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

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

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

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

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

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

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

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

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

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

AMERICAN JOURNALIST RELEASED

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

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

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

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

Madam President, I yield the floor.

## RECESS

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

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

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

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

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The bill clerk proceeded to call the roll.

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

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

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

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

The Senator from Oklahoma is recognized.

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

The PRESIDING OFFICER. I will.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This legislation is still needed.

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

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

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

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

Congressional leadership inappropriately blocked consideration of this measure repeatedly.

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

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

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

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

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

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

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

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

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

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

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

Congress has never endorsed or debated these gun bans.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Crime rates on Federal lands are rising.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Gun regulations were confusing, burdensome and ineffective.

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

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

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

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

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

Likewise, John Stossel commented that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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

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

Mr. WEBB. I thank the Senator.

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

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

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

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

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

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

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

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

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

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

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

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

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

With that, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

I see my colleague standing, and I yield.

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

The Senator from Oklahoma.

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

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

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

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

I yield back the remainder of my time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The yeas and nays are ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

[Rollcall Vote No. 188 Leg.]

YEAS—67

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

NAYS—29

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

NOT VOTING—3

| | | |
|---|---|---|
| Kennedy | Mikulski | Rockefeller |

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

AMENDMENT NO. 1068 WITHDRAWN

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

The majority leader.

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Connecticut.

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

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

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

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

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

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

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

The PRESIDING OFFICER. The Republican leader is recognized.

AMENDMENT NO. 1085 TO AMENDMENT NO. 1058

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the appropriate place, insert the following:

**SEC. _____. ENHANCED TAXPAYER DISCLOSURE.**

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

**"SEC. _____. DEBT DISCLOSURE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) DEFINITION.—In this section:

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

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

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

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

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

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1066 TO AMENDMENT NO. 1058

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

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

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

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

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

The amendment is as follows:

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

At the end of the bill, add the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 1062 TO AMENDMENT NO. 1058

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

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

The clerk will report.

The legislative clerk read as follows.

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

The amendment is as follows:

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

At the appropriate place, insert the following:

**SEC. ___. NATIONAL CONSUMER CREDIT USURY RATE.**

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

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

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

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

''(2) EXCEPTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

That is not acceptable.

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

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

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

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

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

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

today is more egregious than it was in 1991.

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

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

He was right then. We are right now.

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

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

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

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

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

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

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

Donna from Neptune, NJ, writes:

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

And Steven from St. Johnsbury, VT, wrote:

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

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

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

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

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 1084 TO AMENDMENT NO. 1058

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

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

The clerk will report.

The legislative clerk read as follows:

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

The amendment is as follows:

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

At the end of title V, add the following:

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

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

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

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

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

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

I yield the floor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## MORNING BUSINESS

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

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

## MITCHELL SCHOLARSHIP PROGRAM

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

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

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

## PRESIDENT OBAMA'S FIRST 100 DAYS

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

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

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

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

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

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

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