16, 1998, Lieutenant Webster is known around the fire station for his leadership abilities that have become a trademark throughout his career. After being hired as a front line firefighter, Lieutenant Webster began his assent through the ranks of the Bartlett Fire Department serving first as a Driver and then promoted to Fire Lieutenant. As a testament to his character and determination, Lieutenant Webster challenges himself to keep his personal level of training, education and certification above all recognized standards in the fire profession. With his ''can do'' attitude in tact, Lieutenant Webster motivates other fire professionals to aspire to higher standards through his leadership and inspiration.

I am pleased to know that experienced public servants like Lieutenant Webster are hard at work each day keeping the citizens of Bartlett, Tennessee safe. With his broad knowledge of the various facets of the fire department, Lieutenant Webster is a valuable asset not only to the Bartlett Fire Department but to the entire Shelby County community. Lieutenant Webster has my deepest gratitude and respect as he selflessly protects our neighborhoods each day with courage under fire.

Please join me in honoring Lieutenant Chip Webster on receiving this truly well-deserved award as the Bartlett Fire Department's 2008 Officer of the Year.

## HONORING THE PASSING OF CHIEF WARRANT OFFICER BERNARD C. WEBBER, UNITED STATES COAST GUARD, RET.

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. DELAHUNT. Madam Speaker, it is my esteemed honor to rise today to commemorate the passing on January 24, 2009, of Bernard C. Webber, a truly great member of the maritime community and a genuine hero of the 1952 Pendleton rescue off Chatham, Cape Cod, Massachusetts.

As a teenager from Milton, Massachusetts, young Webber demonstrated his service to his country by serving with the U.S. Merchant Marines in the Pacific during World War II. On February 26, 1946, Webber enlisted in the U.S. Coast Guard. He quickly rose through the ranks and was eventually assigned to Coast Guard Station Chatham as a First Class Boatswains Mate.

After just six years in the service, he distinguished himself on the night of February 18, 1952, by executing the greatest small-boat rescue in Coast Guard history. Webber and his crew of three crossed the treacherous Chatham Bar and made their little 36-foot lifeboat, the CG 3600, famous. After Webber and his crew crossed the bar, they immediately faced 70-knot horizontal blinding snow and 60-foot waves en route to the floundering 503-foot tanker Pendleton, a T–2 fuel tanker that had broken in half the same night. With the windshield all but destroyed, all means of navigation—including the compass—obliterated by seas and winds, and with limited-to-no visibility, Webber nonetheless found the stern of the tanker where thirty-three were huddled in the wet and freezing night.

Webber skillfully guided his small boat powered only by a single 90-horsepower gasoline engine and rescued all but one of the crew from the stern of the stricken tanker. Moments after the last crewman was rescued, the hulk of the Pendleton rolled over and sank. Webber then skillfully navigated his grossly-overloaded boat toward safe refuge, but had to cross the Chatham bar again before reaching the safety of Chatham Harbor.

For their actions, Webber and his crew received the coveted Gold Lifesaving Medal, reserved for extreme heroism, and a place in Coast Guard history for having executed the Greatest Small Boat Rescue of all time. In 2007, the Coast Guard acknowledged the enormity of the rescue by declaring it their third most significant rescue of all time, ranking behind only the 1980 rescue of 520 people from the Dutch liner Prinsendam off Alaska and the service's phenomenal performance in the aftermath of Hurricane Katrina, during which 33,545 people were saved. In 2002, I had the great and distinct privilege of overseeing the re-issuance of the Gold Lifesaving Medals to Warrant Officer Webber and his crew at ceremonies honoring them in Boston and on Cape Cod.

Webber's life was not solely defined by the Pendleton rescue or his time in the Coast Guard. He served in the Coast Guard until 1966 after serving a tour in Viet Nam and at several other stations and lightships. He went on to serve as the Town of Wellfleet, Massachusetts' harbormaster; a charter boat captain out of Orleans; the Warden-head Boatman for the National Audubon Society; and part of the Hurricane Island Outward Bound School in Maine—all told, spending more than half his life on New England waters. In his later life, he continued to make contributions to his former service's proud heritage with his summer visits to local Coast Guard stations, and by educating Coast Guard Academy cadets and others about his time in the Coast Guard.

Warrant Officer Bernard C. Webber leaves a legacy of quiet strength and dignity that is a loss to Massachusetts and the United States. As we honor his memory with a service this weekend, I encourage my colleagues in the House of Representatives to please join me in acknowledging the passing of an American icon and Coast Guard hero.

## CONGRATULATIONS TO THE DANIEL TORRES HISPANIC CENTER OF READING, PA

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Daniel Torres Hispanic Center of Reading and Berks County on its 40th Anniversary and to honor the non-profit organization for its commitment to serving the region's growing Latino population.

Thanks to an extremely dedicated and hard-working staff, the Center serves more than 15,000 people in the community each year and offers about 20 diverse, high-quality programs.

These programs range from providing hot meals for students after school in the Kid's Café to cultivating future community leaders through the Leadership Institute to a thriving Senior Center where older members of the community socialize, share a meal and receive other important services. All of the programs strengthen the character of the participants as well as the fabric of the community.

The Club will celebrate its 40th Anniversary on Friday, May 8th, 2009 during a dinner at the Reading Crowne Plaza Hotel in Wyomissing.

Madam Speaker, I ask that my colleagues join me today in recognizing the Daniel Torres Hispanic Center of Reading and Berks County

for reaching this special milestone and in recognizing the valuable contributions of the Center's staff to improving the quality of life for the region's Latino community.

## CONGRATULATING TROJANS OF JAMES MADISON HIGH SCHOOL

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to congratulate the Trojans of James Madison High School on their first state basketball championship since 1997. These outstanding young men have come a long way this past season and have made their community in South Dallas so very proud.

Winning a state championship is something that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2008–09 Trojans forever. The Trojans and Coach Damien Mobley know what brought this state title back to Dallas—hard work. It is doing that one extra sprint, that extra drill, shooting that extra free throw after practice that helped make the Trojans champions. Nobody outworked the Trojans and nobody could beat them in the state tournament. And nobody had a greater following or more community support than the Trojans of Madison High.

It is an honor to pay tribute to the entire Trojan squad and on behalf of all the residents of Texas, congratulations again to the Trojans of Madison High School and Coach Damien Mobley and the entire Madison community—you are an inspiration to us all. It is Trojan Pride at its finest. Go Trojans.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, I rise today in support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

This country is in the midst of a foreclosure crisis. After experiencing the effects of the first wave of foreclosures last year, we are now hearing warnings of a second, more harmful wave of subprime and predatory loan inspired foreclosures in the year ahead.

While everyone pays when a home is foreclosed upon, the people hit hardest are the elderly—who are easily deceived, the poor—who have few options, and people of color—who are often not informed fully about all their options. For decades, predatory lenders have targeted American borrowers of color with subprime and predatory loans. In a 2005 Federal Reserve study, it was shown that African Americans were 3.2 times more likely to receive a higher cost, subprime loan than Whites. Latinos were 2.7 times more likely.

This bill targets the harmful practice of unfairly issuing subprime loans or using predatory lending to take advantage of borrowers.

While the legislation is not perfect, it does have some key provisions that are desperately needed.

Among its many useful provisions, H.R. 1728 establishes an ability-to-repay standard whereby the lender must determine that the borrower has a reasonable ability to repay the loan, present a net tangible benefit to homeowners seeking to refinance, and ensure that the loan cannot have any predatory characteristics.

H.R. 1728 also establishes a safe harbor for qualified, 30 year fixed loans. Doing so will help shift the incentives away from exotic mortgages.

And, the bill establishes protections for tenants who can be made homeless if their landlord fails to pay the mortgage. This bill gives tenants the right to remain in their homes until the end of their lease. If they do not have a lease or if the property is purchased, then tenants must be given 90-day notice to vacate.

These are important and necessary protections for homeowners and renters. I encourage my colleagues to join me today in voting for H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Ms. VELÁZQUEZ. Mr. Chair, across the country hundreds of thousands of hard-working families have fallen victim to predatory lending. Poor and minority communities have been targeted. Today, we are seeing the results. The foreclosure rate is the highest in a quarter century, and many others are burdened by debt.

That's why H.R. 1728 is needed. It enacts simple reforms that will level the playing field for consumers. The Mortgage Reform and Anti-Predatory Lending Act will help the nation move toward recovery. It will give consumers the confidence to purchase a new home by ensuring predatory lending practices become a thing of the past. The bill would make it illegal for lenders to make loans that homeowners cannot reasonably be expected to repay.

It not only sets guidelines for fair lending, but takes strides to empower the borrower. For years, I have said that one of the most effective ways to stop predatory lending is to give consumers knowledge. This legislation includes my initiative to provide increased access and information on the benefits of home inspections—and give homebuyers a leg up when dealing with lenders.

Last, but not least, when we think of homes going into foreclosure, we cannot forget those who live in apartment buildings. In New York, as in many urban areas, more than half of our city rents. And today, as many as 90,000 New Yorkers reside in buildings with debts too high to maintain. These families, at no fault of their own, could be out on the street if their buildings go into foreclosure.

The amendment I have proposed would protect tenants and keep multifamily buildings out of foreclosure. It establishes a new program to stabilize troubled buildings by refinancing them or facilitating their transfer to new responsible owners.

I urge you to protect renters, to protect homeowners, and to put a stop to the abusive lending practices that have hurt so many American families. I urge a "yes" vote.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Mr. ETHERIDGE. Mr. Chair, I rise in support of H.R. 1728, Mortgage Reform and Anti-Predatory Lending Act.

Our nation currently has the highest home foreclosure rate in a quarter century. Millions of families are facing the frightening prospect of foreclosure. Not only do these foreclosures cause great harm to individual families, but they result in declining property values for whole communities and huge disruptions in the overall housing market. This housing crisis has rippled through our economy and led to the economic recession in which we find ourselves. H.R. 1728 makes the necessary reforms to prohibit many of the ill-advised practices that led to the housing crisis.

H.R. 1728 includes several provisions to end abusive or predatory lending. This bill ends compensation structures that incentivize mortgage originators to steer borrowers into more costly loans. It also calls for increased disclosure so that consumers know if loan originators are benefiting at their expense. This bill creates uniform standards to prevent mortgage abuse. In order to meet these new standards, consumers would have to have a "reasonable ability to repay." In addition, loan refinances would have to provide some "net tangible benefit" to the consumer. Meeting these new guidelines will help erase some of the riskier loans that have damaged our housing sector. Any lender that violates these standards would be liable for damages including attorney's fees. In addition, Federal financial regulators would also get new authority to address abusive mortgage practices by issuing joint regulations. Finally, H.R. 1728 protects tenants by providing them protections

and increased notification if the house they rent falls into foreclosure.

Exotic derivatives markets based on mortgages were a primary contributor to our current economic downturn. This bill requires creditors retain at least five percent of the credit risk of each loan they transfer, or sell to a third party. Similarly, H.R. 1728 would ensure that the secondary market also comply with these new standards as they buy and trade these loans as securities. Sharing risk is an important part of ensuring safety in the marketplace.

These reforms will help us rebuild our economy now, and help us avoid future mistakes like those that contributed to our current economic crisis. I support the Mortgage Reform and Anti-Predatory Lending Act, and I urge my colleagues to join me in voting for its passage.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Ms. CLARKE. Mr. Chair, today I rise in strong support of H.R. 1728 The Mortgage Reform and Anti-Predatory Lending Act of 2009. This bill will finally put a stop to the abusive and predatory lending practices that have contributed to our nation's highest home foreclosure rate in 25 years. In recent years, some homeowners were deceived and some homeowners received more expensive loans than they could afford. In response, this bill would ensure that mortgage lenders make loans that benefit the consumer—and would bar lenders from steering borrowers into higher cost loans. Moreover, it will prohibit lenders from offering "reasonable sounding mortgages," only to hide huge fees, rising interest rates and junk insurance in the fine print. No longer will lenders be able to "get rich" at the borrower's expense. The Mortgage Reform and Anti-Predatory Lending Act prescribes a simple standard for all home loans: institutions must ensure that borrowers can repay the loans they are sold, before they sign on the dotted line. Under this measure, lenders and the secondary mortgage market who don't comply with these standards would be held liable by consumers for rescission of the loan and the consumer's costs for rescission, including attorney's fees. This would encourage the market to move back toward making fixed-rate, fully documented loans.

Although increased regulation of the lending market is crucial to the resurgence of our housing market and economy—the main reason why I stand today is because of this bill promises to bridge the financial information gap. For many people, especially in my district of Central Brooklyn, homeownership allows them to live independently and in relative comfort, while slowly accruing wealth simply by staying in one place. But predatory lending and mortgage fraud undermines a low-income homeowner's grasp on economic security, leaving the most vulnerable of our society with insurmountable debt. Thereby, continuing the cycle of poverty.

In the case of the 11th Congressional District, most foreclosure victims live in low and moderate income working class communities, where conventional financial services are not available. Corrupt lenders prey on these people, offering loans they know the borrower can't afford. Good lending advice should always be available to all. The Mortgage Reform and Anti-Predatory Lending Act directs the Secretary of Housing and Urban Development to establish a grant program to provide legal assistance to low income homeowners and tenants concerning home ownership preservation, foreclosure prevention, and tenancy associated with home foreclosure. These grants would be given out to qualifying state and local governments and nonprofit organizations offering homeownership or rental counseling. This would help level the playing field for those most susceptible to the corrupt dealings of predatory lenders.

Addressing the mortgage foreclosure crisis is one of my top priorities. This is why, the day after I was sworn into office, this year, I proudly voted for the Systematic Foreclosure Prevention Act which directed the FDIC to create a program that would provide incentives to loan servicers for mortgage medication. Additionally, earlier this year—I introduced my own legislation, H.R. 1848, the Foreclosure Prevention Act—that authorizes an appropriation of $100 million dollars to Neighbor Works America for foreclosure mitigation activities and mortgage counseling. I am very pleased that the principals of my bill were adopted into the Mortgage Reform and Anti-Predatory Lending Act.

Lastly, I am proud that we are doing what must be done to rebuild our economy in a way that is fair and consistent with our values. Again, I stand in strong support of H.R. 1728, and pledge to continue my fight for common sense reform and consumer protections.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Ms. LINDA T. SÁNCHEZ of California. Mr. Chair, I offer my strong support for the Mortgage Reform and Anti-Predatory Lending Act.

Abusive and predatory lending practices have wreaked havoc upon the American economy, bringing it to its worst state since the Great Depression. What started as a subprime mortgage crisis has ballooned to affect everyone. Millions of families have lost their homes or face the prospect of foreclosure, and businesses large and small are laying-off employees in record numbers. Unemployment figures have risen to numbers unseen in decades.

Although Congress has made great strides to stabilize and rejuvenate the economy, we must regulate lenders so that a crisis like this will never happen again. We must protect innocent home buyers from unscrupulous mortgage lenders eager to make a quick buck. Mortgage lenders should not steer borrowers into higher cost loans just to increase their commissions. Mortgage institutions should ensure that borrowers can repay the loans they are sold. Creditors should retain an economic interest in a portion of the loans they sell, which would help them to be more responsible about initiating loans.

Passing the Mortgage Reform and Anti-Predatory Lending Act is the right thing to do. The Mortgage Reform and Anti-Predatory Lending Act will outlaw many of the egregious lending practices that have multiplied in recent years and spark a return to more responsible lending methods.

These much-needed changes are long overdue and will protect vulnerable home buyers. That is why I urge my colleagues to support this critical legislation.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 1728, the "Mortgage Reform and Anti-Predatory Lending Act." Risky lending practices, combined with the consequent securitization of mortgages, ultimately brought a violent end to the housing bubble and left the United States with a constricted credit market not seen in generations. In short, simple avarice and an inexcusable disregard for the long-term health of the mortgage market gave rise to the economic crisis in which this Nation presently finds itself mired.

Just as our predecessors did in the wake of the Great Depression, we, too, must enact laws to ensure transparency in our economy and prevent the recurrence of practices that have left millions of Americans facing foreclosure. H.R. 1728 is but one of several essential means by which to achieve that end. This legislation, by requiring the licensing and registration of mortgage originators and proof of a borrower's ability to repay a home loan, will serve to impede—and hopefully altogether prevent—the irresponsible home lending practices that have in great part crippled the economy of my home state of Michigan, which, with one foreclosed home for every 136, has the sixth-highest foreclosure rate in the nation.

Although politically expedient to focus our ire over the current economic crisis on insalubrious actors in the financial services sector and making them the target of punitive legislation, we must not lose sight of the necessity

of providing consumers adequate protection from predatory lenders. H.R. 1728 recognizes this by prohibiting any compensation structure that could cause a loan originator to steer applicants toward costlier mortgages, providing a grace period for tenants before eviction from their homes, and creating an Office of Housing Counseling within the Department of Housing and Urban Development to educate consumers about what some might term as the Byzantine inner-workings of the housing market.

I am proud to support passage of this legislation and urge my colleagues to do so as well.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. DEAN HELLER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House of the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgate practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Mr. HELLER. Mr. Chair, I support and would have voted for H.R. 1728, the Mortgage Fraud and Anti-Predatory Lending Act. Considering the serious situation in Nevada related to housing issues, I support and would have voted for this bill to reform the mortgage and housing industry. H.R. 1728 reforms federal laws related to mortgage loan providers, those that buy or sell mortgages on the secondary securities markets, as well as appraisers. This bill will help reduce predatory lending practices and restrict lenders from making loans available to consumers that cannot afford them.

In the last Congress, I supported and voted for a similar bill, H.R. 3915, the Mortgage Reform and Anti-Predatory Lending Act of 2007. This bill passed the House by a vote of 291–127, on November 15, 2007, but was never considered by the Senate. Though this new version of the bill in the 111th Congress has a number of differences, and is not a perfect piece of legislation, I still would have voted in support of the legislation. I sincerely hope that some of the changes that need to be made will be achieved by the Senate or in a conference committee.

The economic downturn and housing situation in Nevada is dire. According to one leading foreclosure tracking service, foreclosures in Nevada were up 108% from February 2008 to February 2009. Nevada is the number one state, per capita, in foreclosures. Housing inventory is at an all-time high and construction and new starts are at a near standstill in both northern and southern Nevada. Clark County is one of the hardest hit counties in the nation.

Reforming mortgage fraud and predatory lending practices is critical to restoring confidence in the nation's housing market, helping get the economy back on track, and most importantly, helping keep Nevada families in their homes.

## NATO SUMMIT

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. TANNER. Madam Speaker, from April 2–9, 2009, in my capacity as President of the NATO Parliamentary Assembly (NATO PA), I spoke at the 60th Anniversary Summit of NATO in Strasbourg/Kehl; chaired the NATO PA Standing Committee meeting and conducted bilateral meetings in Vilnius, Lithuania; traveled to Kiev, Ukraine and Tbilisi, Georgia on NATO PA Presidential visits; and addressed the EAPC Ambassadors in Brussels, Belgium. The Honorable JO ANN EMERSON (R–MO), who chairs the NATO PA's Civil Dimension of Security Committee and serves on the Standing Committee of the NATO PA, and NATO PA Secretary General David Hobbs, joined and worked with me to make this a successful trip.

In the NATO PA, parliamentarians from NATO member and partner states gather to discuss NATO issues and as elected officials, have a close working relationship with the Alliance. In addition to my role as the Assembly's President, I chair the U.S. delegation to the NATO PA. The U.S. delegation is always bipartisan, actively and regularly participates in the NATO PA sessions, and several of our delegates hold elected offices within the Assembly. The NATO PA meetings afford an opportunity to sound out parliamentarians from allied states on public opinion, defense and foreign policy, and trends in strategic thinking. These meetings also allow us to come to know members of parliaments who play important roles in shaping the security agenda that their governments debate at NATO headquarters. These relationships can last a lifetime and enhance mutual understanding of issues in the different member countries.

NATO SUMMIT IN STRASBOURG/KEHL

The NATO Summit was held April 3–4 in Strasbourg/Kehl, which is situated on the German-French border. There is great symbolism in the Alliance's 60th Anniversary being celebrated on this border, given what has transpired over the last century in those two countries which drew the United States into both World War I and World War II.

On behalf of the alliance parliamentarians, I addressed the Heads of State and Government at the NAC (North Atlantic Council), the Alliance's decision-making body. I outlined three serious challenges facing NATO at this time in its 60th year which we, as parliamentarians, believe are critical to the Alliance: the mission in Afghanistan, our relationship with Russia, and the need for a new Strategic Concept.

At the beginning of the NAC, NATO Secretary General Jaap de Hoop Scheffer welcomed Albania and Croatia as new members of the Alliance. He noted that their membership comes as the result of long years of hard work and that both countries have shown dedication and drive in completing the necessary reforms of their governing structures and their militaries. Since the United States is the depository country of the Washington Treaty, President Obama handed over copies of the Washington Treaty to the Presidents of Albania and Croatia, signifying the two countries' admission to the Alliance. Additionally, the 28 NATO Heads of State and Government unanimously agreed to appoint Danish Prime Minister Anders Fogh Rasmussen as NATO's next Secretary General. He will officially take up his duties on August 1 of this year, when the term of Secretary General Jaap de Hoop Scheffer expires after over five years of leading the Alliance.

For the first time, the NATO PA was mentioned in the NATO Summit Declaration. In paragraph 17 it states: "We welcome the role of the NATO Parliamentary Assembly in promoting the Alliance's principles and values."

LITHUANIA

On April 5 in Vilnius, I chaired the Standing Committee meeting of the NATO PA. The Standing Committee consists of the heads of the Member delegations, chairs of the five NATO PA Committees, and the Bureau of the Assembly. In a productive session, we approved Bulgarian MP Assen Yordanov Agov as the Assembly's new Vice President. Mr. Agov will replace outgoing NATO PA Vice President Rasa Jukneviciene, who vacated the post to serve as Lithuania's Defense Minister. Among other agenda items, the Committee discussed relations with the Russian delegation to the NATO PA, increasing the profile of our relationship with Georgia, relations with Belarus, cost cutting measures for NATO PA meetings in light of the current economic climate, and the Assembly's contribution to a future NATO Strategic Concept. I took the opportunity of the Standing Committee forum to emphasize my presidency theme of teamwork and a "Team NATO" concept, and that keeping a critical mass of public support to maintain the Afghanistan mission is essential. 2009 is a critical year for the Alliance in Afghanistan, and I stressed a sense of urgency with this timeline.

Also in Vilnius, Ms. Emerson and I attended a working dinner hosted by the Speaker of the Seimas (Lithuania's Parliament), Arunas Valinksas. We were joined by Seimas Members Juozas Olekas and Emanuelis Zingeris and the Director of the Seimas's International Relations Department, Sigitia Trainauskiene. Our Ambassador to Lithuania, John Cloud, also participated. We thanked the Lithuanians for their contributions in Afghanistan, highlighting that their per capita contribution to the effort is impressive. In turn, the MP's thanked the U.S. for its support throughout the Soviet occupation and its role in regional NATO initiatives such as Baltic Air Policing. We discussed energy issues, mainly Lithuania's concern regarding the requirement to close their nuclear power plant by the end of this year (an EU membership condition they agreed to eight years ago). We encouraged them to amend Lithuania's residency law which currently requires Americans (and other non-EU nationals) who are working in Lithuania to live in the country for two years before their family members can receive residency permits to join them. They reassured us it would be resolved by this summer. We also encouraged them to address Jewish property restitution issues.

We enjoyed a warm reception from our Lithuanian counterparts and the visit underscored the strong working relationship between our two countries. This year marks five years of NATO Membership for Lithuania. The bilateral visit and the NATO PA meetings, particularly on the heels of the NATO Summit, received positive attention from the local media.

UKRAINE AND GEORGIA

Immediately following our participation in the Strasbourg/Kehl Summit and the Assembly's Standing Committee meeting in Vilnius, the delegation traveled to Ukraine and Georgia on April 6–7. The purpose of the visits was to underline the Assembly's continuing commitment to Ukraine and Georgia's Euro-Atlantic integration and to obtain firsthand views on progress in the reform process. The two governments provided an opportunity to discuss a variety of security-related topics ranging from Afghanistan to the Russian occupation of Abkhazia and South Ossetia. I emphasized to the Ukrainians and Georgians that this being my first official trip as NATO PA President was meant to send a signal of their importance to NATO and to Europe. We thanked Georgia and Ukraine for their contribution to NATO activities, encouraged them to continue pursuing NATO membership, and reassured them that we are here to help them achieve this goal.

UKRAINE

In Kiev, we were greeted by our Ambassador to Ukraine, William Taylor, and hosted by the Verkhovna Rada (Ukrainian Parliament). We met with MP's from BYuT (Block of Yulia Tymoshenko): Andriy Shkil (Head of Ukrainian delegation to the NATO PA), Ostap Semyrak, and Vadym Korotuk; Party of the Regions: Hryhoryi Illiashov; Our Ukraine: Ivan Zaiats, Yuriy Samoilenko, and Borys Tarasuk (Chairman of the Committee on European Integration). We also met with Speaker Volodymyr Lytvyn, Deputy Prime Minister Oleksandr Turchynov, had a particularly informative briefing from Deputy Defense Minister Ivanschenko, and spent over an hour in a private meeting with President Viktor Yushchenko. We did not meet with Prime Minister Yulia Tymoshenko, as other events required her to cancel all of her meetings that day. While at the Rada, we observed a session of Parliament with Hans-Gert Pottering, President of the European Parliament.

Ukraine's political leaders readily acknowledged the harm caused by instability in parliamentary coalitions and friction between governmental factions. Most agree that the constitution should be amended to reduce the scope for political instability, and a constitutional commission is likely to be established to develop possible solutions. The need for stability has recently been underlined by the financial crisis which has hit Ukraine particularly hard. The various factions do seem to be working together to ensure the delivery of IMF support and to adopt an economic program

President Yushchenko's popularity ratings are low. On April 1, the Rada voted to hold presidential elections on October 25, much earlier than the anticipated January 2010 date, which would mark the end of Yushchenko's five year mandate.

Ukraine is vigorously striving for NATO membership. Indeed, Ukraine's intention to join NATO was declared in 2002 and subsequently written into national legislation when the current main opposition party was in power.

Regarding the outcome of NATO's Strasbourg/Kehl Summit, Ukraine welcomed the reiteration of NATO's ''Bucharest message''—that NATO's door remains open, and that Ukraine and Georgia will become members of NATO. The Annual National Program—a framework intended to help Ukraine plan and continue to implement political, economic, defense and security sector reforms is being prepared. The view was expressed that the Annual National Program is seen as a Membership Action Plan in all but name.

Ukraine is the only NATO partner participating in all NATO-led operations. The current financial crisis is necessitating a review of commitments and transformation efforts, and some reductions in the scale of contributions to operations might have to take place. However, it was not felt that Ukraine would withdraw from any operations and strenuous efforts are being made to sustain those particular commitments. The Ukrainian officials explained that even Ukraine's peacekeeping operation in Afghanistan is a delicate issue, as 15,000 Ukrainians were killed in the Soviet's Afghanistan campaign, and those wounds still have not healed.

Public support for NATO membership remains relatively low but it is rising, particularly among the younger population. The government believes that the more is known about NATO, the more support should increase. Over the past decade, it has been important that candidate state governments take the lead in persuading public opinion of the value of NATO membership. Representative Emerson offered that instead of using terms such as ''NATO'', ''MAP'', etc., government officials could relate and appeal to the people on a more direct level by talking about personal security and how that affects them.

Ukraine's aspirations to NATO membership is but one source of friction with its neighbor, Russia. Others include energy, the expiration in 2017 of the agreement under which Russia leases naval bases in the Crimea for its Black Sea Fleet, and even the demarcation of borders.

It was stressed that Ukraine does not seek to antagonize Russia, but only to pursue its own independent course. It was pointed out that Russia has itself a more extensive list of areas of cooperation with NATO than has Ukraine, and that the NATO PA could seek to help the Ukrainian public realize that Russia is actually very actively cooperating with NATO on certain key issues. The Ukrainians pointed out that there are six working groups in Ukraine-NATO and 19 working groups in Russia-NATO.

We took the opportunity in the meetings in Kiev to thank Ukrainian governmental and parliamentary representatives for their country's contributions to NATO's operations, and to underline the Assembly's support for Ukraine's process of Euro-Atlantic integration. We underlined the strong relationship between the Assembly and the delegation from the Verkhovna Rada, and I reiterated the sentiments I expressed at the Strasbourg/Kehl Summit regarding NATO enlargement: that this process enhances Euro-Atlantic security, threatens no one, and is not subject to a veto by any other country.

GEORGIA

In Georgia, we were greeted by our Ambassador, John Tefft, and hosted by the Georgian Parliament. We met with the Speaker of the Georgian Parliament David Bakradze; met with the official opposition (Levan Vepkhvadze, Gia Tortladze of Powerful Georgia Party, Nikolz Laliashvili of the Christian Democratic Party, and Rati Maisuradze of the Christian Democratic Party); had lunch with the Georgian delegation to the NATO PA headed by Giorgi Kandelaki; met with the Minister for European and Euro-Atlantic Integration Giorgi Baramidze (former head of the Georgian NATO PA delegation); had a very informative discussion with Prime Minister Nike Gilauri; met with President Mikheil Saakashvili; attended a dinner hosted by Speaker Bakradze which members of the opposition were invited to and attended; and lastly, met with Nino Burjanadze of the radical opposition (former Speaker of Parliament and driving force behind the April 9 protests). Georgia is seeking to make considerable progress with internal reform. For instance, it is looking at various forms of constitutional reform to strengthen parliament and to improve election practices. It is pursuing the recommendations of the Council of Europe and the OSCE, and seeking to build public trust in the system. It is noteworthy that although opposition figures within Parliament feel that democratic processes could be improved, they nevertheless believe that the overall situation is good.

Georgia must continue to reform its economy, build a free press, and establish an independent judiciary.

Despite the financial crisis, Georgia still expects modest economic growth in 2009. It has a balanced budget and a stable economy with relatively low inflation. The economy is attracting a high level of foreign investment. The economy is also diversified in terms of products and markets, so Georgia is not dependent on any particular geographical region or any single commodity. Furthermore, Georgia had been fortunate in not having substantially de-regulated the banking sector.

Representative EMERSON was impressed with Georgia's agricultural development and the positive role agriculture can continue to play in Georgia's economic future.

There is a very broad political consensus on joining NATO. This view was expressed by both government and opposition representatives. The government contends that over 70 percent of the population and nearly all of the political parties support NATO integration.

Georgia is developing its Annual National Program, and in that context it was stated that ''the 'Membership Action Plan' route was not the only road to NATO membership.''

NATO—and especially United States—support is seen as crucial to Georgia. Governmental and parliamentary representatives expressed their gratitude for the Assembly's particularly strong support following the events of August last year. Russia's continuing occupation of South Ossetia and Abkhazia was unacceptable, as was its recognition of the two regions' independence. Russia remains in violation of the EU-brokered ceasefire agreement. There has, for instance, been no draw down of Russian forces in South Ossetia and Abkhazia. On the contrary, new military facilities are under construction, tens of thousands of people remain displaced (in addition to the hundreds of thousands displaced in the 1990s), and international monitors can still not cross the administrative boundaries. Georgian officials believe that a continuing international presence remains vital.

Russia has made no secret of its opposition to Georgian membership in the Alliance and its desire to see ''regime change'' in Georgia. There is a widespread belief that tensions with Russia will persist until Georgia becomes a

member of the Alliance. Russia's goal in fomenting such tension, Georgian officials contend, is simply to present an obstacle to Georgia's membership.

Even so, Georgian officials said they have no desire to see Russia isolated from the international community. Russia, NATO and NATO aspirants have common interests in some areas, in their view.

The European Union's Monitoring Mission (EUMM) provided us with a detailed briefing.

EUMM's mandate is to monitor the implementation of the EU-brokered ceasefire agreement, in particular the withdrawal of Russian and Georgian armed forces to the positions held prior to the outbreak of hostilities. It is also tasked to contribute to the stabilization and normalization of the situation in the areas affected by the war, to monitor the deployment of Georgian police forces, and to observe compliance with human rights and rule of law. The Mission covers three functional areas: Internally Displaced People (IDP)/Humanitarian, Police/Justice/Human Rights, and Military.

Regarding Georgian IDPs, there are more than 230,000 IDPs from conflicts in the 1990s, and a further 130,000 from the war in August 2008. Of that latter category, some 100,000 have been able to return to their homes since Russian forces have pulled back—with some important exceptions—to within the administrative boundary lines of South Ossetia and Abkhazia. The EUMM has been able to provide substantial assistance in collective data on IDPs. On the Police/Justice/Human Rights part of the mission, there is good cooperation with the Georgian authorities which has, for instance, helped to clarify the distinctions between Georgian police and armed forces. The EUMM's work is limited, however because it cannot obtain access to South Ossetia or Abkhazia. In the military area, Georgia has agreed to limits on the numbers and nature of weapons within a zone around the administrative boundary lines. This is seen as a substantial confidence-building measure.

Although much has been achieved, several key challenges remain. These include the continuing presence of Russian forces at Perevi and Akhalgori, the lack of clear dialogue with Russian, South Ossetian, and Abkhazian representatives, unsolved shootings, persistent acts of provocation, the reinforcement of defensive positions on either side of the administrative boundary lines, and the EUMM's lack of access to South Ossetia and Abkhazia.

Representative EMERSON chairs the NATO PA's Civil Dimension of Security Committee and is considering taking her committee to the border area, possibly sometime next year.

Our visit took place two days before demonstrations were planned outside the Georgian Parliament (for April 9). The purpose of the demonstrations was to demand the removal from office of Georgia's President Mikheil Saakashvili. Naturally, the demonstrations were the subject of considerable discussion with government leaders, parliamentary supporters, and opposition representatives from within and outside the parliament.

Government and parliamentary representatives upheld the right to demonstrate and protest, but there was concern that protests might become violent. Officials also shared concern about how such demonstrations would be perceived internationally. Some opposition figures in parliament expressed fear that the demonstrations might get out of hand. They argued that if the demonstrations concerned the pace or nature of certain reforms, this could be the basis for legitimate protest.

In the various discussions on this matter, we urged restraint by all parties. Many observers had felt that the response to demonstrations in 2007 had been ''heavy handed,'' and this too had harmed Georgia's reputation. It is in Georgia's national interest that the demonstrations remain peaceful. We encouraged Georgian officials to allow the protests to happen, and indeed, there was no violence during the demonstrations, due in large part to the appropriate way the government handled the demonstrations, which has earned them goodwill internationally.

Representative EMERSON and I spoke at length with the Georgians (and the Ukrainians) about the importance of peaceful transitions of power, peaceful reform, the rule of law, and functional bipartisan relations being essential to a stable country and democracy. We reassured them that opposition is to be expected in a democracy, that the majority has an obligation to take into account the ideas of the minority in deliberations, and that the minority in turn has an obligation to participate in a responsible way and accept that whoever has the majority at a given time, will end up making most of the decisions. We also stressed the importance of the opposition marginalizing the extreme opposition factions. Representative EMERSON and I shared our experiences of being in both the minority and the majority. We also relayed that, although members of opposite parties, we are able to effectively work together, especially when it comes to important issues.

We also applauded Georgia's progress in the implementation of reforms, and reiterated the Assembly's support for that process. Representative EMERSON commended the younger generation for stepping up and taking responsibility for leadership and the future course of their country. We also welcomed the government's decision to increase its force commitment to the International Security Assistance Force (ISAF) in Afghanistan.

We underlined that—as I stated in my speech at the Strasbourg/Kehl Summit—NATO enlargement threatens no one. Allied nations make good neighbors, and new members promote regional and Euro-Atlantic stability—ends that serve everyone's interests—and Russia has no veto over the sovereign decisions of its neighbors.

The NATO Parliamentary Assembly does not wish to interfere in Georgia's internal affairs, nor provide support for any particular party or faction. It supports Georgia, the Georgian people, and Georgia's right to determine its own future.

BELGIUM

On April 8 in Brussels at NATO Headquarters, I addressed the EAPC (Euro-Atlantic Partnership Council) Ambassadors. The meeting was chaired by NATO Deputy Secretary General Claudio Bisogniero. The EAPC brings together 50 NATO Partnership countries (28 NATO countries and 22 Partner countries) for dialogue on political and security-related issues, and provides the overall political framework for NATO's cooperation with Partner countries and the bilateral relationships between NATO and individual Partner counties with the Partnership for Peace Program.

I delivered an overview of the Strasbourg/Kehl Summit and several Partners gave their thoughts on the Summit conclusion, including Russia and Georgia.

There was a vigorous discussion among the Russian, Moldovan, and Romanian ambassadors at the EAPC meeting about the uneasy political situation in Moldova.

My speech to the EAPC ambassadors mentioned the work of the NATO PA and its role in building NATO partnerships. I noted Jan Peterson's (of Norway's NATO PA delegation) work on the Strategic Concept and welcomed suggestions from NATO PA associate members.

The brief was well received around the table and several Allies and Partners were very complimentary of the work done by the NATO PA and the NATO PA Secretariat staff in Brussels, led by David Hobbs.

Immediately following the EAPC meeting, we (joined by the Deputy Chief of the U.S. Mission to NATO, Walter Andrusyszyn) met with Russian Ambassador to NATO Dmitry Rogozin, per Rogozin's request. Rogozin offered that parliamentary diplomacy through the auspices of the NATO PA could help alleviate the deep mistrust in Russia regarding engagement with the Alliance, and advocated an ambitious set of meetings. Noting that he is a former parliamentarian, Rogozin said he is willing to use his contacts in the Russian Duma to encourage this. We agreed that parliamentary diplomacy and the NATO PA have a positive role to play in the NATO-Russia context, but warned that practical constraints would make the scale of Rogozin's proposals difficult to implement. We also emphasized that enhanced engagement with Russia would require a more constructive approach than had been seen in the past from Russian participants in NATO PA events; that engagement needs to be a two-way street, but that nevertheless we would discuss Russia with Administration officials upon our return to Washington.

Raising Afghanistan, Rogozin noted that Moscow intended to continue to allow the transit of non-lethal goods bound for NATO forces in Afghanistan. He also said he expects resistance from the Taliban to increase in response to the U.S. troop increase in Afghanistan. Rogozin also offered that the crisis in NATO-Russian relations over the August 2008 Russia-Georgia war could turn out to be useful. Noting that the decisions taken at the April 3–4 Summit provided a way ahead on resumption of the NATO-Russia Council (NRC), Rogozin said he hopes to get the relationship to a qualitatively new level.

We reiterated our hope that we can have open dialogue with the Russians on the issues and threats we have in common, such as nuclear proliferation and radical fundamentalism, and that our differences will not preclude us from having discussions on these common interests.

This was a very tightly choreographed trip, which depended on exact timing and movement in order to achieve the results that it did; therefore, the support of the United States military was again essential to its successful planning and execution. Our aircrew was from F Company, 52nd Aviation Regiment, Wiesbaden Army Airfield, Germany. We could not have made our intense schedule work without their professional efforts and dedication to duty. Also, I must mention our military escort, Col. Tom Shubert, USAF (Ret.). He was the facilitator in the various air movements and air space clearance. His work was extraordinary.

## HONORING PROFESSOR ED DEPETERS OF DAVIS, CALIFORNIA

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize Professor Ed DePeters, the 2009 recipient of the University of California, Davis Prize for Undergraduate Teaching and Scholarly Achievement. This $40,000 prize, first awarded in 1987, is believed to be the largest undergraduate teaching award in the nation. The prize is awarded to scholars who are successful not only in their research, but convey their excitement and love of scholarship to their students.

Professor DePeters, or ''Dr. D'' as students call him, is an animal scientist and expert in dairy cow nutrition, but his hallmark at UC Davis is imparting his knowledge and passion for these subjects to his students.

Growing up on a farm in upstate New York, Professor DePeters developed an interest in animal agriculture that led him to Cornell University for a bachelor's degree in animal science. He went on to Penn State for a master's degree in dairy science, but instead of returning home as he had planned, he continued his studies and earned his doctoral degree in dairy science, which led him to a faculty position at UC Davis.

Professor DePeters' research focuses on how the composition of milk, particularly the fatty-acid content, can be modified by changes in the cow's diet, and how agricultural byproducts such as almond hulls and cottonseed can be converted into nutritious feeds. His research has resulted in more than 120 scientific publications and is widely influential in the industry.

Notwithstanding his research achievements, Professor DePeters' energy and personal concern have stood out in the minds of his students. Their reviews are peppered with comments like ''very enthusiastic'' . . . ''really knows his material'' . . . ''very approachable'' . . . ''incredible teacher'' . . . ''funny and gifted'' . . . ''the most motivated and dedicated teacher'' . . . ''a great guy and awesome professor'' . . . ''I love this class; it's top priority.'' He teaches a lower-division course in livestock production and upper-division courses in dairy cattle production and animal feeds and nutrition.

Professor DePeters makes a point of learning students' names, and he takes pictures of each student and carries the pictures around with him until he has learned them all.

Madam Speaker, it is appropriate at this time for us to acknowledge and thank Professor Ed DePeters for his years of exemplary work as a scholar and educator, and to congratulate him on receiving this well-deserved award. His commitment to inspiring and educating students has been unwavering, and he deserves our congratulations.

## CELEBRATING THE 61ST ANNIVERSARY OF THE FOUNDING OF THE NATION OF ISRAEL

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. COSTELLO. Madam Speaker, I rise today to congratulate Israel on the 61st anniversary of its founding on May 14, 1948.

Israel is a true friend to the United States. For the past 61 years, Israel and the United States have been linked on many levels. We have sustained a strong partnership, sharing not only a commitment to peace and security in the Middle East, but also common democratic ideals and principles.

Israel is a nation founded by people seeking refuge from religious persecution. It has developed into a thriving democracy proud of its achievements, building a strong and vibrant society committed to the rule of law and sustaining a robust economy.

While Israelis continue to contribute a great deal to society, the state of Israel exists in a dangerous neighborhood. It has weathered continued attacks by Hamas and Hezbollah and faces an increasing threat from Iran. These are real obstacles to peace that threaten the safety of Israeli men, women, and children, and affect the stability of the region. Despite these challenges, Israel still works toward peace and security with its neighbors.

Israel has taken meaningful, unilateral steps toward this end. It has fostered an amicable, working relationship with Egypt and Jordan, removed troops from Gaza and Lebanon, and has participated in open negotiations with the Palestinian government to work toward a productive peace agreement for both sides. While the United States will remain an active player in the Middle East peace process, true peace can only be achieved through a pragmatic and faithful approach constructed by regional authorities.

Madam Speaker, Israel wants peace, and the United States must remain committed to helping its friend achieve this goal. I stand here today to affirm my commitment to the nation of Israel and to congratulate our friend and partner on its 61st anniversary.

## FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

SPEECH OF

### HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

Mr. DINGELL. Madam Speaker, I rise in support of S. 386, the Fraud Enforcement and Recovery Act. This legislation provides the Department of Justice with the tools it needs to fight fraud in the use of funds under the Troubled Asset Relief Program, TARP, and the American Recovery and Reinvestment Act. S.386 has a number of provisions that seek to protect Americans by ensuring the agencies tasked with investigating and prosecuting mortgage and financial fraud have the funding and personnel they need to do so. I am also pleased the House recognizes the need for increased accountability for mortgage lending businesses not directly regulated or insured by the Federal Government, an industry responsible for nearly half the residential mortgage market before the housing crash.

I am more hesitant to support other provisions of S. 386. This bill includes an amendment to establish a special commission to investigate the causes of the current financial crisis. I believe that any such commission should be comprised of members of this body, who are furthermore from the committees of jurisdiction relevant to the matter. I have introduced a resolution, H. Res. 345, to do precisely that. It is my long-held belief that the Congress should, contrary to the prevailing fashion of the times, conduct its own oversight work. For the simple fact that members of this body will ultimately write the legislation to reimpose a strict regulatory framework upon the financial services industry, they should be personally involved in vigorous efforts to expose the many and sundry causes of this country's recent economic collapse. In brief, well-informed members of Congress write more effective legislation.

With this in mind, I voice my support for aggressive oversight of the financial services industry, but respectfully object to the manner in which S. 386, as amended, mandates it be performed.

## CONGRATULATING EAGLES OF DESOTO HIGH SCHOOL

### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. EDDIE BERNICE JOHNSON of Texas, Madam Speaker, I rise today to congratulate the Eagles of DeSoto High School on their victory over neighboring Cedar Hill High School. This ''Battle of Belt Line'' has been played many times over the years, but this was the first time the state title was on the line. With the Eagles win, DeSoto can now claim their second state basketball championship. These outstanding young men have come a long way this past season and have made their community in Dallas County so very proud.

Winning a state championship is something that will last a lifetime. It is a remarkable achievement that few teams ever experience, and it is a legacy that will live with the 2008–09 Eagles forever. The Eagles and Coach Chris Dyer know what brought this state title back to DeSoto—hard work. It is doing that one extra sprint, that extra drill, shooting that extra free throw after practice that helped make the Eagles champions. Nobody outworked the Eagles and nobody could beat them in the state tournament. And nobody had a greater following or more community support than the Eagles of DeSoto High.

It is an honor to pay tribute to the entire Eagles squad and on behalf of all the residents of Texas, congratulations again to the Eagles of DeSoto High School and Coach Chris Dyer and the entire DeSoto community—you are an inspiration to us all. It is Eagles Pride at its finest. Go Eagles!

## HONORING THE ST. CLOUD AREA CHAMBER OF COMMERCE AWARD RECIPIENTS

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mrs. BACHMANN. Madam Speaker, I rise today to honor three people and companies that embody both the spirit of American entrepreneurship and the heart of American public service: John W. McDowall, owner of the McDowall Company, The Mahowald Insurance Agency, and Byron Bjorklund, owner of Short Stop Custom Catering. Today, they will be honored by the St. Cloud Area Chamber of Commerce for their outstanding success and positive contributions to the St. Cloud community.

I want to congratulate John W. McDowall, this year's recipient of the Chamber's Entrepreneurial Success Award. Mr. McDowall joined the family business after graduating high school in 1973 and worked his way up the ladder until being named President in 1999. Today, this construction company employs 130 individuals and continues to earn an impressive profit despite unexpected price increases and a sluggish economy. In addition to running a successful business, Mr. McDowall contributes to the community through his involvement on numerous boards, including Bremer, St. Cloud Technical College, St. Cloud Opportunities, and the Boys and Girls Club.

I also want to recognize The Mahowald Insurance Agency for earning the Chamber's Mark of Excellence Award. The family-owned business, which has been passed to four generations, began in 1930 when Anthony Mahowald started going door to door every week collecting premiums for life insurance polices he sold. When Tony's son, Robert Mahowald, took over in 1956, he expanded the agency beyond personal insurance coverage. The Mahowald Insurance Agency serves people, businesses, and even the schools of the St. Cloud area—and hopefully for many generations to come.

Last but not least, I want to recognize Byron Bjorklund, owner of the Short Stop Custom Catering and the 2009 St. Cloud Area Small Business Person on the Year. Beginning his career at the young age of 11, Mr. Bjorklund started in the fast food industry and in 1995, his business evolved into a catering service. He has experienced a nearly 25 percent growth by establishing solid relationships with a variety of businesses and organizations. And thanks to his entrepreneurship, more than 100 people have full-or part-time employment.

Madam Speaker, I applaud these outstanding individuals and businesses who have worked hard to achieve the American dream of free enterprise and serve our community by ensuring small businesses remain the job engine of America.

## HONORING REVEREND DR. LEROY SHELTON

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. KILDEE. Madam Speaker, it is with great sadness that I arise today and pay tribute to the life of Reverend Dr. LeRoy Shelton. Dr. Shelton passed away suddenly on Monday, May 4th. The Flint community has lost one of its greatest leaders and I have lost a dear friend. His funeral is scheduled for Tuesday, May 12th at Christ Fellowship Missionary Baptist Church in Flint.

Dr. Shelton became the pastor of Christ Fellowship Missionary Baptist Church in 1987. During this time the congregation grew in numbers and strength. A committed member of Concerned Pastors for Social Change, he was a vocal activist for those in need. He understood the challenges faced by individuals and advocated at all levels of government to improve the lives of our citizens. He served as a delegate to the 1992 Democratic Convention and attended the Inauguration of Bill Clinton to the Presidency. In 1995 President Clinton invited Dr. Shelton to dinner at the White House.

He viewed his political involvement as an extension of his ministry to be Christ's representative in a needy world. His love and concern for others knew no bounds. Dr. Shelton loved his congregation and they loved him. He said about being the pastor of Christ Fellowship Missionary Baptist Church:

> To have shared twenty-three years in the life of the 80 years of this church . . . Canaan to Christ Fellowship Missionary Baptist Church. In the interim before my pastoring began, I was impressed with the commitment, dedication, and love the members demonstrated towards one another. My mentor, the late Alfred L.C. Robbs afforded me every opportunity to grow, develop, and above all study formally to prepare myself spiritually.
>
> Fortunately, I earned the opportunity to become his successor. Realizing that no one can ever fill the shoes of anyone, not even by following in the path trod before, the congregation enveloped me and has worked with me in a Christian manner. In the midst of hills and valleys, there has been much love. As great as the past has been, we have not ceased. We are striving to make the next years a journey upon which our Lord will be able to place a stamp of approval and say: ''Well done, my good and faithful servants.'' It is our hope that you will have an opportunity to visit our church, ''Where Christian Fellowship Is Real.''

Madam Speaker, Reverend Dr. LeRoy Shelton has traveled home to be with Our Lord, Jesus Christ. During his time with us, Dr. Shelton touched lives, healed spirits, empowered the poor, and brought Christ's abundance to disheartened. He traveled the road to salvation with many people. My life is better for having known him and I share in the sorrow felt by the Christ Fellowship family. My condolences go out to his wife, Claudia, his children and to the members of Christ Fellowship. Dr. Shelton was a truly great Christian. I ask the House of Representatives to stand with me and applaud the life, charity and legacy of Reverend Dr. LeRoy Shelton.

## HONORING BRYAN STONE

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. WESTMORELAND. Madam Speaker, I rise today to honor Bryan Stone, named the 2009 Small Business Person of the Year by the Small Business Council of America. To win this prestigious award one must possess entrepreneurial spirit, creativity, vision and managerial acumen as well as a profound commitment to community service.

As the owner of Columbus Gourmet, Bryan Stone has grown his business while becoming an integral part of Muscogee County.

In 2004, Stone acquired a ''mom and pop'' business called Kendrick Pecan and in just five years he has expanded rapidly into a thriving specialty food operation that now also includes La Piccolina, Dodge City Steaks and Aunt Pearlie's. His products now enjoy strong regional brand recognition and the company now employs up to 30 people at a time.

Stone's gourmet products line the shelves of more than 900 grocery stores and he has licensing agreements for specialties and commemorative items with the Kentucky Derby, Coca-Cola, the PGA Tour, the National Infantry Foundation and Hank Aaron's Chasing the Dream Foundation.

Columbus Gourmet always cuts a slice for the local community, too. It provides vital resources to Partners in Education of Greater Columbus, which funds after-school programs, and it supplies Gourmet products that Rotary Clubs sell to raise money for charity projects.

The 3rd Congressional District resident supplements his company's philanthropic work with his own. Though he's lived there only a short time, he's already a member of the Board of Directors of the Columbus Chamber of Commerce and he's served in a leadership with the local Republican Party.

Madam Speaker, we're justifiably proud in Georgia of our strong small business culture and the entrepreneurial spirit of our people who have helped our state grow and thrive. Bryan Stone exemplifies the hard work, risk-taking and perseverance that has made our economy the greatest in the world.

I ask the House to join me in congratulating Bryan Stone on winning the Small Business Person of the Year award. On behalf of the people of Georgia's 3rd Congressional District, we're proud to have Bryan Stone as our neighbor.

## PERSONAL EXPLANATION

### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SMITH of Nebraska. Madam Speaker, on rollcall No. 211 on the Family Self-Sufficiency Program, H.R. 46, had I been present, I would have voted ''yea.''

## WELCOMING THE ROMANIAN MINISTER OF FOREIGN AFFAIRS

### HON. ROBERT WEXLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. WEXLER. Madam Speaker, I rise today as Chairman of the Subcommittee on Europe in the House Committee on Foreign Affairs, to welcome Romanian Foreign Minister Cristian Diaconescu to the United States. It is an honor to meet with Foreign Minister Diaconescu and highlight his extraordinary role, and that of our North Atlantic Treaty Organization (NATO) and European Union (EU) ally and partner Romania, in addressing pressing international challenges including NATO-Russian relations, the Balkans, Iraq, Afghanistan and Iran's developing nuclear program. It is clear to members of Congress and the Administration that Romania is integral to American, European Union and international efforts to promote democracy, rule of law and human rights.

As many of my colleagues know, Foreign Minister Diaconescu assumed his current role at the head of Romania's Ministry of Foreign Affairs in December 2008. He has repeatedly expressed a strong commitment to enhancing transatlantic relations and has been unwavering in championing the values our two nations share. To that end, the Foreign Minister has been vocal in promoting political and economic reform in Eastern Europe by strengthening democratic institutions and structures, and working to end conflict in Europe through the framework of the Organization for Security and Cooperation in Europe (OSCE).

I also want to praise Romania's efforts in supporting the EU's Eastern Partnership efforts that will bolster democratic transformation in this region and hopefully lead to closer EU and Western relations with Belarus, Ukraine, Moldova, Georgia, Armenia and Azerbaijan.

It is my understanding while in Washington, Foreign Minister Diaconescu will meet with Obama Administration officials and members of Congress to discuss issues of importance to both the United States and Romania, including economic, political and security conditions in Eastern Europe, the Balkans, the Caucasus and Black Sea regions. I welcome the discussion of these important and timely issues and the opportunity to highlight Romania's strong military and security commitments in Afghanistan and Iraq alongside U.S. and NATO forces. I know I share the sentiments of all Americans in expressing our gratitude for the sacrifice of brave Romanian troops, including those killed in the line of duty.

As a member of Congress who has strongly supported expansion of the Visa Waiver Program (VWP) to critical allies such as Romania, I look forward to discussing Bucharest's progress with the Foreign Minister and his nation's future participation in this program.

Madam Speaker, Romania is a strategic partner of the United States, and in its fifth year as a NATO member Romania has contributed at the highest levels in several missions worldwide. In April 2008, Bucharest hosted the largest NATO Summit in history and was recently praised by NATO Secretary General Jaap de Hoop Scheffer for its commitment to NATO missions. I join all of my colleagues in applauding Romania's pledge to maintain its troops in Kosovo, as well as in Afghanistan, where it already has approximately 860 troops deployed. We are also grateful that the Romanian government has pledged to send additional trainers and medical personnel to the mission in Afghanistan.

Madam Speaker, it is essential that Congress continue to support and enhance cooperation between the U.S. and our ally Romania. As a staunch supporter of American-Romanian relations, I urge my colleagues to join me in welcoming Foreign Minister Diaconescu and the Romanian delegation to the United States, and I thank the Foreign Minister for his efforts and unwavering commitment to this unbreakable bond between our two nations.

## HONORING THE LIFE AND WORK OF BART ANDERSON

### HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. MATHESON. Madam Speaker, southern Utah has lost a local treasure with the passing of Bart Anderson of St. George, Utah.

Bart Anderson was often described by people who meet him for the first time as "bear-sized Bart Anderson". He loomed large in the community life of Washington County. He was a retired St. George hematologist, historian and folklorist. Everyone knew him as "Ranger Bart" because he devoted his golden years to giving slide shows at nearby national parks—including Zion National Park—as well as at state parks.

I knew Bart Anderson as a man with a passion for the stories of this part of the West, known as Utah's Dixie—so named because cotton was one of the crops grown by the Mormon settlers here at the time of the Civil War.

One of Bart's most popular presentations was one on the outlaw Butch Cassidy. It featured vintage photos of Butch Cassidy, who Bart often pointed out, could charm the locals and even the lawmen of that era.

Bart was a talented and versatile man, who turned down a number of more lucrative business offers because they would take him away from Dixie and he said he had too much red dirt running through his veins to leave.

As a child, he contracted polio and when doctors said he wouldn't walk again, his father threw him in the swimming pool to help make him strong. When he was 11, Bart's father arranged for him to work for the Boy Scouts as a guide into the back country. He developed a great love of hiking, including the Grand Canyon.

As an adult, he merged his love of hiking with his passion for story-telling by giving walking tours in downtown St. George. That morphed into a series of history lectures for which he developed over 100 slide programs that communicated his love of place to residents and visitors alike.

He married his sweetheart—Delorice—whom he called "the wind beneath my wings." She was often in the audience during his lectures and performances. Whether he was reciting "The Ballad of Sam McGee" around a campfire with a troop of Boy Scouts, or researching history at the Washington County Historical Society, Bart Anderson was happiest when he was immersed in folklore. He received many local state and national honors, including an award as Outstanding Volunteer from former First Lady Hillary Clinton.

One of his close friends—Lyman Hafen—told the local newspaper that Anderson was one-of-a-kind—with a heart as big as Zion Canyon. I was very proud to be his friend and while he will be missed, he will never be forgotten.

## FIRST AID SQUAD OF WEEHAWKEN, NEW JERSEY

### HON. ALBIO SIRES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SIRES. Madam Speaker, I rise today in honor of the Volunteer First Aid Squad of Weehawken, New Jersey, which is celebrating its 40th Anniversary on May 8, 2009. This organization has provided 40 years of free emergency medical service to the Township of Weehawken and the North Hudson Community.

In 1969, the Weehawken Volunteer First Aid Squad was the first volunteer squad to form in Hudson County. It is now only one of two remaining volunteer squads still operating in the County. Over the last forty years, the squad has responded to over 75,000 calls for help, providing initial medical treatment and transportation to the appropriate medical facility at no charge to the patient.

The squad primarily covers the Township of Weehawken, and for the last twenty years, the Town of Guttenberg, it has been directly involved in all of the most serious incidents that have struck the metropolitan area. In 1993 the squad responded to Manhattan to provide assistance to the World Trade Center when it was first attacked by terrorists. It then coordinated treatment of tens of thousands of the victims that were evacuated to New Jersey after the second terrorist attack in 2001.

Two years later the volunteer squad provided comfort to thousands of commuters who were stranded in New York City during the blackout of 2003. Most recently, the squad coordinated the response of over 50 emergency medical service units who responded to the Weehawken Ferry Terminal to assist treating passengers of the "Miracle on the Hudson" plane crash.

The squad has been a training ground for many residents who have chosen careers in the medical profession. Over, the years, the volunteer squad has been honored to have six members who have gone on to become medical doctors, and hundreds who have chosen careers as nurses, paramedics and emergency medical technicians.

Please join me in congratulating the Weehawken Volunteer First Aid Squad and all members of the squad for providing the residents of Weehawken, Guttenberg and North Hudson with excellent emergency health care.

## PAYING TRIBUTE TO THE CHURCH OF OUR LORD JESUS CHRIST OF THE APOSTOLIC FAITH OF HARLEM ON THEIR 90TH FOUNDERS DAY

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. RANGEL. Madam Speaker, it is with great honor and enthusiasm that I rise to congratulate Chief Apostle Bishop William L. Bonner and the Church of Our Lord Jesus Christ of the Apostolic Faith of Harlem for organizing its 90th Pre-Centennial Founders Day at the Greater Refuge Temple in honor of founder, Bishop Robert Clarence Lawson.

To speak of the Church of Our Lord Jesus Christ as an organization is to speak of its illustrious and dynamic founder, the late apostle, Bishop Robert C. Lawson, D.D., LL.D. We can safely say that God made His choice to use this dedicated man to work His divinely inspired plan for this great organization. For it was by his Herculean effort and prolific preaching and the mastery of the inspired scriptures that Bishop Lawson, with tenacity and determination hewed from the villages, cities, towns and hamlets, the dynamic organization known as the Church of Our Lord Jesus Christ of the Apostolic Faith Inc.

It was in the year of 1914 when Mr. Lawson accepted the word of God and was baptized in the name of Jesus and received the Holy Ghost. A supernatural event took place in his life, namely the miraculous healing of his body from consumption. This occurrence was stamped indelibly upon him and played a major part in the shaping of his inspired faith healing ministry.

By his own testimony we learned that Bishop Lawson was divinely called by the Lord through a whirlwind, hearing the voice of God saying ''Go Preach My Word! I mean you! I mean you! I mean you! Go preach My Word.''

The Church of Our Lord Jesus Christ had its inception in the year 1919. Bishop Lawson, then Elder Lawson was invited to a prayer meeting, which was in progress in a basement in the 40th Street area of New York City. So energetic was his service to the Lord, that his fame spread abroad and reached the ears of Mr. and Mrs. James Burleigh and Mr. and Mrs. Edward Anderson. These two blessed couples opened their homes to Elder Lawson and their home today is affectionately thought of as the ''Cradle of the Church of Our Lord Jesus Christ''.

Within a short period of time, the congregation outgrew its place of worship, having approximately 200 members, and larger quarters had to be sought. Bishop Lawson purchased the site at 52–54–56 West 133 Street and relocated his thriving church. It was there that his vision was enlarged and the Lord laid upon his heart to conduct a tent revival and great numbers were added to the church.

The clarion call for our illustrious leader came on Sunday, July 2, 1961, and Bishop Lawson a prince of preachers, the Bible Answer man, God's shining star departed this life. The words of our famed pioneer and Apostle are still resounding in our ears: ''Add Thou To It, Add Thou To It,'' and the answer comes from the Church of Our Lord Jesus Christ, we will, we shall, we have.

## HONORING MEMBERS IN THE 547TH TRANSPORTATION COMPANY

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. NORTON. Madam Speaker, today I also introduce a second bill in honor of members of the 547th Transportation Company, who deployed to Iraq last Saturday. The District of Columbia Executive Guard Act would give the Mayor of the District of Columbia some additional authority over the District of Columbia National Guard (DCNG). In circumstances constituting local emergencies, including natural disasters and civil disturbances unrelated to national or homeland security, but not homeland security matters, the mayor of the District of Columbia should have the same authority as governors. The National Guards in the 50 states operate under similar dual federal and local jurisdiction. Yet, the President of the United States alone has the authority to call up the DC National Guard for any purpose here, local or national. Each governor, however, as the head of state, has the authority to mobilize the National Guard to protect the local jurisdiction, just as local militia did historically. Today, the most likely need for the National Guard would be because of natural disasters or to restore order in the wake of civil disturbances. The mayor, who knows the city better than any federal official and works closely with federal security officials, should be able to call on the DCNG to cover local natural disasters or civil disturbances without relying on the President, who should be preoccupied with national matters, including homeland security, which would remain the sole province of the President, along with the existing power to nationalize the D.C. National Guard at will. As it is, the President must rely on a delegated official with little familiarity of the city to call up the National Guard to duty here for any purpose. It does no harm to give the mayor the authority for civil and natural disasters. However, it could do significant harm to leave him or her powerless to act quickly. If it makes sense that a governor would have control over the mobilization and deployment of the state National Guard, it makes the same sense for the mayor of the District of Columbia, with a population the size of that of small states, to have the same authority.

The mayor of the District of Columbia, acting as head of state, should have the authority to call upon the D.C. National Guard in instances that do not rise to the level of federal importance necessary to implicate the authority of the President. Today, requiring action by the President of the United States could endanger the life and health of D.C. residents, visitors and federal employees. Procedures that require the mayor to request the needed assistance from the commander in chief for a local National Guard matter are as old as the republic, and as dangerously obsolete today. Moreover, this bill merely delegates the President's authority in specific circumstances and would not deprive the President of his authority over the D.C. National Guard at will, as the Congress can do in making laws for the District despite delegated home rule. This bill is another important step necessary to complete the transfer of full self-government powers to the District of Columbia that Congress itself began with the passage of the Home Rule Act of 1973. Congress delegated most if its authority to the District of Columbia. The District of Columbia Executive National Guard Act follows this model.

I urge my colleagues to support this bill.

## IN RECOGNITION OF IRAN'S NUCLEAR THREAT

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. GALLEGLY. Madam Speaker, I rise to recognize the threat Iran's potential nuclear weapon capabilities have on the Middle East, the world, and particularly Israel.

In March, President Obama offered to open a dialogue with Iran. His olive branch was immediately met with scorn by Iranian President Mahmoud Ahmadinejad. Iran has not cooled its international animosity since then, as noted by Defense Secretary Robert Gates as recently as Tuesday.

Talk is fine if it is premised in achieving realistic goals, but the Iranian regime has used past efforts at negotiation to delay and divide the United States and our allies in our efforts to turn Tehran from a nuclear enrichment program that clearly could be used for nuclear bombs.

Time for an open hand policy is running out. I believe it is time to up the stakes on Iran.

One way to accomplish that would be to pass the Iran Threat Reduction Act, H.R. 1208, which was introduced by Foreign Affairs Committee Ranking Member ILEANA ROS-LEHTINEN. H.R. 1208, of which I am an original cosponsor, would extend current U.S. sanctions until the president certifies Iran has dismantled its weapons of mass destruction program and ceased its support for international terrorism. It also would significantly increase U.S. pressure on Tehran to do both.

The bill would sharply increase U.S. efforts to stop the shipment of refined petroleum and natural gas products to Iran, as well as materials needed for building or maintaining oil and gas pipelines. Furthermore, the bill completely prohibits U.S. importation of most Iranian products. It also denies U.S. foreign tax credits to Americans engaged in business activity with Iran that is prohibited by U.S. law.

March 17 marked the 17th anniversary of the bombing by Iranian proxies of the Israeli Embassy in Buenos Aires that killed 29 and wounded 242. It is but one of hundreds of attacks Iran has made against Israel and the United States in a war Iran seems committed to continue.

Without direct Iranian support, Tehran's proxies, llamas in Gaza and Hezbollah in Lebanon, would be far less formidable foes for Israel. Without Iranian Revolutionary Guards and Iranian weapons, the United States would have suffered hundreds of fewer casualties in Iraq.

Madam Speaker, the time for talk has ended. The United States should increase the pressure on Iran immediately. I therefore urge my colleagues to cosponsor the Iran Threat Reduction Act and I urge leadership to bring it to the floor for quick passage.

## SUPPORTING NATIONAL COMMUNITY COLLEGE MONTH

SPEECH OF

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 5, 2009*

Mr. CALVERT. Mr. Speaker, as a former student who attended community college, I stand in strong support of H. Res. 338, a resolution which supports the goals and ideals of National Community College Month. Our nation's community colleges provide the dream of achieving a higher education to millions of students each year. Community colleges are the nation's key supplier of workforce development and retraining needs and in addition, they build lasting partnerships and contribute significantly to the communities they serve. My congressional district is home to one of the oldest and most diverse community colleges in California—the Riverside Community College District—so I am proud to express my support of National Community College Month.

## RECOGNIZING THE 17TH ANNUAL LETTER CARRIERS NATIONAL FOOD DRIVE

### HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. DELAURO. Madam Speaker, it is with great pleasure I rise to recognize and show my support for the 17th Annual Letter Carriers National Food Drive.

The Letter Carriers National Food Drive is being conducted in more than 10,000 cities and towns, in every congressional district in all 50 states and jurisdictions. On May 9th, letter carriers will collect food from their postal customers along their route. This is the largest one-day food drive in the country with nearly one billion pounds of food being donated to food banks and pantries since its inception.

The Annual Letter Carriers National Food Drive is made possible by the letter carriers represented by the National Association of Letter Carriers (AFL–CIO), rural letter carriers, other postal employees and volunteers, as well as the countless citizens who donate. To participate, all someone has to do is place a box or can of non-perishable food next to the mailbox on May 9th and a letter carrier will collect it and bring it back to the postal station to be sorted before it is delivered to a local food bank.

To nearly 35.5 million people in our country, hunger is a daily struggle. During this troubling economic time, many families are finding it increasingly difficult to put food on the table. This year, more than ever, donations are needed.

I urge my colleagues to stand with me and recognize and support the 17th Annual Letter Carriers National Food Drive.

## PERSONAL EXPLANATION

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CAPUANO. Madam Speaker, on Monday, May 4, 2009, and Tuesday, May 5, 2009, I was unable to be in attendance and missed several rollcall votes as a result of an illness. I wish to state for the record how I would have voted had I been present: Rollcall No. 229—"yes"; Rollcall No. 230—"yes"; Rollcall No. 231—"yes"; Rollcall No. 232—"yes"; Rollcall No. 233—"yes."

## RECOGNIZING RIVERDALE HIGH SCHOOL

### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. NUNES. Madam Speaker, I rise today to honor and congratulate the faculty and students of Riverdale High School for a truly remarkable achievement.

On May 12, Riverdale High will be awarded the National College Board's Inspiration Award—an award that recognizes America's three most improved secondary schools.

As many of my colleagues will recall, the National College Board's Inspiration Award seeks out schools with high academic standards, as well as schools that encourage students to prepare for college. Once selected, recipients are afforded national recognition and a check for $25,000.

Madam Speaker, Riverdale High School has approximately 1,500 students. More than 80 percent are on free or reduced lunch. Almost half of the school's students are migrants and a quarter of the population is learning English for the first time. Despite these challenges, Riverdale High offers an academically rigorous environment, including 12 AP courses, a choral and music program, as well as ROP, and drama and agriculture curriculum.

With this academic rigor has come great academic achievement. Riverdale High School has achieved a graduation rate of 98 percent over the past three years. Of these young men and women, 90 percent are continuing their education.

Simply put, they are doing amazing work in this small community. You cannot argue with results and I would like to extend my congratulations to all of the people who have made this honor for Riverdale High possible.

## IT'S TIME TO FIND OUT WHAT CAUSED THE ECONOMIC MELTDOWN

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. DELAHUNT. Madam Speaker, I rise today as the current economic crisis continues to take a devastating toll on families and businesses across this nation, and the world.

Never before have we witnessed so much economic turmoil. Within a matter of months, Americans saw much of their life savings and their home equity disappear. Nest eggs evaporated literally overnight. Plans for a college education dashed. The dream of homeownership turned into a nightmare of foreclosure.

Today, unemployment continues to rise, credit markets are in a shambles, and businesses large and small are closing. The problems in our banking and financial system have infected the global economy, undermining confidence in our own markets.

To boost sagging demand in our economy, the federal government is now spending hundreds of billions of dollars at a pace that is unprecedented in our history. As the Congress and the new administration put in place measures to resolve this crisis, it is time for the Congress to provide the American people with a clear assessment on how we got into this mess and what ought to be done to prevent it from happening again.

Frankly speaking, given all the money that's been spent, the American people deserve a full accounting. They deserve an honest and unvarnished assessment of the causes of this crisis. Because, without a thorough diagnosis, how can we make sure that a crisis like this never happens again?

That is why I am joining with Congressman STEVEN LATOURETTE in calling for the establishment of an independent, bipartisan commission, charged with examining the root causes of the current global financial crisis.

It would resemble the 9/11 Commission in its objectivity and independence and have one year to investigate the crisis. It would have the authority to refer to law enforcement any evidence that institutions or individuals may have violated existing laws. At the end of its investigation, the Commission will report to the President and to the Congress its recommendations for statutory or regulatory changes necessary to protect our country from a repeat of this financial collapse.

I voted against the Wall Street bailout proposals last fall, because, as I said back then, they did not deal with the root causes of the crisis; they failed to give the American people a full and fair accounting of what happened; and they failed to hold accountable those who caused the crisis.

Today, I still believe we must do this and unless we take these actions, we will be failing in our responsibility as an institution to fully serve the people who elected us. I urge my colleagues and all Americans to support this proposal.

## CODY TURNBULL

SPEECH OF

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 7, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Cody Turnbull of Weston, Missouri. Cody is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and earning the most prestigious award of Eagle Scout.

Cody has been very active with his troop, participating in many Scout activities. Over the many years Cody has been involved with Scouting, he has not only earned numerous

merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Cody Turnball for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## IN HONOR OF THE NATIONAL ASSOCIATION OF LETTER CARRIERS AND THE OHIO STATE ASSOCIATION OF LETTER CARRIERS ANNUAL FOOD DRIVE TO ''STAMP OUT HUNGER''

### HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. TIBERI. Madam Speaker, I rise today to honor and recognize the dedication and achievements of the National Association of Letter Carriers and the Ohio State Association of Letter Carriers. May 9th, 2009 marks the 17th annual NALC National Food Drive to ''Stamp Out Hunger.'' On that day, letter carriers will collect non-perishable donations from homes as they deliver mail along postal routes.

Letter carriers from over 10,000 cities and towns in all 50 states, the District of Columbia, Puerto Rico, and Guam collected a record setting 73.1 million pounds in last year's drive. The drive is held annually on the second Saturday in May. Donations will be collected by more than 1,400 local branches of the 300,000-member postal union and delivered to food banks, pantries and shelters in the communities where they are collected.

I am honored to have the opportunity to recognize the National Association of Letter Carriers and the Ohio State Association of Letter Carriers for their dedication and hard work in the communities to help provide food for the growing number of American families facing hunger in these difficult economic times.

## SUPPORTING NATIONAL CHARTER SCHOOLS WEEK

SPEECH OF

### HON. ROB BISHOP

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

Mr. BISHOP of Utah. Mr. Speaker, I'm honored to be able to sponsor this resolution commending Charter Schools for their contributions to education, and designating this week as National Charter School Week. Successful businesses don't build a product and then find a target group to which to market their product. Successful businesses pick a target group, find a need, then build a product that satisfies that need.

When we talk about reforming education, we must remember that parents are the target market. Kids belong to the parent, not to an educator or a legislator. We unfortunately forget this too often. There is sometimes an institutional attitude of antagonism toward parents. In a 1910 essay entitled How We Think, even John Dewey wrote that one inhibitor to problem solving was parental values. One could ask whose values would have been more appropriate. A school's direction ought to be agreeable to parents. The final word ought to be with parents. If the parents are satisfied, who else cares and what else matters? Schools are for the kids and the parents and no one else.

Charter schools take us a large step in that direction—the direction of treating parents as the customers. In Utah, there are currently 67 charter schools serving 27,000 kids, and there are several more slated to open this year. Several have a specific emphasis on math and science, and several others focus on the arts. The curriculum is often selected by parents. There are no geographical boundaries to any of them. Some charters belong to a school district, and others are their own district.

There is often a higher demand than there is supply of seats in a charter, so in Utah those seats are generally awarded by a lottery system. Nationally, there are more than 365,000 kids on charter school waiting lists. Why is it that parents want their kids to attend charter schools? It's because a charter school meets their needs better. Charter schools take us closer to the goal of treating the parents as the customers. In many cases charters have a large percentage of students who are either minorities or economically disadvantaged—in one Utah charter, 70% of the students fall in this category. Many of these are kids who haven't done well in traditional public schools, but who thrive in the charter school. Several studies have backed this up by showing that kids who are behind academically do better in a charter school than they would in a traditional public school. Charters are able to innovate, find creative ways to meet the needs of parents and kids, and the customer is satisfied.

In that sense, charter schools are the most accountable of all our public schools. They're directly accountable to parents, because if the parents aren't satisfied, they'll take their kids elsewhere. In Utah, it's working. According to one study, 94% of parents gave their children's charter school an A or B grade. The success of Charter schools should also teach us the potential of the public education system. Charter schools are not private schools. They are public schools. Public schools can easily compete with private schools when the public schools are released from bureaucratic restrictions and allowed to be creative. Only with the freedom to be creative can any school meet the individual needs of students and parents. Without choices and freedom to be creative, kids become a widget on a conveyor belt to the local school ''factory.''

There are a number of things we can do to allow charters to continue to grow, including eliminating the caps on the number of charter schools, and addressing inequitable funding treatment. We will continue to encourage these reforms, and we'll continue to lower the barriers to innovation and creativity in education.

One member of the Utah State Charter School Board said, in many ways, charter schools are doing for education what the printing press did for the world of communication. Charter schools have promised creativity, innovation, inspiration, and motivation, and I believe they have delivered.

Charter schools have ignited the desire to rethink aspects of our nation's education system. They have shown how involved parents can and will be in their children's education. They are finding ways to reduce class size, deliver the Core Curriculum to smaller school communities, and increase individualization of instruction.

Charter schools are helping our public education system to be the best it can be for every child. I commend the parents, teachers, administrators, and creative innovators involved in charter schools throughout the country.

## A TRIBUTE TO SISTER JULIA MARY FARLEY, C.S.J. ON THE OCCASION OF THE 25TH ANNIVERSARY OF HER WORK AS FOUNDING DIRECTOR OF GOOD SHEPHERD CENTER FOR HOMELESS WOMEN & CHILDREN IN LOS ANGELES

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. ROYBAL-ALLARD. Madam Speaker, I rise today to pay tribute to Sister Julia Mary Farley, an extraordinary and dedicated woman who has been providing care and shelter for homeless women and children in the 34th District in Los Angeles for the last quarter of a century. On May 15, 2009, friends and supporters of the Good Shepherd Center for Homeless Women & Children will celebrate the center's 25th anniversary and honor Sister Julia Mary for her years of service to the homeless.

A native of Chicago, Sister Julia Mary has been a member of the Sisters of St. Joseph of Carondelet since 1951. She has a Master's Degree in Health Administration from the University of California, Los Angeles, and an honorary Doctor of Humane Letters degree from Loyola Marymount University. As a hospital administrator, Sister Julia Mary worked in hospitals in Lewiston, Idaho, and Pasco, Washington, St. Mary's Hospital in Tucson, Arizona, and Daniel Freeman Hospitals in Inglewood and Marina del Rey, California. She also taught at Mount St. Mary's College and several elementary schools in Los Angeles. In 1983, Sister Julia Mary joined the staff of Angels Flight, a crisis intervention center for runaway teenagers operated by Catholic Charities of Los Angeles, Inc.

The following year, Cardinal Timothy Manning noticed that the number of homeless women on the street around St. Vibiana's Cathedral in downtown Los Angeles was increasing dramatically. To address this disturbing trend, he initiated the establishment of a program to provide emergency services to homeless women. He named Sister Julia Mary as the new program's director.

Since 1984, the Good Shepherd Center has empowered women to move from homelessness to self-sufficiency through its housing, employment, and support services. Under Sister Julia Mary's leadership, the center has grown from an emergency shelter and drop-in center to five residential facilities offering a broad spectrum of employment and support services a quarter of a century later.

Following the opening of the emergency shelter and drop-in center on May 6, 1984, Good Shepherd Center expanded its services

over the next eight years. The center added a Mobile Outreach Program to take food, clothing, offers of shelter and words of hope to women on the street. In 1988, the center's Belmont Avenue shelter expanded to provide transitional housing for 30 single homeless women, and four years later, the center established a transitional residence serving nine mothers and 20 children in an old Craftsman house.

In 1998, fulfilling Sister Julia Mary's dream, the center opened the first phase of the "Women's Village." The Hawkes Transitional Residence provides transitional and affordable housing for homeless women and their children as well as facilities to train the women for jobs. Two years later, in 2000, the second phase of the "Women's Village" was completed with the Angel Guardian Home. It provides 12 apartments that offer long-term housing in a supportive community setting for homeless mothers with disabilities and their children. In June 2008, the final piece of the Women's Village was completed, with the opening of the Sister Julia Mary Farley Women's Village. This facility provides transitional housing in one-bedroom apartments for 21 employed homeless women. It also includes an employment and client services center that serves all Good Shepherd Center residents, and The Village Kitchen—a bakery and cafe in which residents receive job training and experience in the culinary arts.

With the completion of the Women's Village, Sister Julia Mary and Good Shepherd Center now serve more than 1,100 homeless women and children annually, and house 150 women and children each night.

I have had the privilege of visiting with Sister Julia Mary and the residents of Good Shepherd Center, and I must say the determination of the women to make better lives for themselves and their children is truly inspiring.

Madam Speaker, on the occasion of the 25th anniversary of Sister Julia Mary Farley's founding of Good Shepherd Center for Homeless Women and Children, I ask my colleagues to please join me in commending Sister Julia Mary for her vision and tireless efforts to provide daily inspiration to the center's residents, friends, generous donors, skilled staff, and caring volunteers, and in thanking her for a lifetime of dedicated service to homeless women and their children.

## RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF COLONEL JANE HELTON, UNITED STATES ARMY

### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Colonel Jane Helton, United States Army, who is retiring after thirty-five years of dedicated service to our nation. Colonel Helton currently serves as the Chief of the Sexual Assault Prevention and Response Office for the Joint Staff of the National Guard Bureau in Arlington, Virginia. She is the principal advisor to the Chief and senior National Guard leaders for all sexual assault prevention matters.

Colonel Helton enlisted in the Army in August, 1974. After departing active duty she served as a Noncommissioned Officer with the 143d Evacuation Hospital in the California National Guard. In 1980 she graduated from Officer's Candidate School and was commissioned as a Medical Service Corps officer. She served as a Health Services officer in the 175th Medical Brigade and commanded the 980th MEDSOM and the 308th Medical Company. Colonel Helton was activated and served in Kuwait during Desert Storm in the 3d Medical Command as a medical logistics officer and as the Director of Medical Redeployment. After returning to the United States she returned to active duty and served as an Operations Officer and Special Events Officer in the Army G3's Office of Military Support to Civilian Authorities. She helped coordinate and provide medical support during several natural disasters, including New York City immediately after the terrorists' attacks on September 11, 2001. Colonel Helton served as the Chief of the Wounded Warrior Program for the 27th Infantry Brigade at Fort Drum, NY where she helped develop the model wounded warrior program for the entire Army. She also served as the Chief of Command Policy and Programs in the Army G1, responsible for Army policies which included Women in Combat, Suicide Prevention, Religious Accommodation, "Don't Ask, Don't Tell" and other high profile Army policies.

Colonel Helton's military education includes the AMEDD Officer basic and advanced courses, Medical Logistics Management Course, Contracting Officers Course, Movement Officers Course, Mobilization Officer Planners Course, Military Support to Civil Authorities Course, Command and General Staff College, Army Management Staff College, Risk Communication Course, Georgetown University Congressional Liaison Course, and Advanced Crisis Incident Stress Management Course. She also earned a Bachelor of Science degree in Management from the California Coast University and a Master of Science degree in Quality Systems Management from the National Graduate School.

Madam Speaker, few can match the dedication and professionalism of Colonel Jane Helton. On behalf of Congress and the United States of America, I express our appreciation of Colonel Helton for her tireless service and support of the warfighter. She has been a compassionate leader and professional staff officer whose expertise and sacrifice showcase her patriotism and selfless commitment to our great nation. She is a woman of honor and principle. I would like to thank Colonel Helton for her years of dedicated service, and I wish her, her husband Ray, their children and grandchildren the best wishes for continued success.

## RECOGNIZING THE NATIONAL DAY OF PRAYER

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mrs. BLACKBURN. Madam Speaker, I rise today to ask my colleagues to join the millions of Americans who will participate in the National Day of Prayer on Thursday, May 7, 2009.

Since the earliest days of our republic, our nation's leaders have seen fit to formally acknowledge the value and power of our people's prayers by designating specific times where we encourage prayer for the future of our country. President Truman declared the first National Day of Prayer in 1952, and in 1988 President Reagan signed a law declaring that the first Thursday in May would be an annual National Day of Prayer.

I can think of no greater calling than for people of all ages, races, and religious creeds to join together and raise their prayers and petitions to the Almighty.

To that end, the YMCA of Middle of Tennessee and the Operation Andrew Group are organizing National Day of Prayer events all across Middle Tennessee. These events will encourage citizens to pray for the future of our communities and our nation, to pray for those placed in positions of societal leadership, and to thank God for the many blessings we enjoy.

At the Maryland Farms YMCA, in the City of Brentwood, individuals will gather to lift up prayers and participate in this wonderful occasion.

I invite all Members of Congress to please join me in praying for the City of Brentwood, the State of Tennessee, and the United States of America during the National Day of Prayer.

## HONORING LT. MATTHEW JOHN GORDON

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. GERLACH. Madam Speaker, I rise today to honor a dedicated public servant in Chester County, Pennsylvania who has retired after more than 20 years of loyal service in law enforcement.

Lieutenant Matthew John Gordon started his law enforcement career with the Parkesburg Police Department and has faithfully served the City of Coatesville Police Department since 1989.

Lieutenant Gordon earned the respect of fellow officers and elected officials with his outstanding work ethic and exemplary police work throughout his distinguished career.

In addition to protecting the citizens of Coatesville, he also served as Commander of the Chester County Emergency Response Team since its inception in 2002.

Colleagues and friends will celebrate Lieutenant Gordon's career accomplishments and wish him well in retirement on May 8, 2009 during a dinner at St. Anthony's Lodge in Downingtown, Pennsylvania.

Madam Speaker, I ask that my colleagues join me today in praising the outstanding service and dedication of Lieutenant Matthew John Gordon, and all those who take an oath to serve and protect their communities.

## IN CELEBRATION OF NATIONAL NURSING WEEK

### HON. STEVEN C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. LATOURETTE. Madam Speaker, in honor and in celebration of National Nursing

Week, I'd like to recognize the achievements of Francis Payne Bolton and the impact of the Bolton Act on the field of nursing.

Madam Speaker, the Bolton Act of 1943, introduced by Congresswoman Frances Payne Bolton, created the Cadet Nurse Corps. The Corps provided Federal funds to nearly 125,000 nurses during World War II to facilitate their training and greatly increase the wartime supply of nurses and care for American citizens on both the home and war fronts. It also significantly improved post-World War II nursing education, replacing the apprenticeship-type training approach in nursing schools with an academic approach and encouraging nurses to study related areas of public health, pediatrics, psychiatric care, and convalescent care. It further benefitted the nursing field by prompting attention and Federal financial aid to graduate nursing degrees, and contributed to the integration of African-Americans into the nursing field.

Madam Speaker, Francis Payne Bolton was the first woman in Ohio elected to the House of Representatives. She served fourteen consecutive terms and later served as trustee of Lakeside Hospital (Cleveland, OH), Lake Erie College (Painesville, OH), and the Central School of Practical Nursing (Cleveland). Trustees at Case Western Reserve University in Cleveland, Ohio, named their School of Nursing in her honor. She died in Lyndhurst, OH, on March 9, 1977.

Madam Speaker, last year, I introduced legislation with the late-Stephanie Tubbs Jones (D–OH) recognizing the 65th anniversary of the Bolton Act. Frances Payne Bolton single-handedly made sure we had enough nurses at home and overseas during World War II, and helped elevate nursing as an important and critical profession. I am honored to recognize her and her contributions during National Nursing Week, and I yield back.

## INTRODUCTION OF THE DISTRICT OF COLUMBIA NATIONAL GUARD RETENTION AND COLLEGE ACCESS ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. NORTON. Madam Speaker, I told the District of Columbia National Guard 547th Transportation Company, who deployed to Iraq last Saturday, that I would introduce two D.C. National Guard bills this week in their honor. Therefore, today I first introduce the District of Columbia National Guard Retention and College Access Act, NGRCA, a bill to permanently authorize funding for a program to provide grants for secondary education tuition to the members of the D.C. National Guard. I also introduce the District of Columbia Executive National Guard Act to give the mayor of the District of Columbia authority to call the D.C. National Guard for assistance with natural disasters and non-security civil disturbances. NGRCA authorizes an education incentive program, recommended by former Major General David Wherley and his successor, Major General Errol Schwartz, who suggested that education grants would be useful in stemming the troublesome loss of members of the D.C. Guard to units, in part, because surrounding states offer such educational benefits. I am grateful that the Appropriations Committee has allocated appropriation funds in some years, with smaller contribution from the District, in the Defense Authorization bill. An authorization is necessary to assure that the D.C. National Guard members receive equal treatment and benefits to other National Guard members on a regular basis, especially with surrounding states that do, in fact, have the higher education benefits we seek for D.C. National Guard members. The Guard for the Nation's Capital is severely under-competing for members from the pool of regional residents, who find membership in the Maryland and Virginia Guards more beneficial. A competitive tuition assistance program for the D.C. National Guard will provide significant incentive and leverage to help counteract declining enrollment and level the field of competition.

The D.C. National Guard, a federal instrument that is not under the control of the mayor of the District of Columbia (but see District of Columbia Executive National Guard Act), is losing personnel to other Guards, partly because it is not able to offer the same level of benefits that adjacent National Guards provide. The federal government supports most other D.C. National Guard functions and should support this small benefit as well.

The small education incentives in my bill would not only encourage high quality recruits, but would have the important benefit of helping the D.C. National Guard to maintain the force necessary to protect the federal presence, including Members of Congress, the Supreme Court, and visitors, if an attack on the Nation's Capital should occur. I am pleased to introduce this bill on the advice of Guard personnel who know best what is necessary.

A strong D.C. National Guard able to attract the best soldiers is especially important given the unique mission of the D.C. National Guard to protect the federal presence in addition to D.C. residents. This responsibility distinguishes the D.C. National Guard from any other National Guard. The D.C. National Guard is specially and specifically trained to meet its unique mission.

I urge my colleagues to support this bill.

## HONORING ALL SAINTS ACADEMY 8TH GRADE VOLLEYBALL TEAM

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor an exceptional group of young ladies from Breese, Illinois.

The All Saints Academy 8th grade girls volleyball team dominated this year's Southern Illinois Junior High School Athletic Association's Class M state tournament, sweeping through the field to earn the state title. Competing against some of the top teams in Southern Illinois, the ASA team won all three matches in straight sets, knocking off Goreville in the quarterfinals and Pinckneyville in the semifinals, then defeating St. Peter/Paul for the title. The trophy-clinching win was a thrilling 25–22 squeaker.

I want to congratulate Coaches Tricia Winter and Don Bedard on this year's success. I especially want to congratulate the members of the state championship volleyball team from All Saints Academy: Jade Beckmann, Rachel Boeckmann, Chelsea Crocker, Julie Deiters, Holland Hempen, Haley Johnson, Bailey Kampwerth, Merideth Kloeckner, Abby Luebbers, Maddie Mensing, Shannon Mensing, Jessica Peters, Gabrielle Schnieder, Kari Wiegmann and Megan Zurliene. They have achieved great things for their school and their community, and I want to wish them all the best in the future, both on the court and in the classroom.

## FOSTERING RESILIENCE IN AFRICAN AMERICAN YOUTH

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. HASTINGS of Florida. Madam Speaker, as today is National Children's Mental Health Awareness Day, I rise to introduce a resolution highlighting the importance of identifying and nurturing the factors that contribute to the healthy development of African American youth, and their ability to achieve equal levels of physical and mental development enjoyed by their peers.

Throughout my life and tenure in Congress, I have always advocated protecting the rights of minorities. I stand before you today to promote the strength, health and well-being of African American youth, who are faced with many adversities.

African American youth are disproportionately exposed to many risk factors such as poverty, neighborhood violence, and a wide range of health conditions. These risk factors coupled with continued cultural oppression limit resilience in African American youth. Resilience is a dynamic, multidimensional practice involving the interaction between individuals and their environments within the context of family, peers, school, community, and society, across space and time.

It is our responsibility to acknowledge and understand the legacy of cultural oppression and racial discrimination that African American youth encounter in their daily lives. In doing so, we must also research how these components relate to resilience and various types of behavioral and emotional development.

Madam Speaker, this resolution is not only meant to seek support in this matter but also to generate awareness and collaboration toward resilience research among federal agencies and non-governmental organizations, such as the American Psychological Association, American Academy of Child and Adolescent Psychiatry, Bazelon Center for Mental Health Law, and Mental Health America which have endorsed this resolution.

It is vital that we provide the necessary tools to chart a path to success for African American youth.

I urge my colleagues to join with me in taking a stand against the cultural oppression and racial discrimination that many African American youth encounter by supporting this resolution.

## CONGRATULATING TOKAY HIGH SCHOOL FOR COMPETING IN THE NATIONAL SCIENCE BOWL

### HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. McNERNEY. Madam Speaker, I am proud to rise today to congratulate the students of Tokay High School in Lodi, California for winning their regional Science Bowl competition, hosted by the Department of Energy. The National Science Bowl is an academic competition testing students' skills in math and science. Only 67 high schools from around the country are asked to participate in this National Competition, and Tokay students recently visited Washington, DC to compete in the national finals. Math, science, and technology education are keys to our nation's future, and Tokay's students are an example of excellence. I hope that Tokay students continue to participate in the National Science Bowl and that I see them back next year.

## IN TRIBUTE TO DANNY GOKEY

### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. MOORE of Wisconsin. Madam Speaker, I rise today to recognize Mr. Danny Gokey, who over the past several months has captured the hearts and minds of the entire country—especially the people of the Fourth Congressional District of Wisconsin.

Danny's quest to be the next ''American Idol'' is a love story. In a sense, it is even magical. His wife, Sophia, encouraged him to audition for Idol. Ironically, shortly after his audition he suffered the tragic loss of his beautiful wife, Sophia, at the age of 27. In memory of his wife, he established Sophia's Heart Foundation, whose mission is to make a positive impact on students' lives through a Music and Arts Program. Musical instruments will be donated to students that otherwise would be unable to afford them. The Sophia L. Gokey Scholarship Fund will donate $1,000 scholarships to high school students who face challenges in pursuing their dreams. In spite of Danny's loss, he has continued to perform courageously and professionally each week while confronting both physical and mental challenges presented by this competition.

Danny has been singing since childhood. Prior to ''American Idol'', he served as Praise and Worship Director for Faith Builders International Ministries, Milwaukee, Wisconsin. I have been told that Danny's favorite quote is ''unshakeable faith is faith that has been shaken''. He has overcome obstacles, personal tragedies and still continues to work toward his dream. His love for the church, family, music and life are an inspiration to all of us. His musical gifts along with his desire to find new hope, after experiencing such loss, is inspiring.

Madam Speaker, in Milwaukee, there is an enormous amount of enthusiasm and support for our 28-year-old ''hometown hero''. I am honored to pay tribute to this very impressive young man who Milwaukee views as their very own ''idol''. Go, Danny go!

## MINORITY BUSINESS ENHANCEMENT ACT OF 2009 SUMMARY

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. RUSH. Madam Speaker, this bill breaks down barriers for minority and women owned businesses through amending the Small Business Act to allow for greater participation in the Disadvantaged Business Assistance Program. It also makes permanent increases made by the Obama Administration for greater bonding capacity in addition to broadening the definition of contract bundling so that small businesses are better able to compete for and secure government contracts.

Modify the Small Business Administration's Disadvantaged Business Program to allow for greater minority participation by raising the personal net worth (PNW) threshold and allowing firms to complete a federal contract before losing the assistance of the program.

Make permanent the Surety Bonding Guarantee increase made in H.R. 1.

Broaden the definition of contract bundling to force contracting officers to break up large contracts to increase small business participation.

Increase oversight of contract bundling by allowing the SBA Administrator to review any contract they feel is bundling and allow OMB to mediate any disputes between parties.

Increase the government wide small business procurement goal to 25%.

Prohibit contracting officers from coding a minority business in any more than one other minority category to make reporting numbers more accurate.

## IN RECOGNITION OF DR. GEORGE VANDE WOUDE

### HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. EHLERS. Madam Speaker, I rise today to honor the achievements of Dr. George Vande Woude. After a long and successful career in cancer research, Dr. Vande Woude has recently decided to retire from his administrative post, and I appreciate the opportunity to recognize him and his body of work.

Dr. Vande Woude earned his Master of Science degree and doctorate from Rutgers University. Early in his career, he served the federal government as a research virologist for the United States Department of Agriculture at Plum Island Animal Disease Center, and shortly after began a long tenure at the National Institutes of Health. Initially, he joined the National Cancer Institute as Head of the Human Tumor Studies and Virus Tumor Biochemistry Sections. Thereafter, he served in a variety of different organizations within the Institute from 1972 until 1999, when he was selected to be the first Director of the newly created Van Andel Research Institute in Grand Rapids, Michigan.

Dr. Vande Woude's commitment to public service and improving the health of our nation has undoubtedly saved many lives. His pioneering research has resulted in new ways to isolate and detect cancer cells, and has led to earlier treatments and interventions. By identifying the biological players in cancer tumor progression and development, Dr. Vande Woude and his laboratory have supported expansive research which was instrumental in finding innovative strategies to eliminate harmful cancer cell precursors.

Dr. Vande Woude has made significant and substantial contributions to our current understanding of the molecular biology of cancer. His career is peppered with many firsts, including being the first to use recombinant DNA technology to isolate certain retroviruses and compare their behavior. He was first to determine the structure and sequence of DNA precursors which are instrumental in the development of cancer. His laboratory was first to demonstrate that a normal gene could be activated as a cancerous gene. These findings provided a foundation for the search for active cancerous cells (oncogenes) in tumors. His long-term studies of the mos oncogene have led to the first direct connection between cancer cells and the enzymes which regulate cell cycles. Equally important was his discovery of the human met oncogene that is involved in a wide range of cancers and has become a leading candidate for new cancer therapies. There are numerous other advancements which have emerged from Dr. Vande Woude's laboratory, all of which have helped the healthcare community understand how to combat cancerous tumors and address their risks even prior to development.

His efforts have gone beyond personal excellence. Over the years, Dr. Vande Woude has mentored more than 70 postdoctoral fellows, students, and visiting scientists. By investing in future generations, he has inspired countless researchers, and his legacy will last far beyond his personally prolific research.

Dr. Vande Woude has been honored as an elected Fellow of both the American Academy of Arts and Sciences and the National Academy of Sciences, and is a recipient of the National Institutes of Health Merit Award, the Robert J. and Claire Pasarow Foundation Award for Cancer Research, and a Lifetime Achievement Award in Technology Transfer from the National Aeronautics and Space Administration. He has also served on advisory panels too numerous to name and authored and edited hundreds of research articles and other publications.

Undoubtedly, ''retirement'' for Dr. Vande Woude will be in name only, as he continues to keep a fierce pace of life and contribute in a variety of ways to the advancement of science and the education of future generations. He will maintain a role at the Van Andel Institute as a Distinguished Scientific Fellow and head of the Laboratory of Molecular Oncology. Grand Rapids has been blessed by his leadership at the Van Andel Institute, and the world will note and remember his contributions to science and education for generations to come.

## HONORING JACK KEMP

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

Mr. PAUL. Mr. Speaker, I support H. Res. 401, which honors the legacy of former Representative Jack Kemp. I became friends with Jack when we served together in the House of Representatives from 1976 to 1985. Our friendship was based on our shared conviction that low taxes and sound monetary policy are essential to liberty and prosperity.

Jack is probably best known for the key role he played in the ''supply side revolution'' that led to the tax rate reductions of the early eighties. However, what I most remember about Jack was that he was one of the few politicians I have met who understood how fiat money harms Americans. Jack was passionate about reforming monetary policy so America would again have, as Jack memorably put it, a ''dollar as good as gold.'' It was largely due to Jack's efforts that the Republican Party platform of 1980 endorsed a return to the gold standard. Jack's support was instrumental in me being named to the U.S. Gold Commission in 1982. While I was not always in total agreement with Jack's views on monetary policy, I always appreciated his interest in the issue.

In his later years, Jack was critical of the idea that the best way to promote human liberty was through an aggressively militaristic foreign policy. In his 1996 campaign for Vice President, Jack attacked the Clinton Administration's aggressive foreign policy, famously quipping that the United States government should not ''bomb before breakfast.'' In my last conversation with Jack, he shared with me his opposition to the Iraq war.

In conclusion, I urge my colleagues to support H. Res. 401 and honor the best of Jack Kemp's legacy by working for low taxes, sound money, and a sensible foreign policy.

## HONORING CHRISTI MORSE GILBERT

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CARSON of Indiana. Madam Speaker, I rise today to congratulate Christi Morse Gilbert for receiving the National Childcare Provider Award. Christi was honored today in the nation's capital for her unwavering commitment in providing high quality childcare services to needy children.

As an educator, Christi was keen on understanding the disparities that existed amongst young children who struggled when they began grade school. To address this problem, she quit her job as an elementary school teacher to become a childcare services provider for children under the age of five. Her work focuses on preparing her charges with the cognitive, social, emotional and physical skills that they need to be productive.

In order to achieve this goal, Christi has designed a dynamic curriculum that introduces children to the basics of mathematics and the sciences through fun experiments and hands-on activities. She has exposed her pupils to the different cultures around the world through music and other extracurricular activities.

Christi is an accomplished woman who has opened her home and her heart to Indianapolis area families, so that our children are able to grow and learn in a nurturing environment. I applaud her for her dedication to ensuring that the needs of young children are met.

Madam Speaker and esteemed colleagues, I urge you to join me in thanking Christi Morse Gilbert for her ceaseless efforts as an educator and childcare provider.

## TAIWAN

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. FOXX. Madam Speaker, I am delighted to learn that the Republic of China (Taiwan) has now been invited to participate in this year's World Health Assembly meetings in Geneva. With the rapid spread of infectious diseases around the globe, Taiwan should have been included in the global health network a long time ago. Also, my best wishes to President Ma Ying-jeou on his first anniversary in office this May 20th.

I hope that Taiwan will soon be able to participate meaningfully in the activities of all United Nations specialized agencies. Taiwan's international participation will most certainly encourage even faster cross-strait dialogue and permanent peace in the Asia-Pacific region.

Madam Speaker, congratulations to the people of Taiwan and to their president Mr. Ma Ying-jeou on this important diplomatic breakthrough. This is Taiwan's first participation in a formal United Nations activity since 1971 when it withdrew from the United Nations.

## INTRODUCTION OF THE ''SECURITY AND FAIRNESS ENHANCEMENT (SAFE) FOR AMERICA ACT''

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. GOODLATTE. Madam Speaker, I rise today to introduce the bipartisan ''Security and Fairness Enhancement (SAFE) for America Act.'' This much-needed legislation eliminates the controversial visa lottery program, through which 50,000 aliens are chosen at random to come and live permanently in the United States based on pure luck. The visa lottery program threatens national security, results in the unfair administration of our nation's immigration laws, and encourages a cottage industry for fraudulent opportunists.

Because winners of the visa lottery are chosen at random, the visa lottery program presents a serious national security threat. A perfect example of the system gone awry is the case of Hesham Mohamed Ali Hedayet, the Egyptian national who killed two and wounded three during a shooting spree at Los Angeles International Airport in July of 2002. He was allowed to apply for lawful permanent resident status in 1997 because of his wife's status as a visa lottery winner.

The State Department's Inspector General has even weighed in on the national security threat posed by the visa lottery program. During testimony before the House Committee on the Judiciary, the Office of Inspector General stated that the Office ''continues to believe that the diversity visa program contains significant risks to national security from hostile intelligence officers, criminals, and terrorists attempting to use the program for entry into the United States as permanent residents.''

Even if improvements were made to the visa lottery program, nothing would prevent terrorist organizations or foreign intelligence agencies from planting members in the U.S. by having those members apply for the program. As long as those individuals do not have previous criminal backgrounds, these types of organized efforts would never be detected, even if significant background checks and counter-fraud measures were enacted within the program.

Usually, immigrant visas are issued to foreign nationals that have existing connections with family members lawfully residing in the United States or with U.S. employers. These types of relationships help ensure that immigrants entering our country have a stake in continuing America's success and have needed skills to contribute to our nation's economy. However, under the visa lottery program, visas are awarded to immigrants at random without meeting such criteria.

In addition, the visa lottery program is unfair to immigrants who comply with the United States' immigration laws. The visa lottery program does not expressly prohibit illegal aliens from applying to receive visas through the program. Thus, the program treats foreign nationals that comply with our laws the same as those that blatantly violate our laws. In addition, most family-sponsored immigrants currently face a wait of years to obtain visas, yet the lottery program pushes 50,000 random immigrants with no particular family ties, job skills or education ahead of these family and employer-sponsored immigrants each year with relatively no wait. This sends the wrong message to those who wish to enter our great country and to the international community as a whole.

Furthermore, the visa lottery program is wrought with fraud. A report released by the Center for Immigration Studies states that it is commonplace for foreign nationals to apply for the lottery program multiple times using many different aliases. In addition, the visa lottery program has spawned a cottage industry featuring sponsors in the U.S. who falsely promise success to applicants in exchange for large sums of money. Ill-informed foreign nationals are willing to pay top dollar for the ''guarantee'' of lawful permanent resident status in the U.S.

The State Department's Office of Inspector General confirms these allegations of widespread fraud in a September 2003 report. Specifically, the report states that the visa lottery program is ''subject to widespread abuse'' and that ''identity fraud is endemic, and fraudulent documents are commonplace.'' Furthermore, the report also reveals that the State Department found that 364,000 duplicate applications were detected in the 2003 visa lottery alone.

In addition, the visa lottery program is by its very nature discriminatory. The complex formula for assigning visas under the program arbitrarily disqualifies natives from countries that send more than 50,000 immigrants to the U.S. within a five-year period, which excludes nationals from countries such as Mexico, Canada, China and others.

The visa lottery program represents what is wrong with our country's immigration system. My legislation would eliminate the visa lottery program. The removal of this controversial program will help ensure our nation's security, make the administration of our immigration laws more consistent and fair, and help reduce immigration fraud and opportunism.

## S. 386, THE FRAUD ENFORCEMENT AND RECOVERY ACT OF 2009

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. TANNER. Mr. Speaker, I rise today in support of S. 386, the Fraud Enforcement and Recovery Act of 2009, particularly language strengthening the provisions of the False Claims Act. At a time when the U.S. Government is spending hundreds of billions of dollars to jump start our faltering economy, we need to reassure the American people that we will have a ''zero tolerance'' approach to fraud. It is important that we honor taxpayer dollars as if they were our own.

In January of this year, the House passed H. Res. 40, which I sponsored. This resolution, now part of the House rules, requires each House committee to conduct at least three hearings a year on the topic of waste, fraud, abuse and mismanagement in the agencies under the committee's jurisdiction. It puts in place a systematic mechanism for regular oversight.

S. 386 complements and parallels the intent of H. Res. 40, with key provisions to bolster the False Claims Act. The False Claims Act was first signed into law in 1863, as President Lincoln sought to combat fraud against the United States during the Civil War. It allows private individuals to bring lawsuits on behalf of the United States, in order to recover funds that were wrongfully obtained through fraud. In 1986, the statute was amended.

In the 20-plus years since the False Claims Act was last amended, however, many federal courts around the country have misinterpreted and weakened the statute, making it more difficult for private citizens and the government to expose and prosecute fraud against the United States. Today, as our country is in the midst of two wars and faces the worst economic crisis that most of us have ever lived through, fraud against the government is again on the rise; the time has come to strengthen the False Claims Act once more. S. 386 does just that.

Mr. Speaker, the False Claims Act is the Federal Government's most effective tool to combat fraud. At a time when additional government funds are exposed to potential fraud, the American taxpayers need to be assured that their money is not being mismanaged.

I urge my colleagues to support this bill and reaffirm their commitment to the American taxpayers.

## CELEBRATING THE 100TH ANNIVERSARY OF THE VILLAGE OF OAK LAWN, ILLINOIS

### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. LIPINSKI. Madam Speaker, I rise today to honor the Village of Oak Lawn, Illinois as it celebrates its centennial. Throughout its history, the Village of Oak Lawn has strived to embody the best qualities of its residents, and in doing so has served commendably as a great place to work, shop, raise a family, and retire.

Beginning with its first settler in 1842, the Village of Oak Lawn has prospered through the years. Symbolic of the ever-expanding United States, 1881 saw the laying of the railroad tracks that connected the area to the world. The railroad and the subsequent railway stations, telegraph office, and post office laid the groundwork for a population that grew to include churches, schools, and 300 residents by the early 1900's. Oak Lawn's growing population, coupled with concerns about autonomy from the City of Chicago and the promise of a much-desired gas pipe, motivated the Village to incorporate in 1909. The hard work of the men and women of Oak Lawn led to the development of a fire department, library, park district and more schools by the mid 1940's. Village population boomed to 27,000 by the 1960's, only to have Oak Lawn rocked by a major tornado in 1967. Undeterred by that devastating event, Oak Lawn grew to its current size of 57,000 by the 1970's.

Today, the Village of Oak Lawn is a successful, bustling community well-positioned to continue its prosperity in the 21st century. The Village employs 400 people in an official capacity and boasts a fantastic parks system, a state of the art library, and over 300 acres of parks and recreational facilities. Oak Lawn's excellent education system lays the groundwork for the success and development of future generations, boasting many excellent public schools and five Catholic grammar schools. Advocate Christ Medical Center and Hope Children's Hospital are located in Oak Lawn, providing some of the most acclaimed pediatrics, cardiology, surgical services, oncology, women's services and emergency medicine in the area. And the Children's Museum in Oak Lawn serves countless children from across the region who come to learn, grow, and have fun.

From the first resident in 1842 to the current 57,000 residents, citizens of the Village of Oak Lawn have shown grit, determination, and a commitment to excellence and have continued to grow a vibrant community in suburban Cook County.

I am proud to have in the 3rd District of Illinois such a strong example of what makes the United States great. May these first one hundred years be only the beginning. I ask my colleagues to rise with me to recognize the history and achievements of the residents of Oak Lawn as the Village celebrates its centennial anniversary.

## HONORING DANIEL AND KIM IRWIN FOR THEIR WORK WITH THE FAISON SCHOOL—AUTISM CENTER OF VIRGINIA

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CANTOR. Madam Speaker, I rise today to honor Daniel and Kim Irwin and their work with the Faison School—Autism Center of Virginia.

This month Mr. and Mrs. Irwin were honored with a CARE Award honoring the significant contributions they have made in the education of America's youth. Their dedication to children with autism and to the Faison School can be seen in their ongoing professional growth and the tremendous success of their students.

Dan and Kim both started at the Faison School over 5 years ago. During this time they both obtained teacher certifications, board certifications in behavior analysis, and even master's degrees. Over the course of this time they became engaged, then married, and are now expecting their first child.

The Irwins have been an integral part of the school's growth and have helped to teach many children with autism to become successful learners, better communicators, and independent thinkers. In fact, the work they are doing goes a long way in making a difference in the lives of children with autism.

Madam Speaker, I ask you to join me in congratulating the Irwins and wishing them all the best in their future.

## INTRODUCTION OF THE VETERANS HOME LOAN IMPROVEMENT ACT OF 2009

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. BLUMENAUER. Madam Speaker, today I am introducing the bipartisan ''Veterans Home Loan Improvement Act of 2009'' along with Reps. BOB FILNER (CA), SUSAN DAVIS (CA), KURT SCHRADER (OR), GREG WALDEN (OR) PETER DEFAZIO (OR), DAVID WU (OR), RON KIND (WI), STEVE KAGEN (WI), AL GREEN (TX), and DON YOUNG (AK). Together we represent each of the states that would benefit from an expansion of the Qualified Veterans Mortgage Bond program.

This program was originally created after World War II to promote homeownership among our returning troops. Together, our states offer veterans mortgage loans at more favorable interest rates as a reward for their service to our nation. As part of a comprehensive review of veterans' services in the state of Oregon, the Oregon Governor's Veterans Task Force recommended a further expansion of this highly effective program.

This Act is based on one particularly timely recommendation to expand eligibility for our state programs and bring affordable mortgages to an additional 264,000 veterans. I look forward to continuing to work on behalf of Oregon and the nation's veterans to ensure that we provide the best possible quality of care and service.

## TUCSON CITIZEN

### HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. GRIJALVA. Madam Speaker, I rise to pay tribute to the Tucson Citizen which is closing after 138 years.

The Arizona Citizen was founded in 1870, by John Wasson, a newspaper man from California, with help from Richard McCormick, the territory's governor and later territorial delegate to Congress. In 1976, Gannett Co., Inc. bought the newspaper and changed its name from the Arizona Citizen to the Tucson Citizen.

The closure of the Tucson Citizen is a great loss for the community of Southern Arizona. As the state's oldest newspaper, the Tucson Citizen has been a part of Arizona's history. During its existence, the Citizen reported on Arizona's biggest stories, among them the 1881 gunfight at the OK Corral and the 1934 arrest of bank robber John Dillinger.

The Tucson Citizen has been a place that Tucsonans turned to for local news. The stories published reflected the diverse community and the stories that impacted multiple generations.

Losing the Tucson Citizen is losing a piece of history and losing a bit of family.

For the past several decades, the Tucson Citizen has been a family affair. Many a reporter, assignment editor and publisher worked in the same newsroom as their previous relatives. This newspaper worked hard to connect our present with our past and another voice will be lost when the doors finally shut forever.

From the beginning, there have been individuals dedicated to keeping the public informed, communities educated, and discourse alive and well. Throughout its existence, the Tucson Citizen has worked to provide our community with accurate information. A desire for good journalism is vital to fostering a more enlightened public. I ask to recognize the Tucson Citizen for its contribution to Southern Arizona.

## TRIBUTE TO MR. KEVIN COOK

### HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SIMPSON. Madam Speaker, I rise today to pay tribute to Mr. Kevin Cook, former Clerk of the House Appropriations Subcommittee on Energy and Water Development, who recently retired after ten years of honorable service for the U.S. Congress and over thirty years of service with the federal government. During my time serving as a Member of this Subcommittee. I had the distinct pleasure of working with Mr. Cook and benefiting from his knowledge and counsel on budgetary, policy and oversight matters.

Mr. Cook devoted his career to serving in the federal government and spent almost three decades working for various federal agencies and for Congress. Mr. Cook started his career as a geologist for the U.S. Forest Service before spending over 20 years as a hydrologist, water resources planner, project manager and physical scientist for the Army Corps of Engineers. Mr. Cook came to the House of Representatives in 1998, where he served as Science Advisor and Counsel for the House Energy and Commerce Committee and then as a Professional Staff Member, the Majority and then the Minority Clerk for the House Energy and Water Development Subcommittee on Appropriations, where I had the honor of working closely with him.

As clerk for the Subcommittee, Mr. Cook oversaw appropriations for the Department of Energy, the Civil Works programs of the Army Corps of Engineers, the Bureau of Reclamation, as well as a number of related agencies. In this role, he oversaw appropriations and conducted oversight of these programs and worked diligently to uphold the interest of the taxpayer to ensure that our taxpayer dollars were spent efficiently and effectively. I was a frequent beneficiary of his guidance and expertise, as I know were the Chairman, Ranking Member and the other members of the Subcommittee.

Madam Speaker, I believe that we owe much of our effectiveness as Members to the hard work and dedication of the staff. Kevin Cook exemplifies the highest ideals of public service and served the Committee and the federal government with honor, integrity and enthusiasm. We will miss his expertise and counsel greatly—his knowledge and understanding of the issues at hand will be difficult to match. Thank you, Kevin, for your many years of service to the federal government, the United States Congress and our nation.

## RESTORE BALANCE TO TAX TREATMENT OF CHARITABLE VEHICLE DONATIONS

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. DELAHUNT. Madam Speaker, in 2004, the Congress enacted changes in the federal tax code intended to address real and perceived abuses related to charitable donations of vehicles. Those changes, while well-intended, have had unanticipated and serious consequences. Over the last four years, charitable vehicle donations have plummeted. The steep decrease in revenue has forced many charities—in my state and across the country—to reduce services to their beneficiaries.

The adverse impact on charities is especially alarming in the context of the recession currently gripping the nation. The economic downturn has exacerbated demand for charitable services. But the changes enacted in 2004 are strangling the charitable contributions on which those services depend.

I have introduced legislation to refine those changes in ways that restore better balance to this provision of the tax code and fulfill the original intent of Congress: to promote charitable donations. Every car and truck donated to charity, moreover, would help stimulate sales of new automobiles—at a fraction of the per-transaction cost of any auto bailout proposal.

Before 2005, a taxpayer could deduct the fair market value (FMV) of vehicles donated to charity. Under Section 170 of Title 26 of the U.S. Code, a donor could claim the FMV as determined by well-established used car pricing guides, as long as the FMV was under $5000. However, there was concern that some taxpayers were gaming the system by claiming excessive deductions, and that there was insufficient IRS oversight to detect or police these problems.

In its FY2005 budget request, the Administration proposed reforming the rules governing vehicle donations by allowing a deduction only if the taxpayer obtained a qualified appraisal for the vehicle. However, the Congress rejected that proposal and went much further. The tax code changes included in the American Jobs Creation Act of 2004 (P.L. 108–357) limited deductions over $500 to the actual proceeds of sale of the vehicle by the charity—regardless of appraised value. Only if the charity actually keeps and uses the car (rather than sells it for the resulting revenue) can the donor deduct its FMV.

The rules took effect for tax year 2005. Today, a taxpayer with an older used car in poor condition can call many charities nationwide to have the vehicle towed at no cost and then claim a $500 deduction. However, a taxpayer with a newer-model car in good condition has no idea what deduction will be allowed until the vehicle is actually sold. That sale may not occur until months later, forcing the donor to roll the dice on the final deduction amount.

During congressional debate, proponents argued that the changes would not add new burdens on vehicle donors or adversely impact charitable giving. To the contrary, evidence abounds that the changes have seriously disrupted charitable giving and forced many charities to curtail services to low-income beneficiaries.

Two recent government reports have concluded that charitable vehicle donations have dropped significantly since federal tax law changed four years ago. In March 2008, a Government Accountability Office (GAO) study of 10 national charities over the two years after the law changed found that vehicle donations had dropped by 39 percent and that the resulting charitable revenues decreased by 25 percent. In May 2008, the Internal Revenue Service documented that the number of vehicles donated in 2005, the first year after the rules changed, decreased by 67 percent and that their value fell by over 80 percent.

To feel informed enough to decide whether to donate a vehicle, taxpayers need a reasonable degree of certainty about the resulting deduction. Otherwise, alternatives such as a private sale or dealer trade-in become more attractive. This is clearly not what the Congress intended.

The objective of the original 1986 car donation provision in the federal tax code was to encourage charitable donations and to help charities develop new ways to generate contributions. The 2004 amendments have undermined that goal without improving IRS enforcement. As a result, charities and their beneficiaries are suffering.

The change has affected not only the number of donations, but also the quality of donated vehicles. News articles from across the country reflect plummeting donation rates and the precipitous decline in revenue of non-profit community organizations. The news coverage itself has exacerbated the problem. Potential donors concerned about the changes are discouraged further by the perception of the new burdens associated with the amended rules.

Charities that had operated successful vehicle donation programs, either independently or though third-party fundraisers, have been hit hard. Those unable to cover overhead costs have eliminated vehicle donation programs and resolved to forego the resulting revenue stream. It appears that no charities have initiated or expanded vehicle donation programs over the past two years.

Contrary to reassurances offered during the congressional debate, the tax law changes constituted a classic example of the baby being thrown out with the bathwater. This overreach has had serious ramifications for social services provided by non-profit groups across the country. Modest tax incentives are critical to sustaining charitable contributions, including in-kind gifts. The decline in vehicle donations since 2004 could be addressed by minor legislative refinements that would also address potential abuses and buttress IRS enforcement.

Following are the text and technical analysis of my proposed legislation, which I view as a starting point for new congressional debate on this important issue.

A bill to amend the Internal Revenue Code of 1986 to promote charitable donations of qualified vehicles.

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

**SECTION 1. TREATMENT OF QUALIFIED VEHICLE DONATIONS.**

(a) IN GENERAL.—Paragraph 12 of subsection (f) of section 170 of title 26 (relating to disallowance of deduction in certain cases and special rules), as amended by this Act, is amended to read as follows:

''(12) CONTRIBUTIONS OF USED MOTOR VEHICLES, BOATS, AND AIRPLANES.—

''(A) IN GENERAL.—In the case of a contribution of a qualified vehicle paragraph (8) shall not apply and no deduction shall be allowed under subsection (a) for such contribution unless the taxpayer substantiates the contribution by a contemporaneous written acknowledgement of the contribution by the donee organization that meets the requirements of subparagraph (B) and includes the acknowledgement with the taxpayer's return of tax which includes the deduction.

''(B) CONTENT OF ACKNOWLEDGEMENT.—An acknowledgement meets the requirements of this subparagraph if it includes the following information:

''(i) The name and taxpayer identification number of the donor.

''(ii) The vehicle identification number or similar number.

''(iii) In the case of a qualified vehicle that is not sold by the organization

''(I) a certification of the intended use or material improvement of the vehicle and the intended duration of such use, and

''(II) a certification that the vehicle would not be transferred in exchange for money, other property, or services before completion of such use or improvement, and

''(iv) In the case of any qualified vehicle the claimed value of which does not exceed $2500—

''(I) the fair market value of the vehicle as determine in accordance with regulations prescribed by the Secretary,

''(II) a statement that the deductible amount may not exceed the fair market value of the vehicle, and

''(III) if the organization sells the vehicle without any significant intervening use or material improvement a certification that the vehicle was sold in an arm's length transaction between unrelated parties.

''(v) In the case of any qualified vehicle the claimed value of which exceeds $2500—

''(I) a qualified appraisal as defined in (E) of paragraph (11) of this section,

''(II) a statement that the deductible amount may not exceed the appraised value of the vehicle, and

''(III) if the organization sells the vehicle without any significant intervening use or material improvement a certification that the vehicle was sold in an arm's length transaction between unrelated parties.

''(C) CONTEMPORANEOUS.—For purposes of subparagraph (A), an acknowledgement shall be considered to be contemporaneous if the donee organization provides it within 30 days of the contribution of the qualified vehicle.

''(D) INFORMATION TO SECRETARY.—A donee organization required to provide an acknowledgement under this paragraph shall provide to the Secretary the information contained in the acknowledgement. Such information shall be provided at such time and in such manner as the Secretary may prescribe.

''(E) QUALIFIED VEHICLE.—For purposes of this paragraph, the term 'qualified vehicle' means any—

''(i) motor vehicle manufactured primarily for use on public streets, roads, and highways,

''(ii) boat, or

''(iii) airplane.

Such term shall not include any property which is described in section 1221(a)(1).

''(F) REGULATIONS OR OTHER GUIDANCE.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this paragraph.''

(b) PENALTY FOR FRAUDULENT ACKNOWLEDGMENTS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties), as amended by this Act, is amended by inserting after section 6719 the following new section:

**''SEC. 6720. FRAUDULENT ACKNOWLEDGMENTS WITH RESPECT TO DONATIONS OF MOTOR VEHICLES, BOATS, AND AIRPLANES.**

''Any donee organization required under section 170(f)(12)(A) to furnish a contemporaneous written acknowledgment to a donor which knowingly furnishes a false or fraudulent acknowledgment, or which knowingly fails to furnish such acknowledgment in the manner, at the time, and showing the information required under section 170(f)(12), or regulations prescribed thereunder, shall for each such act, or for each such failure, be subject to a penalty equal to—

''(1) the product of the highest rate of tax specified in section 1 and the claimed value of the vehicle, or

''(2) $5,000.''

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68, as amended by this Act, is amended by inserting after the item relating to section 6719 the following new item:

**''Sec. 6720. Fraudulent acknowledgments with respect to donations of motor vehicles, boats, and airplanes.''.**

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contributions made after December 31, 2006.

## IN HONOR OF JOHN TSUKASA TANIMURA

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. FARR. Madam Speaker, I rise today to honor the passing of a great American that you may have never heard of. John Tsukasa Tanimura, known to all as Johnny, recently passed away at the age of eighty-eight. He was a farmer's farmer. As one of the founders of the Tanimura & Antle produce company, he helped build it into the nation's largest private lettuce producer. So while you may have never heard of Johnny Tanimura, I can guarantee that every member of this House has eaten something that Johnny and his family grew. As an integral part of the Salinas Valley's agricultural and cultural fabric, he will be missed tremendously. However, the legacy that he planted and nurtured will produce a crop for generations to come.

Born November 21, 1920 in San Juan Bautista, California to Eijiro Kimoto and Yukino Tanimura, he was the sixth of 13 children in a farming family. Johnny graduated from Salinas High School and served in the Army as a guard in Germany, while his family was interned in Poston, Arizona, during World War II.

After relocating to Gilroy, Johnny along with his siblings rebuilt their living in the farming business with harvesting jobs. Through hard work, Johnny, his brothers and their families commenced a farming enterprise that grew from the seeds of love, respect and cooperation. The Tanimura family created ties with Bud Antle and his family in 1948, and the two families jointly established the formation of Tanimura & Antle in 1982, a successful and dynamic family farming enterprise in the Salinas Valley.

His dedication to the lettuce farming was tireless, as he worked throughout his life without ever retiring. He and his brothers were an ever present sight in their ubiquitous white pickup inspecting and tending to their various ranches up and down the Salinas Valley. Even when he was unable to get around without a walker or wheelchair, he had someone take him into the fields multiple days a week to make sure the farming went smoothly.

He is survived by his wife, Sakako (Sachi); daughters Jeannie, Susan and June Tanimura; grandchildren Brian Cobb and Jennifer Caro; great grandchildren Desiree and Mateo Caro, Draven Cobb, Jake Esqueda and MacKenzie Wright; brothers and sisters-in-law, George and Masaye Tanimura, and Tommy and Hisako Tanimura; sister-in-law, Fumiko Tanimura, wife of his late brother Charles (Charlie); and sisters Alice Sato, Rose Yuki and Betty Furisho.

Madam Speaker, Johnny Tanimura's life was filled with impactful accomplishments. He leaves behind a footprint on the agricultural business of the Salinas Valley through hard work and a loving and dedicated heart, and touched the lives of those around him. I am certain I speak for the entire House when I extend our heartfelt sympathy to his family, friends and colleagues.

## PERSONAL EXPLANATION

### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. WESTMORELAND. Madam Speaker, on May 4, 2009 I stayed at home due to an ongoing medical condition. As a result, I missed two votes. Had I been present, I would have voted the following:

"Yea" on Motion to Suspend the Rules and Pass H. Res 230, a bill Recognizing the historical significance of the Mexican holiday of Cinco de Mayo (Rollcall No. 229); and

"Yea" on Motion to Suspend the Rules and Pass H. Con. Res 111, a bill Recognizing the 61st anniversary of the Independence of the State of Israel (Rollcall No. 230).

## ON THE ENDORSEMENT OF ''ONE SECOND AFTER'' BY WILLIAM R. FORSTCHEN

### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. BARTLETT. Madam Speaker, I rise today to bring up the book One Second After, which was written by historian and novelist William R. Forstchen. It lays out a fact-based scenario of what life would be like after an EMP attack. I think that the American people should read this book. It tells the story of a ballistic missile EMP attack on our country. The weapon was launched from a ship off our shore, and then the ship was sunk so that there were no fingerprints. It was launched about 300 miles high over Nebraska, and it shut down our infrastructure country-wide. This book is a realistic assessment of what a really robust EMP lay-down could do to our country.

As a scientist and engineer now serving my 17th year on the House Armed Services Committee, I have studied the threat of EMP with the world's experts and it is real. I find it very disturbing that EMP is well understood and its capability is actively pursued by America's potential foes, but it is virtually unknown to the American public. Imagine a world where the only person you could talk to is the person next to you, the only way you could go anywhere is to walk and the electronic grid is destroyed. This is only the beginning of the impact from an EMP attack.

Glen Reynolds, who is a law professor at the University of Tennessee, a contributing editor at Popular Mechanics, and the author of various law review articles, writes as the editor of Instapundit.com how much he enjoyed the book and how he hopes that this book will draw attention to the threat of an EMP. I want to take this opportunity to share it with all of my colleagues.

"So I finished William Forstchen One Second After, and it's pretty good—sort of an Alas, Babylon for the 21st Century. Forstchen hopes to attract attention to the danger of an EMP attack, and I hope he does. I'm somewhat less positive about whether that will produce any actual, useful preparation."

## HONORING DETECTIVE JEFFREY K. SWINDOL

### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor Detective Jeffrey Swindol for being selected as the Bartlett Police Department's 2008 Officer of the Year.

Since joining the Bartlett Police Department in 1998, Detective Swindol has made an immediate impact in a police force through his professionalism and loyalty to the Bartlett community. It is through Detective Swindol's chosen career path that is a testament of the values that were instilled in him by his parents and family members. Detective Swindol displays his leadership that is expected during investigations for illegal sales, distribution of narcotics as well as other substances.

On April 1, 2007, Detective Swindol was promoted and began utilizing his talents on the Bartlett Police Department's Narcotic Unit. Detective Swindol has displayed his ability to adapt, overcome obstacles, and thrive under pressure. His dedication and diligent work with the unit even led to the seizure of $62,000.00 cash as well as the suspect. Detective Swindol was an integral part in this investigation, which deserves the credit for one of the largest cash seizures in the department's history. I can proudly say that all of this hard work paid off. I commend Detective Swindol for his exemplary example of dedication and service. I have no doubt that Detective Swindol's hard work has improved the lives of everyone that calls the City of Bartlett their home.

Please join me in honoring Jeffrey Swindol and wishing him and his family the best on this well-deserved award.

## IN MEMORIAM: CORRINE CONTE

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. OLVER. Madam Speaker, I rise to honor the life of Corrine Louise Conte, a beloved neighbor and community member in western Massachusetts and Washington, DC.

Corrine was a woman of many talents. A native of Pittsfield, she was a star swimmer at Pittsfield High School, and she later became an accomplished pilot. Once, while flying near her home, her plane's engine failed, but she steered the descending plane into an open field and escaped with only a fractured rib, an injury she dismissed as trifling.

During World War II, Corrine served as a nurse in the Navy, where she met her future husband, the late, great Congressman Silvio O. Conte. The couple married after the war, and Corrine continued to serve as a nurse while raising their four children. When Silvio was elected to the House of Representatives, she moved their family to Bethesda, Maryland, where she became a successful real estate agent.

Ever-welcoming, Corrine opened her family's home in Bethesda to ambassadors and politicians, regardless of political party. Her gatherings were known for being intimate and down-to-earth. When a Russian delegation once came to dinner, they were surprised to find that Corrine had done all the cooking herself

She was a friend to several Presidents, meeting each Chief Executive from Dwight Eisenhower to George H.W. Bush, and even dancing with Lyndon Johnson at his inaugural ball. True to form, she made all of her White House gowns herself, working from a sewing table in her basement. In the late 1980s, she served on President Bush's Special Committee on Mental Health.

Despite remarkable talents and powerful friends, Corrine never lost touch with her community or shrank from the rigors of public service. The phone number to her family's Pittsfield home was listed publicly, and, during the three decades her husband served in Congress, she fielded calls from constituents and often followed up on requests herself. She was an active campaigner, regularly putting in long days on the campaign trail, and a favorite with voters, who appreciated her practicality and command of the issues. After her husband's death in 1991, she dedicated herself to preserving his extensive and important legacy.

Away from the public eye, Corrine was known to be a loving mother and a woman of great faith. She was also a life-long Boston Red Sox fan and reportedly was elated to see her team finally reverse the "Curse of Bambino" by sweeping the World Series in 2004.

Corrine Conte's strength, warmth and charm were legendary. The friends she made and the people she touched throughout her remarkable life will miss her dearly.

## CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 29, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration of 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:

Ms. ROYBAL-ALLARD. Mr. Chair, I rise in support of H.R. 627, the Credit Cardholders' Bill of Rights. I am very pleased that leadership has brought this important consumer protection legislation to the floor today.

As we all know, having a credit card account is essential to building the credit history needed to buy a home or obtain a loan. Given the necessity of having good credit, I am very concerned that in recent years, credit card companies have established policies which result in limiting the control that individuals have over their financial decisions. This inappropriate level of control has serious implications for people's lives and their financial security.

One common practice is that a credit card company will raise interest rates without warning. When a credit card holder tries to opt out, they realize they are locked into a plan that differs vastly from what they originally signed up for. These types of abuses against consumers have even more serious implications in these trying economic times, in that families may not be able to meet credit obligations that were not expected or planned.

The Credit Cardholders' Bill of Rights ensures that credit cardholders are protected from unfair and confusing credit card gimmicks that result in their being required to pay more than what they should owe to the credit card companies.

The bill protects cardholders against arbitrary interest rate increases, empowers them to set limits on their credit and requires card companies to fairly credit and allocate payments. It also prohibits charging fees just to

pay a bill by phone or issuing credits cards to minors.

These new, common-sense protections will empower consumers and prevent the credit card industry from continuing to reap excessive profits from often unsuspecting customers.

I ask my colleagues to vote "yes" on this critical consumer protection measure, and I urge the Senate to act on this measure so that it can be quickly signed into law.

## CONGRATULATING SAUNDERS YACHTWORKS ON ITS 50TH ANNIVERSARY

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. BONNER. Madam Speaker, today I rise to honor Saunders Yachtworks with facilities in Orange Beach and Gulf Shores, Alabama, on its 50th anniversary.

In 1959, the Saunders Engine & Equipment Company, Inc. was founded by Andrew Saunders Sr. in Mobile, and today members of the second and third generation represent the majority of the company's ownership. The company's "can do" attitude has set it apart as a premier marine service provider along the central Gulf Coast.

In 1993, Saunders Yachtworks opened as a mechanical service facility in Orange Beach, and in 2007, Saunders Yachtworks became the sole focus of the corporation. This year, the company expanded its operations to Gulf Shores with the opening of its new corporate headquarters and mechanical service shop.

This new facility features one of the largest boat lifts on the central Gulf Coast allowing Saunders to work on boats up to 115 feet. There is no doubt this new expansion will bring yachters from around the world to Alabama's Gulf Coast.

Throughout its 50 years of operations, the company has received numerous awards and accolades. In 1990, Saunders Engine & Equipment was named "Small Business of the Year" by the Mobile Area Chamber of Commerce. Earlier this year, Saunders Yachtworks was named Boatyard of the Year by the American Boat Builders and Repairers Association. This award is given to the boatyard that "demonstrates excellence in all facets of business through commitment to customer service, quality management and positive vendor and employee relations."

Madam Speaker, I ask my colleagues to join with me in congratulating Saunders Yachtworks on its 50th anniversary and for being recognized as the Boatyard of the Year. I know John Fitzgerald, the company president, Andrew Saunders Jr., chairman of the board, along with the company employees, their friends, families, and members of the community also join with me in praising Saunders Yachtworks for their many accomplishments and for extending thanks for their continued service to the Alabama business community and the First Congressional District.

## TRIBUTE TO TYLER CLARY

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual who possesses the talent, athleticism and dedication of an Olympic athlete. University of Michigan Sophomore Tyler Clary is turning heads and breaking records in the swimming world; and he's ready for the next step—the Olympics. Tyler grew up in Riverside, California, where his parents still reside. Our entire community is very proud of this young man and his accomplishments.

Tyler graduated from Poly High School in 2007 where he was a CIF champion in swimming. Tyler is now flourishing at the University of Michigan. He recently captured his first NCAA title and his time of 3:35.98 broke the American Record of 14-time Olympian gold medalists Michael Phelps by 28 hundredths of a second. Tyler received a congratulatory text message from Michael Phelps, who Tyler trained with at Michigan. The next night Tyler captured the 200-yard backstroke title and broke another NCAA record of Olympian gold medalists Ryan Lochte.

Tyler's coaches are not only impressed by his pure athleticism but by his great attitude. A recruiting coach from Cal said that he knew Tyler "was going to be one of the greats." Tyler intends to prove that correct as he sets his sights on the 2012 Olympics. He was just shy of making the cut for the 2008 Olympics and Tyler doesn't intend to let anything get in his way the next time around. He has begun preparation for this year's world championships, which will be held this summer in Rome.

Tyler is also a five-time All American Athlete, the 2009 Swimmer of the Year, the 2009 Big Ten (Conference) Swimmer of the Year, and holds the University of Michigan's records in the 200 Individual Medley (IM), 400 IM, 200 Backstroke and 800 Free Relay. Tyler was the 2006 Fédération Internationale de Natation (FINA) World Youth Top Male Performer. In 2007, Tyler was the Silver Medalist in the 200 Backstroke at the Pan American Games.

Madam Speaker, it is a rare honor to be able to speak about an athlete who is expected to break records and possibly become a future Olympic champion. Tyler Clary has everything it takes and I believe that three years from now I will be on the House floor congratulating Tyler on a successful return from the 2012 Summer Olympics being hosted in London. Tyler exemplifies the best of our future generations and I look forward to watching him in the years to come.

## FREE MEDIA UNDER PRESSURE IN THE OSCE REGION

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. HASTINGS of Florida. Madam Speaker, as Co-Chairman of the Helsinki Commission I can attest to the fact that freedom of the press is only a cherished dream for many today in the OSCE region. Vibrant independent media are an essential element of any democracy. Leaders the world over who are determined to remain in office by any means necessary understand perfectly the power of the press. That is precisely why they and their associates strive so vigorously to control the media. Indeed, there are a variety of means commonly used by those attempting to harass or intimidate journalists.

Physical attacks on journalists have become commonplace in many part of the OSCE region along with police raids, spurious court cases, arrests, and forcible psychiatric hospitalization. In recent days those attacked included Argishti Kivirian, editor of the independent news Web site Armenia Today, Vyacheslav Yaroshenko, editor of Corruption and Crime, a weekly in the southwestern Russian city of Rostov-na-Donu, and Anastasia Akopyan, a young journalist assaulted following circulation of an interview she did with an opposition mayoral candidate in the Russian city of Sochi.

The situation in several other OSCE countries remains mixed. While the Belarusian regime allowed two independent newspapers to distribute through state-controlled outlets, the overall media environment remains repressive. Independent journalists continue to be harassed. A new media law entered into force in February contains provisions that toughen state control over the media as the Belarusian government seeks to maintain a virtual monopoly over the country's information space, especially television. In Armenia, the independent A1+ television station, forced off the air by the authorities, remains silent despite a ruling on the case by the European Court of Human Rights nearly a year ago. While the release of some imprisoned journalists in Azerbaijan is a positive development, the authorities have yet to repeal criminal defamation provisions. In Georgia, the government should take decisive action on promised reforms on media liberalization.

In the Balkans, media outlets are commonly targeted for harassment and occasional violence. In Serbia, several journalists were reportedly attacked earlier this year by a radical group organizing a commemoration of the 10-year anniversary of NATO bombing. Investigative media in Kosovo have come under pressure for their attempts to expose corruption. Independent media in Montenegro are frequently the target of trumped-up defamation and libel charges. In Albania, the magazine Tema was reportedly forced to cease operations under government pressure, while TV News 24 was apparently assessed a large fine for ridiculing another station's promotion of the country's prime minister. This year marks the tenth anniversary of the murder of Serbian journalist and editor, Slavko Curuvija, who testified before the Helsinki Commission shortly before his death, a case which authorities have yet to resolve.

Meanwhile, in Kazakhstan, the opposition weekly Taszharghan has reportedly been forced to cease publication following the imposition of a $200,000 fine for damaging the honor and dignity of a member of the Kazakh parliament. According to the Committee to Protect Journalists, at least half a dozen independent outlets and their staffers faced more than 60 such defamation lawsuits in 2008 alone, with many involving claims by senior government officials.

Madam Speaker, nearly two decades after the breakup of the U.S.S.R., Soviet-era censorship survives in places like Uzbekistan and Turkmenistan, which, not coincidentally, ban all political opposition.

## THE U.S.-CHINA COMPETITIVENESS AGENDA OF 2009

### HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. KIRK. Madam Speaker, today I am proud to join my good friend, the gentleman from Washington (Mr. LARSEN), in unveiling the bipartisan U.S.-China Competitiveness Agenda of 2009. This agenda includes four legislative priorities to expand America's influence in China and increase American competitiveness in the global marketplace.

As co-chairs of the bipartisan House U.S.-China Working Group, we are working in Congress to elevate the sophistication of our debate on U.S.-China issues. The U.S.-China Competitiveness Agenda provides Congress with a constructive legislative package to expand U.S. engagement with China while supporting key domestic and foreign policy objectives.

Along with two other Working Group members, Congresswoman SUSAN DAVIS (D-Calif.) and Congressman STEVE ISRAEL (D-N.Y.), we are introducing bipartisan legislation to expand America's diplomatic infrastructure in China, boost support to small- and medium-sized businesses exporting to the China market, increase funds for domestic Chinese language instruction and build new cooperative energy ties between the U.S. and China.

The U.S. has one embassy and five consulates in China, leaving more than 200 cities with a population greater than one million people with little to no American representation. Additionally, while 60 percent of U.S. exports go to the Asia-Pacific market, the U.S. contributes 100 times more dollars to Europe's Organization for Economic Cooperation and Development than to the Asia Pacific Economic Cooperation Forum.

My legislation, the U.S.-China Diplomatic Expansion Act of 2009, authorizes the construction of a new consulate in Fuzhou and 10 smaller diplomatic posts in cities with more than a million people. The bill triples funding for public diplomacy, boosts funding for a range of language, student and teacher exchange programs, increases funding for rule of law initiatives and more than triples the U.S. contribution to Asia Pacific Economic Cooperation.

If we are serious about expanding export promotion services, defending intellectual property rights, improving consumer product safety and enhancing economic competitiveness, we need a diplomatic infrastructure in China that reflects those priorities.

I am proud to co-sponsor three other bipartisan bills in the U.S.-China Competitiveness Agenda, including Mr. LARSEN's U.S.-China Market Engagement and Export Promotion Act of 2009, Ms. DAVIS's U.S.-Chinese Language Engagement Act of 2009 and Mr. ISRAEL's U.S.-China Energy Cooperation Act of 2009.

Mr. LARSEN's bill would help states establish export promotion offices in China and create a new China Market Advocate program at U.S. Export Assistance Centers around the nation. The bill provides assistance to small businesses for China trade missions and authorizes grants for Chinese business education programs.

I strongly support the U.S.-China Market Engagement and Export Promotion Act because we need innovative programs that support our small business exports and arm them with the tools they need to succeed in China.

Roughly 200 million students are learning English in China today. By contrast, only about 50,000 primary and secondary school students study Chinese in America. Ms. DAVIS's bill increases Chinese cultural studies and language acquisition for elementary, high school and college-age students. Grants would be available to fund university joint venture programs, virtual cultural exchanges with Chinese schools and intensive summer language instruction programs.

We have more than just a trade deficit with China—we also have a knowledge deficit. That is why I strongly support the U.S.-Chinese Language Engagement Act. We need additional funding for domestic Chinese language programs, educational exchanges and Chinese teacher exchanges to fix this knowledge imbalance.

To create green jobs in America and fight global climate change, we must expand energy cooperation between the U.S. and China. Mr. ISRAEL's bill authorizes new grants to fund U.S.-China energy and climate change education programs, along with joint research and development of carbon capture, sequestration technology, improved energy efficiency, and renewable energy sources.

In my view, China's connections to unstable energy markets like Iran, Sudan and Venezuela could set a foreign policy collision course with the United States. I strongly support the U.S.-China Energy Cooperation Act. To protect our environment and avoid future conflict, we need creative programs to boost U.S.-China energy cooperation.

I want to thank my colleagues for their hard work on this bipartisan agenda. I urge my colleagues to cosponsor all four bills and move quickly to enact this legislation into law.

## INTRODUCTION OF U.S.-CHINA LANGUAGE ENGAGEMENT ACT OF 2009

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mrs. DAVIS of California. Madam Speaker, I rise today to introduce the U.S.-China Language Engagement Act of 2009—a bill to close the knowledge deficit when it comes to our relationship with China.

It is little news to anyone that China is on the rise. With a population of over 1.3 billion people and the second largest economy in the world when measured by domestic purchasing power parity, China is poised to become a world power, economically, diplomatically, and militarily.

Yet at a time when China's influence on the world stage is increasing, our national understanding of the "Middle Kingdom" has not kept pace.

While an estimated 200 million Chinese school children are studying our language and culture, less than 50,000 American elementary and secondary students are studying Chinese.

The goal of the U.S.-China Language Engagement Act is to provide our schools with the resources they need to offer Chinese language instruction and cultural studies classes.

This important legislation would instruct the Department of Education to offer competitive grants to Local Education Agencies (LEAs) to develop and implement innovative Chinese language and cultural studies programs.

LEAs, in collaboration with institutions of higher education, may use grant funds to carry out intensive summer Chinese language instruction, link bilingual Chinese and English speakers with students and conduct virtual cultural exchanges with educational institutions in China.

This bill is part of a broader legislative package seeking to improve our competitive edge and relationship with China.

Some may view China's resurgence as a threat. But today, Madam Speaker, I ask you to turn China's rise into an opportunity for United States citizens.

Through careful diplomacy, I believe China can become not only a competitor but also a partner. But we cannot have this dialogue if we cannot understand the Chinese people.

This is why I come before you today: to ask for your help in ensuring that the lines of communication between the United States and China stay open. Please support the U.S.-China Language Engagement Act and help bridge the language barrier and cross the cultural gap between future generations of Americans and the Chinese.

## CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2009

SPEECH OF

### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, April 29, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration of 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:

Ms. WATERS. Mr. Chair, I rise today in strong support of H.R. 627, the Credit Cardholders' Bill of Rights, and would like to thank Financial Institutions Chairman LUIS GUTIERREZ and Congresswoman MALONEY for their continued dedication and leadership on this issue.

I am proud to be an original cosponsor of H.R. 627. Thanks to this legislation, abusive billing practices will end. No longer will a company be able to harm consumers by engaging in double-cycle billing. No longer will a company be able to harm consumers by applying their payments to the lowest-interest balance. No longer will these companies be able to harm consumers through arbitrary interest rate increases or universal default practices.

This bill also requires—as a result of an amendment I offered at markup—that the Federal Reserve conduct a study of how credit card companies are treating credit lines. Some

companies are reducing the credit lines of consumers based on information such as where they shop—including the type of store and the neighborhood in which it is located. I am also aware that some companies have reduced credit lines based on the identity of the consumer's mortgage lender. This type of behavior is tantamount to redlining.

I hope that the Federal Reserve study contained in this bill will provide the Congress with the information we need to reign in these abusive practices.

I urge my colleagues to support H.R. 627, the Credit Cardholders' Bill of Rights Act of 2009.

## NATIONAL DAY OF PRAYER

### HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CANTOR. Madam Speaker, I rise today to call special attention to an activity Americans engage in throughout every day—prayer. Today is the National Day of Prayer, an observation established by Congress and President Truman in 1952.

Our Nation was founded on Judeo-Christian principles, which continue to permeate our daily lives—and need to be preserved. In recent times, these principles and the demonstration of them has come under attack by certain segments of society. From the very beginning of our Nation's history, our Nation's leaders have relied heavily on their faith, a fact that led our Founders to include the constitutional right to freely exercise one's religion in the very beginning of our Bill of Rights. This right is every bit as fundamentally important—and deserving of protection—today as it was in the 18th century.

Since the first call to prayer in 1775, when the Continental Congress called on the colonies to pray for wisdom in forming the Nation, the leaders of our Nation have continued to pray for that wisdom to shape our Nation. We look to God to provide us with the direction to act in accordance with His will, on behalf of the Americans who have sent us here to represent them. The one thing we know for certain is that there's nothing we can't accomplish—here in Congress or anywhere in the world—with God's help and blessing.

## HONORING ST. ROSE LADY WILDCATS

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to honor an exceptional group of young ladies from Clinton County, Illinois.

The St. Rose Lady Wildcats volleyball team captured the Southern Illinois Junior High School Athletic Association Class S state tournament, defeating the squad from Lick Creek in straight sets. St. Rose swept through the tournament, not losing a single set on the way to the title. They knocked off Ewing in the opener and Centralia Trinity Lutheran in the second round, going on a 15–0 tear to come from behind and win game one.

I want to congratulate coaches Colette Huelsmann and Brian Holtgrave on leading this group of young ladies to this victory. Most of all, I want to congratulate the members of the state champion St. Rose Lady Wildcats: Abby Holtgrave, Amanda Gall, Brooke Buehne, Erika VonBokel, Lauren Willis, Ellie Detmer, Elizabeth Marcus, Lydia Rehkemper, Larissa Jacob, Maddie Timmermann, Avoynna Kampwerth and Jamie Voss.

These young ladies have represented themselves, their school and their community in an exemplary fashion, and I congratulate them, and wish them all the best for continued success in the classroom and on the court.

## IN REMEMBRANCE OF FATHER DAVID FRANCIS FALLON

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. KUCINICH. Madam Speaker, I rise today in honor and remembrance of Father David Francis Fallon, founding Pastor of La Sagrada Familia Parish. His love, kindness and faithful service on behalf of the people of our community will always be remembered, especially in the hearts and memories of those whose lives he impacted the most—the poor and disenfranchised of our society.

Father Fallon was born and raised in Cleveland as the second oldest of thirteen children, where he learned at a young age the significance of family, faith, hard work and connection to community. Following his graduation from Borromeo College, then Saint Mary Seminary, Father Fallon was ordained into the priesthood on May 30, 1970. His first assignment was at Holy Family Parish and later as Associate Pastor at Saint John Bosco Parish. In 1975, Father Fallon was transferred to Saint Clement Parish in Lakewood. He served for two years before joining a mission team in El Salvador, where he brought faith, hope and a sense of security to his parish there.

Though not of Hispanic heritage, Father Fallon became fluent in its customs, language and culture, and he became warmly embraced as a true son of the people of Cleveland's Hispanic community. He celebrated Masses in Spanish, and began bilingual services for young churchgoers. Reflecting a generous heart, joy for life and humble demeanor, Father Fallon easily drew others to him and his leadership became a guiding light that brought people and organizations together. His diplomacy and commitment to community was evident in the 1998 merging of two Hispanic parishes, San Juan Bautista and Cristo Rey, to form La Sagrada Familia parish.

Under the direction of Father Fallon, La Sagrada Familia has risen as a foundation of strength, support and resources for people of all ethnic and religious backgrounds who seek guidance and support. Father Fallon initiated numerous programs, including a food pantry and clothing outlet where individuals and families in need can obtain free food, clothing and furniture. He organized church volunteers to serve the community in social service, employment and education.

Additionally, Father Fallon inspired others to empower themselves and take pride in their community. He was an active attendee and member of various neighborhood, civic and municipal organizations, and he led numerous efforts in organizing voter registration drives in the Hispanic neighborhood.

Moreover, Father Fallon's commitment to ministering to those who suffered emotional or physical hardships never wavered. He never missed his weekly visits to those who were homebound or those living in the neighboring nursing home. He brought each person the sacrament of communion, a compassionate presence and kind and calming words, comfort, faith and hope to our most vulnerable citizens.

Madam Speaker and Colleagues, please join me in honor and remembrance of Father David Francis Fallon, whose immeasurable service to others, compassion, faith, and a true belief in community has brought healing, hope and restored faith in all of us. I extend my deepest condolences to the family and friends of Father David Francis Fallon. Though he will be deeply missed by everyone who knew and loved him well, Father Fallon's compassionate service to others will continue to serve as an example and as a source of hope at La Sagrada Familia parish

## MAI YANG

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Mai Yang who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Mai Yang is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Mai Yang is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Mai Yang for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

## MORTGAGE REFORM AND ANTI-PREDATORY LENDING ACT

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 6, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1728) to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices, to provide certain minimum standards for consumer mortgage loans, and for other purposes:

Ms. LEE of California. Mr. Chair, I rise in strong support of H.R. 1728, the Mortgage Reform and Anti-Predatory Lending Act.

I want to thank Mr. BRAD MILLER and Mr. MEL WATT for sponsoring this important legislation and for being a champion for consumers and borrowers. I also want to thank Chairman FRANK for his commitment to finally bringing real reform to our mortgage markets and ending predatory lending and misleading and abusive lending practices.

I served for 8 years on the House Financial Services Committee with my colleagues and we repeatedly warned the, then majority, Republicans, the Bush Administration, the Treasury and the Federal Reserve about the need for stronger oversight and critical reforms that would end the pattern and practice of predatory lending.

Our warnings fell on deaf ears.

They chose to allow kickback schemes like yield spread premiums which put the mortgage lender's financial incentives in direct conflict with the interests of the consumers they are supposed to serve.

They chose to allow the reprehensible act of ''steering'' lower income, senior and minority borrowers into higher rate sub-prime and alt-a loans than they qualify for.

They chose to blindly trust financial institutions to ''regulate themselves''.

And we and our entire nation know where that got us.

It is long past time that we bring sound, reasonable regulation and oversight to our mortgage markets.

And this bill will do that.

I am also very pleased that this bill will protect renters and tenants who have been silently suffering due to the wave of foreclosures.

Too many renters who have paid their rent on time have been finding out for the first time that the property they live in is being foreclosed when the sheriff delivers an eviction notice.

Innocent tenants should be protected and let me thank Mr. ELLISON, MR. MILLER, MR. WATT and Mr. FRANK for acting on behalf of innocent renters.

I encourage my colleagues to vote yes on H.R. 1728.

## DR. MELINDA O'ROURKE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Dr. Melinda O'Rourke who has received the Golden Ethics in Business award. Dr. Melinda O'Rourke is an ophthalmologist and Vision Health International volunteer and received this award because of her sense of global and local volunteerism and dedication to bettering the lives of those from all social classes and nations through health care.

The devotion demonstrated by Dr. Melinda O'Rourke directly benefits her community and many throughout the world, and is exemplary of high personal and professional standards. She serves as a leader who inspires those around her to continually strive for better health care, both for those who can afford it and for those who cannot.

I extend my deepest congratulations once again to Dr. Melinda O'Rourke for winning the Golden Ethics in Business award. I have no doubt she will continue to exhibit the same dedication she has shown in her volunteer career to all future undertakings.

## MAY: WORLD TRADE MONTH

### HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. REICHERT. Madam Speaker, May is World Trade Month, and events around the country will highlight the vital role that trade plays in creating jobs and growing our economy.

World Trade Month is the perfect reminder of the need to pass pending free trade agreements that have languished for far too long. As Americans confront economic uncertainty, Congress must act now to advance our trade agenda. We cannot allow important agreements with Panama, Colombia, and Korea to remain on hold while Europe, China, and others continue to knock down trade barriers and become more competitive in the global economy.

Opening new global markets gives employers incentives to improve their products, produce more goods, and employ more American workers. I have seen these job-creating effects first-hand, with trade accounting for 1 out of every 3 jobs in my State of Washington.

Let's recognize World Trade Month by implementing these trade agreements and pursuing these proven measures of job creation at a time when they are badly needed.

## COST/PRODUCTIVITY IMPROVEMENT PROGRAM

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud the Cost/Productivity Improvement Program at the Rocky Mountain Arsenal, a former chemical manufacturing site being cleaned up by the U.S. Army near Denver, CO. The Cost/Productivity Improvement Program is an innovative effort instituted by the Army and Shell Oil Company, who are responsible for the cleanup of the site. The Program encourages employees to be proactive in improving the efficiency, safety, and quality of the transition of the Rocky Mountain Arsenal into a premier urban national wildlife refuge.

Construction and fieldwork are due to be completed in 2010, one year ahead of schedule and within budget. This achievement is due in no small part to cost savings suggestions by employees that were implemented through the Cost/Productivity Program under the leadership of the Army, Shell and their contractors. Not only has the program resulted in a savings of $67 million dollars over 10 years, with $4.5 million saved last year alone, it is an innovate example of a successful public-private partnership. The program has resulted in the promotion of ''green'' practices, including recycling and native vegetation reseeding.

I extend my deepest congratulations once again to the Cost/Productivity Improvement Program and the Army, Shell and their employees and contractors at the Rocky Mountain Arsenal. I have no doubt this program will continue to improve practices, while continuing to inspire employees and workers as they complete the environmental restoration and transformation of the site into a national wildlife refuge for generations of Americans to enjoy.

## SUPPORT FOR THE STEM CELL RESEARCH ENHANCEMENT ACT OF 2009 IN HONOR OF DR. XIANGZHONG ''JERRY'' YANG

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CONNOLLY of Virginia. Madam Speaker, I rise today to declare my support for the Stem Cell Research Enhancement Act of 2009. I intend to cast this vote in honor of the efforts of Dr. Xiangzhong ''Jerry'' Yang, a pioneer in cloning and stem cell research, who died of cancer three weeks ago at the age of 49. Dr. Yang left a great legacy of hard work, dedication, and success on the front lines of stem cell research. His work has led to a series of breakthroughs that have taken us closer to the dream of cloning stem cells to match an individual and cure the individual's disease, a breakthrough that would bring hope to countless men, women, and children who are suffering from otherwise untreatable illnesses.

The Yang laboratory, stationed at the University of Connecticut, is the world's leading laboratory in animal cloning and stem cell technology. Dr. Yang and his team provided critical insights into the previously mysterious mechanisms of how germ cells are programmed to form embryos, and how these embryos form distinct types of tissue. He was instrumental in working with then-Connecticut State Senator CHRIS MURPHY (now my colleague Representative MURPHY) to establish the Connecticut State Stem Cell Research Program, one of the very few such programs in the Nation. Because of the program's existence, Connecticut was one of the few states that would fund human embryonic stem cell research that could not be funded by the Federal Government. Just this year, the University of Connecticut announced the derivation of two new human embryonic stem cell lines as a result of these research funds. This breakthrough, along with many others, would not have happened without Jerry's influence and guidance.

Dr. Yang's ultimate dream to tailor stem cell cloning to specific people, organs, and diseases has not yet been realized, but with the help of the Stem Cell Research Enhancement Act, we may yet reach the world he envisioned: One in which organ damage from cancer, heart attacks, spinal disorders, or any other conceivable illness can be reversed with stem cell therapy. I ask that my distinguished colleagues join me in applauding the work of Dr. Yang: he will be sorely missed, but the important work he has done deserves all the recognition and support this body can offer.

KWYN PAVEY

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kwyn Pavey who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kwyn Pavey is a senior at Jefferson High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kwyn Pavey is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kwyn Pavey for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

THE REINTRODUCTION OF RECOMMITMENT TO INTERNATIONAL HUMAN AND CIVIL RIGHTS RESOLUTION

## HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. LEWIS of Georgia. Madam Speaker, i rise to reintroduce my resolution urging the United States to ratify and implement certain fundamental international conventions.

This resolution is supported by a variety of organizations including Free the Slaves, Human Rights Watch, AFL-CIO, Amnesty International USA, Global Rights, Citizens for Global Solutions, Oxfam America, the National Alliance of HUD Tenants, the National Law Center on Homelessness and Poverty, and the Robert F. Kennedy Memorial Center for Justice and Human Rights.

This year marks the 60th anniversary of the UN Declaration on Universal Rights. It is the foundation of the current human rights movement. Americans, led by First Lady Eleanor Roosevelt, helped craft this historic convention, and next week, the United States will again seek a seat on the United Nations Human Rights Council.

Last week, I joined my colleagues to protest the genocide in Darfur at the Sudanese Embassy in Washington, D.C. Three years ago, many of us were arrested doing the same thing; three years later, millions continue to suffer.

Our case against this and other humanitarian crises would be so much stronger if the United States had ratified the U.N. Conventions that address the rights of women, children, and forced disappearance. How can we ask for our global trading partners to respect international labor standards, when we ourselves have not ratified ILO standards on the right to organize and bargain collectively, or against forced child labor, or age discrimination? How can we fight poverty and homelessness if we do not support UN Covenant on Economic, Social and Cultural Rights? How can we stand up for civil rights when we do not support hemispheric efforts to recognize historic struggles of marginalized communities?

Our country was founded on the principles of civil and human rights. Many, many people—men, women, and even children—have sacrificed their lives for the freedoms we enjoy today. Madam Speaker, this is a time of war. This is a time when the global economy is struggling This is a time when access to food, water, shelter, and resources impacts every person on this planet. It is during periods like these when it is most important to protect our values and our commitment to universal human and civil rights.

Simply said, this resolution is our recommitment to our own American principles and to our neighbors and friends around the world. We must always be vigilant. We must be vocal. But we must remember—actions speak louder than words.

LEAH M. VARNELL

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Leah M. Varnell who has received the Golden Ethics in Business award. Leah Varnell is the executive director of Court Appointed Special Advocates of Jefferson and Gilpin Counties and received this award because of her vision, bravery, and sense of social responsibility to those children who face the worst of all situations.

The dedication demonstrated by Leah Varnell directly benefits her community, and is exemplary of high personal and professional standards. She serves as a leader who inspires those around her to continually strive for a safer environment for America's children.

I extend my deepest congratulations once again to Leah Varnell for winning the Golden Ethics in Business award. I have no doubt she will continue to exhibit the same dedication she has shown in her career to all future undertakings.

INTRODUCING THE FAIR TREATMENT FOR METAL IMPLANTEES ACT

## HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. OBERSTAR. Madam Speaker, today I would like to introduce the ''Fair Treatment for Metal Implantees Act'', which creates a program within the Department of Homeland Security that incorporates biometric technology or other applicable technologies to verify the identity of an individual who has a metal implant, so as to limit disruptions for such individuals while traveling by air transportation, in a manner consistent with aviation security.

According to the Joint Implant Surgery & Research Foundation, there are approximately 500,000 total hip and knee replacements performed in the United States each year. An estimated 11 million people in the United States have a medical implant and this number is growing as the population receiving implants increases.

In a 2007 study, researchers at the Harvard Medical School found that 100 percent of hip replacements and 90 percent of knee replacements cause commercial airport metal detectors to alert. Whenever a passenger alarms the walk-through metal detector, additional screening must be conducted to locate and resolve the source of hand-held metal detector and, first, conducts a pat-down inspection of any area that alarms; then conducts a whole-body pat-down. This additional screening consumes an average five minutes more of a passenger's time at security checkpoints.

This excess screening of metal implantees is not an efficient use of a TSO's time, which could be more efficiently used elsewhere. H.R. ____ would develop a travel credential or system that incorporates biometric or other applicable technologies to verify the identity of an individual who has a metal implant to ensure that such individuals can travel by air with greater ease, consistent with current security regulations. The bill would require the program to include verification of the individual with a metal implant, resolution for false matches and non-matches, determination of travel credential or system, and validation of a credential or system issued to an individual under the program that is lost, stolen, or no longer authorized for use.

Madam Speaker, I would like to thank the Chairman of the Homeland Security Committee, Mr. Thompson, for introducing this legislation with me. H.R. ____, the ''Fair Treatment for Metal Implantees Act'', will direct more resources to secure our skies and help metal implantees negotiate through airport security.

KRISTIAN YEAGER

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Kristian Yeager who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Kristian Yeager is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Kristian Yeager is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Kristian Yeager for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

HONORING ALICE T. MOSINIAK

## HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Ms. KAPTUR. Madam Speaker, I rise today to recognize the passing from this life of Alice T. Mosiniak, the founder of Toledo Seagate Food Bank, which over the years has helped countless people in need. Alice was Toledo office director in the 1970s of the National Association for Human Development, which trained senior citizens who were jobless and often alone. ''I took it for granted that everyone ate,'' Mrs. Mosiniak, who lived in South Toledo, told the Toledo Blade in 1993. She asked 50 seniors to bring a lunch to a meeting. ''Only two brought a lunch and one of those was a mashed potato sandwich, and the other person brought a bean sandwich. And that's how I found out they were all hungry.'' She scrounged and bought food for them. ''Her heart was compassion and caring for others,'' said her daughter, Deborah Vas, food bank executive director since 1998. ''She just truly believed and taught us you need to care about your neighbors''

The Toledo Seagate Food Bank began in 1980 after Alice saw what seniors ate—or didn't eat. Migrant farm workers in Lucas County were among the first fed, said Virginia Ortega, a member of the Ohio advisory committee to the U.S. Civil Rights Commission. ''Her life enhanced the quality of life of many northwest Ohioans in ways many people I don't think even realize,'' she said.

Mrs. Mosiniak enlisted local officials and business leaders in the project. ''She'd tell them exactly what she needed and wanted and say, 'Either you're going to help or you're not.' And who's not going to help a neighbor or friend?'' Ms. Debbie Vas said. Added Harvey Savage, Jr.: ''When she set her mind on getting something, she was able to get it. We have people who are chronically underemployed, who are always going to need help.'' Mr. Savage is board president of the Martin Luther King, Jr. Kitchen for the Poor, founded by his father, the Rev. Harvey Savage. ''She saw it at a time when we were trying to sweep that under the rug.''

When I first encountered Alice more than 25 years ago, she was passionately piecing together the elements of what would become the Toledo Seagate Food Bank. Her enthusiasm and deep commitment to those who had fallen on hard times was unforgettable, and infectious. She was indefatigable. Enlisting the most unlikely coalition of supporters—from pugnacious property owners to willing donors to amazed farmers to selfless volunteers and grassroots supporters, from all walks of life—she built a vanguard institution from scratch, one that had never existed before. Year by year, its reputation earned respect and admiration across our region, Ohio, and the nation. Millions of meals, and other household necessities, have been made possible for three decades precisely because this incredible, inspired woman reached beyond herself to help others, at no cost to them. She sought no recognition. So let America acclaim her now and express its gratitude and acclaim for her noble efforts, truly a citizen of extraordinary proportion.

She grew up at Detroit Avenue and Vance Street in Toledo. She attended Libbey High School, the former Harriet Whitney Vocational High School, and the former Mary Manse College. She and her husband, Alphonse ''Bill'' Mosiniak, formed a company that built houses in South Toledo and Perrysburg. They married May 25, 1945. He died July 8, 1966. Surviving are her daughters, Debbie Vas and Mindy Rapp; son, Douglas; brother, Richard Williams, and six grandchildren.

It is with the deepest admiration that I pay tribute to the exemplary life of this pioneering woman. She dedicated her life in service to her family, friends, and the poor and hungry of our region. May her family be comforted by the loving memories they hold and may Alice Mosiniak be blessed with a loving peace.

IN HONOR OF DELAWARE GREENWAY'S 20TH ANNIVERSARY

## HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to celebrate and pay tribute to the 20th anniversary of Delaware Greenways. Preserving Delaware's scenic corridors and back country roads, getting children and their families out on the greenways, and promoting responsible and environmentally sensitive growth are some of the tenets of Delaware Greenways.

Greenways are linear corridors of open space that can be used for conservation or recreation. They may include stream corridors, abandoned railroad rights of way, scenic highways like Route 52 in Wilmington, greenbelts around cities or towns and riverfront walks like we see today along the Christina River. A greenway is capable of providing individuals and families an opportunity to experience the outdoors in a safe and enjoyable fashion while also giving them good exercise and educational opportunities close to home.

Programs supported by Delaware Greenways, such as No Child Left Inside, help children at a very early age understand the importance of exercise and provide them with a hands-on opportunity to learn about nature and our community. Trail Days provide families with experiences they will cherish for generations. Many of the projects Delaware Greenways either initiated or supported have had great success. Examples include: Blue Ball Greenway and Barn restoration, East Coast Greenways, Rail-to-trail, Northern Delaware Greenway, Junction & Breakwater Trail, and the Hockessin and Mill Creek Greenway. Each of these projects has helped connect communities and provide thousands of families with a remarkable opportunity to experience the outdoors.

I express my heartfelt thanks to all those who have supported Delaware Greenways, and to those who have been fortunate enough to utilize these facilities. I hope you will continue to support and use these facilities while enjoying the outdoors.

ECHO VAUGHN

## HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 7, 2009*

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Echo Vaughn who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Echo Vaughn is a senior at Arvada High School and received this award because her determination and hard work have allowed her to overcome adversities.

The dedication demonstrated by Echo Vaughn is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Echo Vaughn for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt she will exhibit the same dedication she has shown in her academic career to her future accomplishments.

CORRECTION

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 454, Weapon Systems Acquisition Reform Act.**

**House Committee ordered reported Fiscal Year 2009 Supplemental Appropriations.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S5249–S5301***

**Measures Introduced:** Twenty-one bills and three resolutions were introduced, as follows: S. 993–1013, and S. Res. 136–138. **Pages S5281–82**

**Measures Reported:**

S. Res. 49, to express the sense of the Senate regarding the importance of public diplomacy.

S. Res. 84, urging the Government of Canada to end the commercial seal hunt.

S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections, with an amendment in the nature of a substitute.

S. 838, to provide for the appointment of United States Science Envoys. **Page S5281**

**Measures Passed:**

***Weapon Systems Acquisition Reform Act:*** By a unanimous vote of 93 yeas (Vote No. 186), Senate passed S. 454, to improve the organization and procedures of the Department of Defense for the acquisition of major weapon systems, as amended, after taking action on the following amendments proposed thereto: **Pages S5254–55, S5256–67**

Adopted:

Levin (for Murray/Chambliss) Modified Amendment No. 1052, to expand the national security objectives of the national technology and industrial base and clarify the role of major defense acquisition programs toward such objectives. **Page S5256**

McCain (for Coburn) Amendment No. 1057, to require a plan for the elimination of weaknesses in operations that hinder the capacity to assemble and assess reliable cost information on assets required under major defense acquisition programs. **Page S5256**

***Urging Government of Canada to end Commercial Seal Hunt:*** Senate agreed to S. Res. 84, urging the Government of Canada to end the commercial seal hunt. **Page S5297**

***National Train Day:*** Committee on Commerce, Science, and Transportation was discharged from further consideration of S. Res. 125, in support and recognition of National Train Day, May 9, 2009, and the resolution was then agreed to. **Pages S5297–98**

***Honoring Concerns of Police Survivors:*** Senate agreed to S. Res. 138, honoring Concerns of Police Survivors for 25 years of service to family members of law enforcement officers killed in the line of duty. **Page S5298**

**Appointments:**

***Advisory Committee on the Records of Congress:*** The Chair announced, on behalf of the Majority Leader, pursuant to Public Law 101–509, the appointment of Steve Zink, of Nevada, to the Advisory Committee on the Records of Congress. **Page S5298**

**Credit Cardholders' Bill of Rights Act—Agreement:** A unanimous-consent agreement was reached providing that at 3 p.m., on Monday, May 11, 2009, Senate begin consideration of H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and that once the bill is reported Senator Dodd, or his designee, be recognized to offer the Dodd/Shelby amendment in the nature of a substitute; provided further that the motion to invoke cloture on the motion to proceed be withdrawn. **Page S5270**

**Messages from the President:** Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, the Budget of the United States Government for Fiscal Year 2010; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; which was referred to the Committees on Appropriations; and the Budget. (PM–16) **Pages S5279–80**

Transmitting, pursuant to law, a report on the continuation of the national emergency that was originally declared in Executive Order 13338 of May 11, 2004, with respect to the blocking of property of certain persons and prohibition of exportation and re-exportation of certain goods to Syria; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–17) **Page S5280**

**Nominations Confirmed:** Senate confirmed the following nominations:

By 91 yeas 1 nay (Vote No. EX. 187), R. Gil Kerlikowske, of Washington, to be Director of National Drug Control Policy.

Michael Nacht, of California, to be an Assistant Secretary of Defense.

Elizabeth Lee King, of the District of Columbia, to be an Assistant Secretary of Defense.

Wallace C. Gregson, of Colorado, to be an Assistant Secretary of Defense.

36 Air Force nominations in the rank of general.

18 Marine Corps nominations in the rank of general.

7 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Marine Corps, Navy. **Pages S5267–70, S5298–S5300, S5301**

**Messages from the House:** **Page S5280**

**Measures Referred:** **Page S5280**

**Executive Communications:** **Pages S5280–81**

**Executive Reports of Committees:** **Page S5281**

**Additional Cosponsors:** **Pages S5282–83**

**Statements on Introduced Bills/Resolutions:** **Pages S5283–96**

**Additional Statements:** **Pages S5278–79**

**Amendments Submitted:** **Page S5296**

**Authorities for Committees to Meet:** **Pages S5296–97**

**Record Votes:** Two record votes were taken today. (Total—187) **Pages S5260, S5269–70**

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 5:24 p.m., until 2 p.m. on Monday, May 11, 2009. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S5300.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## NOMINATIONS

*Committee on Agriculture, Nutrition, and Forestry:* Committee concluded a hearing to examine the nominations of Krysta Harden, of Virginia, who was introduced by Senator Chambliss, and Pearlie S. Reed, of Arkansas, who was introduced by Senator Lincoln, both to be an Assistant Secretary, Rajiv J. Shah, of Washington, to be Under Secretary for Research, Education, and Economics, who was introduced by Senator Cantwell, and Dallas P. Tonsager, of South Dakota, to be Under Secretary for Rural Development, who was introduced by Representative Herseth Sandlin, all of the Department of Agriculture, after the nominees testified and answered questions in their own behalf.

## DEPARTMENT OF JUSTICE

*Committee on Appropriations:* Subcommittee on Commerce, Justice, Science, and Related Agencies concluded an oversight hearing to examine funding of the Department of Justice, after receiving testimony from Eric H. Holder, Jr., Attorney General, Department of Justice.

## H1N1 VIRUS

*Committee on Appropriations:* Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies concluded a hearing to examine the 2009 H1N1 virus, after receiving testimony from Tom Vilsack, Secretary of Agriculture; and Joshua M. Sharfstein, Principal Deputy Commissioner and Acting Commissioner, Food and Drug Administration, Department of Health and Human Services.

## APPROPRIATIONS: ARCHITECT OF THE CAPITOL AND OFFICE OF COMPLIANCE

*Committee on Appropriations:* Subcommittee on Legislative Branch concluded a hearing to examine proposed budget estimates for fiscal year 2010 for the Office of the Architect of the Capitol, and the Office of Compliance, after receiving testimony from Stephen T. Ayers, Acting Architect of the Capitol; and Tamara E. Chrisler, Executive Director, Office of Compliance, United States Congress.

## CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE U.S.

*Committee on Armed Services:* Committee concluded a hearing to examine the report of the Congressional Commission on the Strategic Posture of the United States, after receiving testimony from former Senator John Glenn, Harry E. Cartland, and John S. Foster,

each a Member, and William J. Perry, and James R. Schlesinger, both a Chairman, all of the Congressional Commission on the Strategic Posture of the United States.

## U.S. SECURITIES AND EXCHANGE COMMISSION

*Committee on Banking, Housing, and Urban Affairs:* Subcommittee on Securities, Insurance and Investment concluded a hearing to examine strengthening the Securities and Exchange Commission's enforcement responsibilities, after receiving testimony from Richard J. Hillman, Managing Director, Financial Markets and Community Investment, Government Accountability Office; Robert Khuzami, Director, Division of Enforcement, U.S. Securities and Exchange Commission; Mercer E. Bullard, University of Mississippi School of Law, Oxford; and Bruce Hiler, Cadwalader, Wickersham and Taft LLP, Washington, D.C.

## CYBERSECURITY AND CRITICAL ELECTRICITY INFRASTRUCTURE

*Committee on Energy and Natural Resources:* Committee concluded a hearing to examine a joint staff draft related to cybersecurity and critical electricity infrastructure, after receiving testimony from Patricia Hoffman, Acting Assistant Secretary of Energy for Electricity Delivery and Energy Reliability; Joseph McClelland, Director, Office of Electric Reliability, Federal Energy Regulatory Commission; Richard P. Sergel, North American Electric Reliability Corporation, Princeton, New Jersey; and Allen Mosher, American Public Power Association, and David K. Owens, Edison Electric Institute, both of Washington, D.C.

## ENERGY INFRASTRUCTURE

*Committee on Energy and Natural Resources:* Subcommittee on Energy concluded a hearing to examine net metering, interconnection standards, and other policies that promote the deployment of distributed generation to improve grid reliability, increase clean energy deployment, enable consumer choice, and diversify our nation's energy supply, after receiving testimony from Kevin A. Kelly, Director, Division of Policy Development, Office of Energy Policy and Innovation, Federal Energy Regulatory Commission; Garry A. Brown, New York State Public Service Commission Chairman, Albany, on behalf of the National Association of Regulatory Utility Commissioners; Christopher Cook, Sunworks, LLC, Dunn Loring, Virginia; David Weiss, Pepco Energy Services, Arlington, Virginia; and Irene Kowalczyk, Meadwestvaco Corporation, Glen Allen, Virginia.

## BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the nominations of Mathy Stanislaus, of New Jersey, to be Assistant Administrator, Office of Solid Waste, Cynthia J. Giles, of Rhode Island, to be Assistant Administrator for Enforcement and Compliance, and Michelle DePass, of New York, to be Assistant Administrator for International Affairs, all of the Environmental Protection Agency.

## AUCTIONING UNDER CAP AND TRADE

*Committee on Finance:* Committee concluded a hearing to examine auctioning under cap and trade, focusing on design, participation, and distribution of revenues, after receiving testimony from Alan Krueger, Assistant Secretary for Economic Policy-Designate and Chief Economist, Department of the Treasury; Douglas Elmendorf, Director, Congressional Budget Office; Jos Delbeke, Deputy Director-General, Directorate General for Environment, European Commission, Brussels, Belgium; and Anne E. Smith, CRA International, Washington, D.C.

## RECRUITMENT IN THE FEDERAL GOVERNMENT

*Committee on Homeland Security and Governmental Affairs:* Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine S. 736, to provide for improvements in the Federal hiring process, after receiving testimony from John Berry, Director, Office of Personnel Management; Susan L. Duncan, Assistant G–1 for Civilian Personnel, United States Army, Department of Defense; Gail T. Lovelace, Chief Human Capital Officer, General Services Administration; Max Stier, Partnership for Public Service, Washington, D.C.; and Linda Brooks Rix, Avue Technologies Corporation, Tacoma, Washington.

## NOMINATIONS

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine the nominations of Seth David Harris, of New Jersey, to be Deputy Secretary, who was introduced by Senator Lautenberg, and M. Patricia Smith, of New York, to be Solicitor, who was introduced by Senator Schumer, both of the Department of Labor, after the nominees testified and answered questions in their own behalf.

## NOMINATION

*Committee on Health, Education, Labor, and Pensions:* Committee concluded a hearing to examine the nomination of Margaret A. Hamburg, of the District of Columbia, to be Commissioner of Food and

Drugs, Department of Health and Human Services, after the nominee, who was introduced by Senator Lugar, testified and answered questions in her own behalf.

**NOMINATION**

*Committee on Indian Affairs:* Committee concluded a hearing to examine the nomination of Larry J. Echo Hawk, of Utah, to be Assistant Secretary of the Interior for Indian Affairs, after the nominee, who was introduced by Senator Inouye, testified and answered questions in his own behalf. Testimony was also received from Alonzo Coby, Shoshone-Bannock Tribes, Fort Hall, Idaho.

**BUSINESS MEETING**

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 327, to amend the Violence Against Women Act of 1994 and the Omnibus Crime Control and Safe Streets Act of 1968 to improve assistance to domestic and sexual violence victims and provide for technical corrections, with amendments; and

The nominations of William K. Sessions III, of Vermont, to be Chair of the United States Sentencing Commission, and John Morton, of Virginia, to be Assistant Secretary of Homeland Security.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 47 public bills, H.R.2294–2340; 1 private bill, H.R. 2341; and 14 resolutions, H.J. Res. 50–51; H. Con. Res. 121–122; and H. Res. 414–423 were introduced.

**Pages H5397–H5400**

**Additional Cosponsors:** **Pages H5400–01**

**Report Filed:** A report was filed today as follows:

H.R. 23, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish the Merchant Mariner Equity Compensation Fund to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, with an amendment (H. Rept. 111–99). **Page H5397**

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H5311**

**Chaplain:** The prayer was offered by the Guest Chaplain, Rev. Michael Cummings, Burnt Swamp Association, Pembroke, North Carolina. **Page H5311**

**Discharge Petition:** Representative LaTourette moved to discharge the Committee on Rules from the consideration of H. Res. 359, providing for the consideration of the resolution (H. Res. 251) directing the Secretary of the Treasury to transmit to the House of Representatives all information in his possession relating to specific communications with American International Group, Inc. (AIG). (Discharge Petition No. 3). **Page H5401**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and agree to the following measure which was debated on Wednesday, May 6th:

***Recognizing the importance of the Border Patrol in combating human smuggling and commending the Department of Justice for increasing the rate of human smuggler prosecutions:*** H. Res. 14, amended, to recognize the importance of the Border Patrol in combating human smuggling and to commend the Department of Justice for increasing the rate of human smuggler prosecutions. **Page H5324**

Agreed to amend the title so as to read: ''Recognizing the importance of the Department of Homeland Security, including U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, in combating human smuggling and trafficking in persons, and commending the Department of Justice for increasing the rate of human smuggling and trafficking prosecutions.''. **Page H5324**

**Privileged Resolution—Intent to Offer:** Representative Flake announced his intent to offer a privileged resolution. **Pages H5324–25**

**Mortgage Reform and Anti-Predatory Lending Act:** The House passed H.R. 1728, to amend the Truth in Lending Act to reform consumer mortgage practices and provide accountability for such practices and to provide certain minimum standards for consumer mortgage loans, by a yea-and-nay vote of 300 yeas to 114 nays, Roll No. 242. Consideration of the measure began on Wednesday, May 6th.

**Pages H5313–24, H5325–71**

Agreed to the Sessions motion to recommit the bill to the Committee on Financial Services with instructions to report the same back to the House

forthwith with an amendment by voice vote. Subsequently, Representative Frank (MA) reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H5315–24, H5369–70**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule.

**Pages H5313, H5325**

Agreed to:

Frank (MA) manager's amendment (No. 1 printed in H. Rept. 111–98) that makes various and sundry clarifying changes in the bill; **Pages H5343–50**

Bachus amendment (No. 3 printed in H. Rept. 111–98) that provides assistance to the Neighborhood Reinvestment Corporation for activities, in connection with servicers of residential mortgage loans, to inform borrowers under such loans who are delinquent with respect to payments due under such loans of the dangers of fraudulent activities associated with foreclosure; **Pages H5352–53**

Perlmutter amendment (No. 4 printed in H. Rept. 111–98) that reduces the grace period for renters renting a unit in violation of a mortgage contract when that property is sold to a purchaser who intends to use such property as an owner-occupied unit from 90 days to 30 days. Additionally, creditors may only accelerate debt repayment in certain circumstances; **Pages H5353–54**

Moore (KS) amendment (No. 6 printed in H. Rept. 111–98) that requires income to be verified by lenders utilizing IRS tax transcripts or similar methods that verify income by a third party;

**Pages H5356–57**

McNerney amendment (No. 8 printed in H. Rept. 111–98) that stipulates that when awarding assistance to HUD-approved housing counseling agencies and/or state housing finance agencies, the Secretary may give priority consideration to entities serving areas with high rates of foreclosure; **Pages H5358–59**

Dahlkemper amendment (No. 10 printed in H. Rept. 111–98) that requires that benefits of pre-payment of mortgage balances be explained in the consumer education guide produced by HUD;

**Page H5360**

Ginny Brown-Waite (FL) amendment (No. 11 printed in H. Rept. 111–98) that expands the scope of the GAO study required under this act to include an examination of any effects on consumer and small business credit availability and affordability;

**Pages H5360–61**

Titus amendment (No. 12 printed in H. Rept. 111–98) that requires that the costs and benefits of each residential mortgage loan offered, discussed or referred to by the originator be clearly presented side by side and that the disclosures for each product have equal prominence. Requires that disclosure be made in writing, the understanding of which will be acknowledged by the signature of the mortgage originator and consumer; **Pages H5361–62**

Mario Diaz-Balart (FL) amendment (No. 13 printed in H. Rept. 111–98) that requires the Secretary of HUD to study the effects of the presence of Chinese dry wall on foreclosures and the availability of property insurance for residential structures where Chinese dry wall is present; **Page H5362**

Weiner amendment (No. 14 printed in H. Rept. 111–98), as modified, that requires Fannie Mae and Freddie Mac to take into account factors such as the health of the local or regional housing market and other factors when determining fee schedules, occupancy and pre-sale guidelines for condominium and cooperative housing mortgages; and **Pages H5364–65**

Frank (MA) amendment (No. 2 printed in H. Rept. 111–98) that provides that no funds in the bill for legal assistance or housing counseling grants may be distributed to any organization which has been or which employs an individual who has been convicted for a violation under Federal law relating to an election for Federal office (by a recorded vote of 245 ayes to 176 noes, Roll No. 238).

**Pages H5350–52, H5366**

Rejected:

Hensarling amendment (No. 5 printed in H. Rept. 111–98) that sought to strike the assignee and securitizer liability provisions from the bill (by a recorded vote of 171 ayes to 252 noes, Roll No. 239);

**Pages H5354–56, H5366–67**

Price (GA) amendment (No. 7 printed in H. Rept. 111–98) that sought to delay the enactment of titles I, II, and III of the bill until the Federal Reserve certifies that they will not reduce the availability or increase the price of credit for qualified mortgages (by a recorded vote of 167 ayes to 259 noes, Roll No. 240); and **Pages H5357–58, H5367–68**

McHenry amendment (No. 9 printed in H. Rept. 111–98) that sought to strike title III from the bill relating to high-cost mortgages (by a recorded vote of 171 ayes to 255 noes, Roll No. 241).

**Pages H5359–60, H5368**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H5371**

H. Res. 406, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 247 yeas to 174 nays, Roll No. 237, after agreeing to order the previous question without objection.

**Pages H5323–24**

**Meeting Hour:** Agreed that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday, May 11th, and further, when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, May 12th for morning hour debate.

**Page H5372**

**Presidential Messages:** Read a message from the President wherein he notified Congress that the national emergency with respect to the actions of the Government of Syria is to continue in effect beyond May 11, 2009—referred to the Committee on Foreign Affairs and ordered printed (H. Doc. 111–38).

**Page H5371**

Read a message from the President wherein he transmitted to Congress the Budget of the United States Government for Fiscal Year 2010—referred to the Committee on Appropriations and ordered printed (H. Doc. 111–3). **Page H5373**

**Senate Message:** Message received from the Senate today appears on page H5371.

**Senate Referrals:** S. 454 was held at the desk.

**Page H5371**

**Quorum Calls—Votes:** Two yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H5323–24, H5366, H5366–67, H5367–68, H5368 and H5370. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:42 p.m.

# *Committee Meetings*

## SUPPLEMENTAL APPROPRIATIONS FISCAL YEAR 2009

*Committee on Appropriations:* Ordered reported, as amended, the Fiscal Year 2009 Supplemental Appropriations.

## WEAPONS ACQUISITION SYSTEM REFORM THROUGH ENHANCING TECHNICAL KNOWLEDGE AND OVERSIGHT ACT

*Committee on Armed Services:* Ordered reported, as amended, H.R. 2101, Weapons Acquisition System Reform Through Enhancing Technical Knowledge and Oversight Act of 2009.

## COUNTERINSURGENCY AND IRREGULAR WARFARE

*Committee on Armed Services:* Subcommittee on Terrorism, Unconventional Threats and Capabilities held a hearing on Counterinsurgency and Irregular Warfare: Issues and Lessons Learned. Testimony was heard from public witnesses.

## ENSURING PREPAREDNESS AGAINST THE FLU VIRUS

*Committee on Education and Labor:* Held a hearing on Ensuring Preparedness Against the Flu Virus at School and Work. Testimony was heard from Jodan Barab, Assistant Secretary, OSHA, Department of Labor; Bill Modzeleski, Associate Assistant Deputy Secretary, Office of Safe and Drug-Free Schools, Department of Education; RADM Anne Schuchat, M.D., USN, Deputy Director, Science and Program Centers, Centers for Disease Control, Department of Health and Human Services; and public witnesses.

## EXAMINATION OF COMPETITION IN THE WIRELESS INDUSTRY

*Committee on Energy and Commerce:* Subcommittee on Communications, Technology and the Internet held a hearing on An Examination of Competition in the Wireless Industry. Testimony was heard from public witnesses.

## PERSPECTIVES ON HEDGE FUND REGISTRATION

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled ''Perspectives on Hedge Fund Registration.'' Testimony was heard from Orice Williams, Director, Financial Markets and Community Investment Team, GAO; and public witnesses.

## ZIMBABWE

*Committee on Foreign Affairs:* Subcommittee on Africa and Global Health held a hearing on Zimbabwe: Opportunities for a New Way Forward. Testimony was heard from Lorne W. Craner, former Assistant Secretary, Democracy, Human Rights and Labor, Department of State, and public witnesses.

## IMPLEMENTING THE WESTERN HEMISPHERE TRAVEL INITIATIVE AT LAND AND SEA PORTS

*Committee on Homeland Security:* Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled ''Implementing the Western Hemisphere Travel Initiative at Land and Sea Ports: Are We Ready?'' Testimony was heard from the following officials of the Department of Homeland Security: Richard Barth, Acting Principal Deputy Assistant Secretary, Office of Policy Development; and Thomas Winkowski, Assistant Commissioner, Office of Field Operation, Customs and Border Protection; John Brennan, Senior Policy Advisor, Bureau of Consular Affairs, Department of State; and public witnesses.

## GPS SERVICE GAP

*Committee on Oversight and Government Reform:* Subcommittee on National Security and Foreign Affairs held a hearing entitled ''GPS: Can We Avoid A Gap in Service?'' Testimony was heard from Cristina Chaplain, Director, Acquisition and Sourcing Management, GAO; the following officials of the Department of Defense; MG William N. McCasland, USAF, Director, Space Acquisition, Office of the Under Secretary of the Air Force; Steve Huytbrechts, Principal Director, Command, Control, Communications, Space and Spectrum, Office of the Assistant Secretary (Networks and Information Integration/Chief Information Office); and LTG Larry D. James, USAF, Commander, 14th Air Force (Air Forces Strategic), Air Force Space Command, and Commander, Joint Functional Component Command for Space, U.S. Strategic Command; Karen L Van Dyke, Director, Position Navigation and Timing, Research and Innovative Technology Administration, Department of Transportation; and public witnesses.

## COMPLEXITY OF THE TAX CODE HINDERS SMALL BUSINESS

*Committee on Small Business:* Subcommittee on Finance and Tax held a hearing entitled ''How the Complexity of the Tax Code Hinders Small Businesses.'' Testimony was heard from public witnesses.

## FINANCIAL STATUS OF THE AIRPORT AND AIRWAY TRUST FUND

*Committee on Ways and Means:* Held a hearing on the Financial Status of the Airport and Airway Trust Fund. Testimony was heard from Representatives Oberstar, Mica, Costello and Petri; and Robert A. Sunshine, Deputy Director, CBO.

# *Joint Meetings*

No joint committee meetings were held.

## COMMITTEE MEETINGS FOR FRIDAY, MAY 8, 2009

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Finance:* to hold hearings to examine the nomination of Neal S. Wolin, of Illinois, to be Deputy Secretary of the Treasury, 10 a.m., SD–215.

### House

No committee meetings are scheduled.

## CONGRESSIONAL PROGRAM AHEAD

### Week of May 11 through May 16, 2009

### Senate Chamber

On *Monday,* at approximately 3 p.m., Senate will begin consideration of H.R. 627, Credit Cardholders' Bill of Rights Act.

During the balance of the week, Senate may consider any cleared legislative and executive business.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Appropriations:* May 12, Subcommittee on State, Foreign Operations, and Related Programs, business meeting to mark up proposed budget request for fiscal year 2009 supplemental for the Department of State, foreign operations, and related programs, 2:30 p.m., SD–138.

May 12, Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, to hold hearings to examine proposed budget request for fiscal year 2010 for military construction, Veterans Affairs, and related agencies, 2:30 p.m., SD–124.

May 13, Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2010 for the Department of Labor, 9:45 a.m., SD–138.

May 14, Full Committee, business meeting to mark up proposed budget request for fiscal year 2009 supplemental for Iraq, Afghanistan, Pakistan, and the pandemic flu, 2 p.m., SD–106.

*Committee on Armed Services:* May 12, to hold hearings to examine the nominations of Andrew Charles Weber, of Virginia, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Paul N. Stockton, of California, to be Assistant Secretary for Homeland Defense and Americas' Security Affairs, Thomas R. Lamont, of Illinois, to be Assistant Secretary of the Army for Manpower and Reserve Affairs, and Charles A. Blanchard, of Arizona, to be General Counsel of the Department of the Air Force, all of the Department of Defense, 10 a.m., SH–216.

May 14, Full Committee, to hold hearings to examine proposed defense authorization request for fiscal year 2010 for the Future Years Defense Program, 9:30 a.m., SR–325.

*Committee on Banking, Housing, and Urban Affairs:* May 13, Subcommittee on Economic Policy, to hold hearings to examine manufacturing and the credit crisis, 10 a.m., SD–538.

May 13, Full Committee, to hold hearings to examine the nomination of Peter M. Rogoff, of Virginia, to be Federal Transit Administrator, Federal Transit Administration, Department of Transportation, 2:30 p.m., SD–538.

*Committee on Commerce, Science, and Transportation:* May 12, to hold hearings to examine pending nominations, 10 a.m., SR–253.

May 13, Subcommittee on Competitiveness, Innovation, and Export Promotion, to hold hearings to examine tourism in troubled times, 10 a.m., SR–253.

May 13, Subcommittee on Aviation Operations, Safety, and Security, to hold hearings to examine reauthorization of the Federal Aviation Administration (FAA), focusing on perspectives of aviation stakeholders, 2:15 p.m., SR–253.

*Committee on Energy and Natural Resources:* May 12, to hold hearings to examine S. 967, to amend the Energy Policy and Conservation Act to create a petroleum product reserve, and S. 283, to amend the Energy Policy and Conservation Act to modify the conditions for the release of products from the Northeast Home Heating Oil Reserve Account, 2:30 p.m., SD–366.

May 13, Full Committee, business meeting to consider pending calendar business, 10 a.m., SD–366.

May 14, Full Committee, to hold hearings to examine S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009, 2:30 p.m., SD–366.

*Committee on Environment and Public Works:* May 12, to hold hearings to examine proposed budget request for fiscal year 2010 for the Environmental Protection Agency, 9:45 a.m., SD–406.

May 12, Full Committee, to hold hearings to examine the nominations of Peter Silva Silva, of California, to be Assistant Administrator, and Stephen Alan Owens, of Arizona, to be Assistant Administrator for Toxic Substances, both of the Environmental Protection Agency, and Jo-Ellen Darcy, of Maryland, to be an Assistant Secretary of the Army, Department of Defense, 2:30 p.m., SD–406.

*Committee on Finance:* May 12, to hold hearings to examine financing comprehensive health care reform, 10 a.m., SD–106.

*Committee on Foreign Relations:* May 12, business meeting to consider the nominations of Harold Hongju Koh, of Connecticut, to be Legal Adviser of the Department of State, and Susan Flood Burk, of Virginia, to be Special Representative of the President for nuclear non-proliferation; to be immediately followed by a hearing to examine the United States strategy toward Pakistan, 10:15 a.m., SD–419.

May 12, Full Committee, to hold hearings to examine energy security, focusing on historical perspectives and modern challenges, 2 p.m., SD–419.

May 13, Subcommittee on African Affairs, with the Subcommittee on International Operations and Organizations, Human Rights, Democracy and Global Women's Issues, to hold joint hearings to examine confronting rape and other forms of violence against women in conflict zones, 2:30 p.m., SD–419.

May 14, Full Committee, to hold hearings to examine the nomination of Jeffrey D. Feltman, of Ohio, to be Assistant Secretary of State for Near Eastern Affairs, 9:45 a.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* May 12, business meeting to consider an original bill entitled, Family Smoking Prevention and Tobacco Control Act, and any pending nominations, 2:30 p.m., SD–430.

May 14, Full Committee, to hold hearings to examine delivery reform, focusing on the roles of primary and specialty care in innovative new delivery models, 10 a.m., SD–430.

*Committee on Homeland Security and Governmental Affairs:* May 12, to hold hearings to examine the nomination of Cass R. Sunstein, of Massachusetts, to be Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, 10 a.m., SD–342.

May 12, Full Committee, to hold hearings to examine the nomination of Robert M. Groves, of Michigan, to be Director of the Census, Department of Commerce, 2:30 p.m., SD–342.

May 12, Full Committee, to hold hearings to examine the proposed budget request for fiscal year 2010 for the Department of Homeland Security, 4 p.m., SD–342.

May 13, Full Committee, to hold hearings to examine the D.C. Opportunity Scholarship Program, focusing on preserving school choice for all, 10 a.m., SD–342.

May 13, Full Committee, to hold hearings to examine the nominations of Florence Y. Pan, of the District of Columbia, and Marisa J. Demeo, of the District of Columbia, both to be an Associate Judge of the Superior Court of the District of Columbia, 3 p.m., SD–342.

*Committee on Indian Affairs:* May 14, business meeting to consider pending calendar business, Time to be announced, SD–628.

*Committee on the Judiciary:* May 12, to hold hearings to examine helping state and local law enforcement, 10 a.m., SD–226.

May 12, Full Committee, to hold hearings to examine the nominations of Gerard E. Lynch, of New York, to be United States Circuit Judge for the Second Circuit, and Mary L. Smith, of Illinois, to be Assistant Attorney General, Tax Division, Department of Justice, 2:30 p.m., SD–226.

May 13, Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine torture and the Office of Legal Counsel in the Bush Administration, 10 a.m., SD–226.

*Committee on Rules and Administration:* May 13, to hold hearings to examine problems for military and overseas voters, focusing on why many soldiers and their families cannot vote, 10 a.m., SR–301.

*Committee on Small Business and Entrepreneurship:* May 13, to hold hearings to examine small business financing, focusing on a progress report on Recovery Act implementation and alternative sources of financing, 2:15 p.m., SR–428A.

*Select Committee on Intelligence:* May 12, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

May 14, Full Committee, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., S–407, Capitol.

## House Committees

*Committee on Agriculture,* May 14, Subcommittee on Horticulture and Organic Agriculture, hearing to review food safety standards for horticulture and organic agriculture, 10 a.m., 1399 Longworth.

*Committee on Appropriations,* May 12, Subcommittee on Energy and Water Development, and Related Agencies, on Army Corps of Engineers, 10 a.m., 2362–B Rayburn.

May 12, Subcommittee on Financial Services, General Government, and Related Agencies, on GSA, 2 p.m., 2220 Rayburn.

May 12, Subcommittee on Homeland Security, on Secretary of Homeland Security, 1 p.m., 2359 Rayburn.

May 12, Subcommittee on Interior and Environment, and Related Agencies, on Forest Service, 1:30 p.m., B–308 Rayburn.

May 12, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Secretary of Labor, 10 a.m., 2359 Rayburn, and on Members Requests, 2 p.m., 2358–C Rayburn.

May 13, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Secretary of Agriculture, 2 p.m., 2362–A Rayburn.

May 13, Subcommittee on Interior, Environment and Related Agencies, on Secretary of the Interior, 9:30 a.m., 2359 Rayburn.

May 13, Subcommittee on Military Construction, Veterans Affairs, and Related Agencies, on Secretary of Veterans Affairs, 1:30 p.m., 2359 Rayburn.

May 13, Subcommittee on State, Foreign Operations, and Related Programs, on State Department, 9:30 a.m., 2362–A Rayburn.

May 14, Subcommittee on Financial Services, General Government and Related Agencies, on District of Columbia, 9:15 a.m., 2362–A Rayburn.

May 14, Subcommittee on Interior and Environment, and Related Agencies, on National Park Service, 9 a.m., and on Fish and Wildlife Service, 1:30 p.m., B–308 Rayburn.

May 15, Subcommittee on Interior and Environment, and Related Agencies, on Indian Health Service, 9:30 a.m., B–308 Rayburn.

*Committee on Armed Services,* May 13, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of Defense, 10 a.m., 2118 Rayburn.

May 13, Subcommittee on Strategic Forces, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request for the Department of Energy national security programs, 2 p.m., 2112 Rayburn.

May 14, full Committee, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of the Navy, 10 a.m., and a hearing on the Fiscal Year 2010 National Defense Authorization Budget Request from the Department of the Army, 2:30 p.m., 2118 Rayburn.

May 14, Subcommittee on Defense Acquisition Reform Panel, hearing on Can DOD Coordinate the Requirements, Budgets and Acquisition Processes to Reduce Cost Growth and Increase Efficiency in Acquisition? 7 a.m., 2212 Rayburn.

May 15, Subcommittee on Military Personnel, hearing on the Fiscal Year 2010 National Defense Authorization Budget Request on Defense Health Program Overview, 9 a.m., 2118 Rayburn.

May 15, Subcommittee on Seapower and Expeditionary Forces, on Fiscal Year 2010 National Defense Authorization Budget Request for Department of the Navy shipbuilding acquisition programs, 10 a.m., 2212 Rayburn.

*Committee on Education and Labor,* May 12, hearing on American's Competitiveness through High School Reform, 3 p.m., 2175 Rayburn.

May 14, Subcommittee on Health, Families and Communities, hearing on Improving Child Nutrition Programs to Reduce Childhood Obesity, 10 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* May 12, Subcommittee on Commerce, Trade, and Consumer Protection, hearing on the following: Consumer Credit Protection Improvement Act and H.R. 2190, Mercury Pollution Reduction Act, 2 p.m., 2322 Rayburn.

May 12, Subcommittee on Health, hearing on H.R. 1346, Medical Device Safety Act of 2009, 2 p.m., 2123 Rayburn.

*Committee on Financial Services,* May 13, Subcommittee on Housing and Community Opportunity, hearing entitled ''The Section 8 Voucher Reform Act,'' 2 p.m., 2128 Rayburn.

May 13, Subcommittee on International Monetary Policy and Trade, hearing entitled ''Implications of the G–20 Leaders Summit for Low Income Countries and the Global Economy,'' 10 a.m., 2128 Rayburn.

May 14, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled ''How Should the Federal Government Oversee Insurance?'' 10 a.m., 2128 Rayburn.

*Committee on Foreign Affairs,* May 14, Subcommittee on Europe, hearing on the United States and Turkey: A Model Partnership, 10:30 a.m., 2172 Rayburn.

May 14, Subcommittee on International Organizations, Human Rights and Oversight, briefing on UN Office on Drugs and Crime's Role in Combating Piracy, 10 a.m., 2200 Rayburn.

*Committee on Homeland Security,* May 13, hearing entitled ''The President's FY 2010 Budget Request for the Department of Homeland Security,'' 10 a.m., 311 Cannon.

May 13, Subcommittee on Transportation Security and Infrastructure Protection, to mark up H.R. 2200, Transportation Security Administration Authorization Act, 10 a.m., 311 Cannon.

*Committee on the Judiciary,* May 13, Subcommittee on Crime, Terrorism, and Homeland Security, hearing on the National Research Council's publication ''Strengthening Forensic Science in the United States: A Path Forward,'' 2 p.m., 2141 Rayburn.

May 14, full Committee, oversight hearing on the Department of Justice, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources,* May 13, Subcommittee on Insular Affairs, Oceans and Wildlife, hearing on the following bills: H.R. 1916, Migratory Bird Habitat Investment and Enhancement Act; H.R. 2062, Migratory Bird Treaty Act Penalty and Enforcement Act of 2009; and H.R. 2188, Joint Ventures for Bird Habitat Conservation Act of 2009, 2 p.m., 1324 Longworth.

May 14, Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 129, To authorize the conveyance of certain National Forest System lands in the Los Padres National Forest in California; H.R. 762, To validate final patent number 27–2005–0081, and for other purposes; H.R. 865, To convey the New River State Park campground located in Mount Rodgers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; H.R. 1442, To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909; H.R. 1471, To expand the boundary of the Jimmy Carter National Historic Site in the State of Georgia, to redesignate the unit as a National Historical Park, and or other purposes; and H.R. 1641, Cascadia Marine Trail Study Act, 10 a.m., 1324 Longworth.

May 14, Subcommittee on Water and Power, hearing on H.R. 2008, Bonneville Unit Clean Hydropower Facilitation Act, 10 a.m., 1334 Longworth.

*Committee on Oversight and Government Reform,* May 13, hearing on AIG: Where is the Taxpayer's Money Going? 10 a.m., 2154 Rayburn.

May 14, full Committee, hearing entitled ''Protecting the Public from Waste, Fraud, and Abuse: H.R. 1507, Whistleblower Protection Enhancement Act of 2009,'' 10 a.m., 2154 Rayburn.

May 14, Subcommittee on Federal Workforce, Postal Service and the District of Columbia, hearing entitled ''Protecting the Protectors: An Assessment of Front-line Federal Workers in Response to the H1N1 Flu,'' 2 p.m., 2154 Rayburn.

*Committee on Science and Technology,* May 13, Subcommittee on Energy and Environment, to mark up the National Climate Service Act of 2009, 10 a.m., 2318 Rayburn.

May 14, full Committee, hearing on An Overview of the Federal R&D Budget for Fiscal Year 2010, 2 p.m., 2318 Rayburn.

*Committee on Small Business,* May 13, hearing entitled ''The Role of Small Business Suppliers and Manufacturers in the Domestic Auto Industry,'' 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* May 13, Subcommittee on Aviation, hearing on the Economic Viability of the Civil Reserve Air Fleet, (CRAF) Program, 10 a.m., 2167 Rayburn.

May 13, Subcommittee on Coast Guard and Maritime Transportation, hearing on Fiscal Year 2010 Budget Requests of the Coast Guard, Maritime Administration, and the Federal Maritime Commission, 2 p.m., 2167 Rayburn.

May 14, full Committee, hearing on An Independent FEMA: Restoring the Nation's Capabilities for Effective Emergency Management and Disaster Response, 11 a.m., 2167 Rayburn.

May 14, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing on Reauthorization of the Department of Transportation's Hazardous Materials Safety Program, 2 p.m., 2167 Rayburn.

*Committee on Veterans' Affairs,* May 13, hearing on Innovative Technologies and Treatments Helping Veterans, 10 a.m., 334 Cannon.

May 14, Subcommittee on Disability Assistance and Memorial Affairs, hearing on Examining Appellate Processes and Their Impacts on Veterans, 10 a.m., 334 Cannon.

May 14, Subcommittee on Economic Opportunity, hearing on Federal Contract Compliance, 1:30 p.m., 334 Cannon.

*Committee on Ways and Means, May 14,* Subcommittee on Trade, hearing on investment obligations in U.S. bilateral investment treaties (BITs) and free trade agreements (FTAs), 10 a.m., 1100 Longworth.

## Joint Meetings

*Joint Economic Committee*: to hold hearings to examine the employment situation for April 2009, 9:30 a.m., SD–106.

*Next Meeting of the* SENATE

2 p.m., Monday, May 11

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 3 p.m.), Senate will begin consideration of H.R. 627, Credit Cardholders' Bill of Rights Act.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

2 p.m., Monday, May 11

House Chamber

**Program for Monday:** The House will meet in pro forma session at 2 p.m.

## Extensions of Remarks, as inserted in this issue

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Bonner, Jo, Ala., E1104
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