(Mr. SANDERS) was added as a cosponsor of S. Res. 64, a resolution recognizing the need for the Environmental Protection Agency to end decades of delay and utilize existing authority under the Resource Conservation and Recovery Act to comprehensively regulate coal combustion waste and the need for the Tennessee Valley Authority to be a national leader in technological innovation, low-cost power, and environmental stewardship.

S. RES. 70

At the request of Mr. DURBIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. Res. 70, a resolution congratulating the people of the Republic of Lithuania on the 1000th anniversary of Lithuania and celebrating the rich history of Lithuania.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL, of Colorado (for himself and Mr. BENNET):

S. 555. A bill to provide for the exchange of certain land located in the Arapaho-Roosevelt National Forests in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. UDALL. Mr. President, today I am introducing the Sugar Loaf Fire Station Land Exchange Act of 2009.

This bill is the same as the version I introduced in the House of Representatives in the last Congress, H.R. 3181. It will facilitate a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder, CO., between the Forest Service and the Sugar Loaf Fire District. The Fire District is seeking this exchange so that they can maintain and upgrade their fire stations serving the Sugar Loaf community and other nearby communities and properties—areas that are in the wildland/urban interface and thus at risk of wildfires. In fact, these fire stations serve the area that was burned in the Black Tiger Fire in 1989. That fire was the motivation for the Sugar Loaf community to invest more strongly in fire protection. The Fire District has grown a lot over the years, and will be celebrating its 40th anniversary this August.

The bill relates to two fire stations. The Fire District acquired station 1 through an original mining claim under the 1872 mining laws. In 1967, a public meeting was held on this property to establish a fire district and modify the old school building on the site into a firehouse to hold a fire truck and other firefighting equipment. On May 14, 1969, the U.S. Forest Service approved a special use permit, which allowed the fire department to use both the firehouse and approximately 5 acres of the property under it. The special use permit was reissued on August 11, 1994, with a life of 10 years.

In 1970, the fire department applied for a special use permit to operate and maintain a second firehouse—station 2—on Sugar Loaf Road. The original permit was approved of in 1970, and had an expiration date of December 31, 1991. The permit boundary included 2 acres.

The special use permit issued in 1994 combined the two permits for stations 1 and 2 into one. The new permit for station 2 reduced the permit area to one acre, because the area of impact and existing improvements did not exceed one acre.

The Fire District entered into discussions with the Forest Service about a land swap. In August 1997, the Fire District filed an application to acquire the property under stations 1 and 2 pursuant to the Small Tracts Act, STA. The STA allows for transfers of small mineral fractions by the sale of property for market value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years. If they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the Arapaho-Roosevelt National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal Government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

This is a relatively minor bill but one that is important to the Fire District and the people it serves. I think it deserves enactment without unnecessary delay.

By Mr. REID (for Mr. KENNEDY (for himself, Mr. HARKIN, Mr. DODD, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Mr. MERKLEY, Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. LIEBERMAN, Mr. AKAKA, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Ms. KLOBUCHAR, Mr. WHITEHOUSE, Mr. UDALL of New Mexico, Mrs. SHAHEEN, Mr. BEGICH, Mr. BURRIS, Mr. KAUFMAN, and Mrs. GILLIBRAND)):

S. 560. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during the organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. We are facing a profound economic crisis, the likes of which we have not seen since the Great Depression. Countless working families who were already living on the edge of financial disaster have been hit hard, and they have nothing to fall back on. Their faith in the American dream has been replaced by fear for their families and their future.

We have already taken some much-needed actions to put our country back on track, but more needs to be done. In these perilous times, working families need security. They need new skills and new opportunities. And they need a voice in the decisions that will affect their families and their futures.

Now more than ever, workers need someone on their side, fighting for them. Now more than ever, they need unions. Unions were fundamental in building America's middle class, and they have a vital role to play today in restoring the American dream for working families.

First and foremost, unions enable workers to obtain their fair share of the benefits that their hard work creates. Union wages are 30 percent higher than nonunion wages. Eighty percent of union workers have health insurance, compared to only 49 percent of their nonunion counterparts. Union members are four times more likely to have a guaranteed pension.

Equally important in this crisis, unions provide greater security and greater promise of fair treatment. At a time when workers who lose their jobs can remain unemployed for a year or more, those who are represented by a union have better job security and the assurance of knowing they will have a voice at the table when difficult decisions are made.

It is little wonder that so many Americans want a union on their side. In a recent survey, more than half of all nonunion workers—nearly 60 million men and women—say they would join a union if they could.

The problem is that most workers who want a union can't get one. Those who attempt to exercise this fundamental right often find that the current system is rigged against them.

Unscrupulous employers routinely break the law to keep unions out. They fire union supporters. They intimidate workers, harass them, and discriminate against them. They close down whole departments—or even entire plants—to avoid a union. A recent study by the Center for Economic and Policy Research found that union supporters are fired in more than one quarter of all union organizing campaigns.

Even when workers prevail in a union election, employers can steal the victory by refusing to bargain fairly for the first union contract. They drag their feet, delay bargaining, and use a variety of other tactics to prevent an agreement. One study found that in more than a third of hard-won union elections, workers are denied a contract because of employers' delaying tactics.

Many of these abuses by employers are illegal, but employers have no incentive to change their behavior. The penalties for violating workers' rights are so weak that they simply become a minor cost of doing business.

Obviously, not all employers see unions as the enemy. Many successful companies have allowed their workers to organize without threats or dirty tricks. They have formed strong partnerships with their employees, and they have prospered. But these individual good examples are not enough to solve the problem. We need to deal with the bad actors. We need to stop the lawbreaking that has become alarmingly common and provide stronger protections for workers' rights.

That is why we need the Employee Free Choice Act. This important legislation will give American workers the real freedom to choose a union without fear of threats or intimidation.

First, the bill gives workers two possible ways to choose whether they want a union. They can rely on an election, or—if they fear intimidation from their employer during the election process—they can use a process called majority sign-up, which enables workers to choose whether they want a union by deciding whether to sign their name on a card calling for a union.

Majority sign-up has always been a valid way to form a union. Since 2003, more than half a million private sector workers have formed a union through this efficient and democratic process.

The problem is that under current law, workers may use the majority sign-up process only if their employer agrees. That is not fair. Workers—not their bosses—should get to choose how they make the important decision about whether they want union representation. The Employee Free Choice Act puts this choice in workers' hands.

Second, the bill ensures that workers who choose a union will have a fair process for getting a first contract. It provides that if the union and the employer don't reach a contract within 90 days, either side can seek mediation from the Federal Mediation and Conciliation Service. The agency has provided collective bargaining mediation services—including mediation of first contract negotiations—for more than 50 years, and it has an 86 percent success rate.

In the rare instance when the mediation process fails, the bill provides for binding arbitration, which will be handled by a panel of highly qualified arbitrators who have long experience in developing contract provisions that are fair to both sides. This type of arbitration is a tried-and-true method of resolving contract disputes that is already used in the rail and airline industries, and for public sector workers in at least 25 States.

Finally, the Employee Free Choice Act improves remedies for workers who face discrimination or retaliation when they seek to organize or obtain a first contract. Under the bill, employers will no longer be able to violate the law with impunity and write off the insignificant penalties as a minor cost of doing business. The act takes away these perverse incentives for employers to break the law by increasing the remedies for workers, and by imposing new penalties on employers who act illegally during organizing campaigns or first-contract bargaining. These important changes will put real teeth in the law, and give employers a financial reason to respect workers' rights.

With these basic reforms, the Employee Free Choice Act will fix the current broken system and level the economic playing field for millions of American workers. It will help them obtain real, tangible benefits that will make a difference in their lives and in the lives of their families.

By restoring fairness to the American workplace, and strengthening the voice of American workers, we can rebuild the land of opportunity—a land with good jobs, fair wages, and fair benefits that can support a family. We can revitalize the American middle class and restore the American dream. I urge all of my colleagues to support this important legislation and help put working families back on the path to prosperity.

By Mr. NELSON, of Florida (for himself, Ms. SNOWE, and Ms. KLOBUCHAR):

S. 562. A bill to require accurate and reasonable disclosure of the terms and conditions of prepaid telephone calling cards and services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. NELSON of Florida. Mr. President, prepaid telephone calling cards are used by many Americans to stay in touch with loved ones around the country and throughout the world. Unfortunately, some providers and distributors of these cards are scamming consumers—by imposing undisclosed junk fees, charging exorbitant rates, and selling cards that expire shortly after consumers start using them.

Over the past couple of years, a number of State Attorneys General and the Federal Trade Commission have opened investigations and found that a number of providers and distributors are engaging in unfair and deceptive business practices. These practices include charging customers for calls where they receive busy signals, imposing weekly ''maintenance fees'' that may take away up to 20 percent of the card's overall value, and billing for calls in 3-minute increments.

As a result of these investigations, some companies have been fined or have entered into consent decrees forbidding them from engaging in some deceptive practices. In addition, some states—including Florida—have imposed certain regulatory requirements on prepaid calling card providers and distributors. To date, however, neither the Federal Communications Commission nor the Federal Trade Commission has taken any action to impose upfront nationwide consumer protection requirements on this industry. This lack of federal standards allows many of these unscrupulous operators to move from state to state, and create new ''shell companies'' to escape consumer protection regulations. This is

wrong, and I think we need to fix this situation.

That's why I rise today to introduce the Prepaid Calling Card Consumer Protection Act of 2009.

The Prepaid Calling Card Consumer Protection Act of 2009 requires the Federal Trade Commission to draft comprehensive rules requiring all prepaid telephone calling card providers and distributors to disclose the rates and fees associated with their calling cards up-front, at the point of sale. It also requires providers who market their cards in languages other than English to disclose rates and fees in that language as well. Furthermore, the legislation requires providers to honor the cards for at least a year after the time the card is first used.

To enforce these disclosure requirements, the bill gives the Federal Trade Commission, State Attorneys General, and state consumer protection advocates the ability to sue the fraudsters who violate these requirements in federal court. In addition, the law preserves additional state consumer protection requirements—such as state utility commission certification or bonding requirements.

I invite my colleagues to join with Senators SNOWE, KLOBUCHAR and myself in supporting the Prepaid Calling Card Consumer Protection Act of 2009. We should waste no time in ensuring that military servicemembers, seniors, immigrants and other Americans using these prepaid telephone calling cards are protected from bad actors in the marketplace.

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

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

S. 562

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Prepaid Calling Card Consumer Protection Act of 2009''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(2) FEES.—

(A) IN GENERAL.—The term ''fees'' means all charges, fees, taxes, or surcharges, including connection, hang-up, service, payphone, and maintenance charges, which may be—

(i) required by State or Federal statute or by regulation or order of the Commission or a State; or

(ii) permitted to be assessed by a State or Federal statute or by regulation or order of the Commission or a State.

(B) EXCLUSION.—The term ''fees'' does not include the applicable per unit or per-minute rate for the particular destination called by a consumer.

(3) INTERNATIONAL PREFERRED DESTINATION.—The term ''international preferred destination'' means a specific international destination named on a prepaid telephone calling card or on the packaging material accompanying a prepaid telephone calling card.

(4) PREPAID TELEPHONE CALLING CARD.—

(A) IN GENERAL.—The terms ''prepaid telephone calling card'' and ''card'' mean—

(i) a card or similar device that allows users to pay in advance for a specified amount of calling, without regard to additional features, functions, or capabilities available in conjunction with a prepaid telephone calling service; or

(ii) any right of use purchased in advance for a sum certain linked to an access number and authorization code that—

(I) enables a consumer to use a prepaid telephone calling service; and

(II) is embodied on a card or other physical object, or purchased by an electronic or telephonic means through which the purchaser obtains access numbers and authorization codes that are not physically located on a card, its packaging, an Internet website, or other promotional materials.

(B) EXCLUSION.—The terms ''prepaid telephone calling card'' and ''card'' do not include cards or other rights of use that provide access to—

(i) service provided for free, or at no additional charge as a promotional item accompanying a product or service purchased by a consumer; or

(ii) a wireless telecommunications service account with a wireless service provider that the purchaser has a preexisting relationship with or establishes a carrier customer relationship with via the purchase of a prepaid wireless telecommunications service handset package.

(5) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—

(A) IN GENERAL.—The term ''prepaid telephone calling card distributor'' means any person that—

(i) purchases prepaid telephone calling cards or services from a prepaid telephone calling service provider; and

(ii) sells, resells, issues, or distributes prepaid telephone calling cards to 1 or more distributors of such cards or to 1 or more retail sellers of such cards.

(B) EXCLUSION.—The term ''prepaid telephone calling card distributor'' does not include any retail merchant or seller of prepaid telephone calling cards exclusively engaged in point-of-sale transactions with end-user customers.

(6) PREPAID TELEPHONE CALLING SERVICE.—

(A) IN GENERAL.—The terms ''prepaid telephone calling service'' and ''service'' mean any real time voice communications service, regardless of the technology or network utilized, paid for in advance by a consumer, that allows a consumer to originate voice telephone calls through a local, long distance, or toll-free access number and authorization code, whether manually or electronically dialed.

(B) EXCLUSION.—The terms ''prepaid telephone calling service'' and ''service'' do not include any service that provides access to a wireless telecommunications service account if the purchaser has a preexisting relationship with the wireless service provider or establishes a carrier-customer relationship via the purchase of a prepaid wireless telecommunications service handset package.

(7) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—The term ''prepaid telephone calling service provider'' means any person providing prepaid telephone calling service to the public using its own, or a resold, network offering real time voice communications service regardless of the technology utilized.

(8) WIRELESS TELECOMMUNICATIONS SERVICE.—The term ''wireless telecommunications service'' has the meaning given the term ''commercial mobile service'' in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

SEC. 3. REQUIRED DISCLOSURES OF PREPAID TELEPHONE CALLING CARDS OR SERVICES.

(a) REQUIRED DISCLOSURE; RULEMAKING.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe regulations that require every prepaid telephone calling service provider or prepaid telephone calling card distributor to disclose the following information relating to the material terms and conditions of the prepaid telephone calling card or service:

(1) INFORMATION RELATING TO DOMESTIC INTERSTATE CALLS.—

(A) The number of calling units or minutes of domestic interstate calls provided by such card or service at the time of purchase; or

(B) the dollar value of such card or service and the domestic interstate rate per-minute provided by such card or service at the time of purchase.

(2) INFORMATION RELATING TO INTERNATIONAL PREFERRED DESTINATIONS.—The applicable calling unit or per-minute rates for each international preferred destinations served by such card or service.

(3) INFORMATION RELATING TO INDIVIDUAL INTERNATIONAL DESTINATIONS.—

(A) The applicable calling unit or per-minute rates for each individual international destinations served by such card or service.

(B) That the applicable calling unit or per-minute rates for each individual international destination may be obtained through the prepaid telephone calling card provider's toll-free customer service number and Internet website.

(C) Whether those rates fluctuate.

(4) OTHER MATERIAL TERMS AND CONDITIONS.—Other material terms and conditions pertaining to the use of such card or service, including—

(A) the amount and frequency of all fees;

(B) a description of applicable policies relating to refund, recharge, decrement, or expiration; and

(C) limitations, if any, on the use or period of time for which the displayed, promoted, or advertised minutes or rates will be available to the customer.

(5) SERVICE PROVIDER INFORMATION.—Information relating to the service provider, including—

(A) the name of the service provider;

(B) the address of such service provider, which shall be made available on the provider's website (if any), together with the uniform resource locator address thereof; and

(C) a toll-free telephone number that may be used to contact the customer service department of such service provider, together with the hours of service of the customer service department.

(b) CLEAR AND CONSPICUOUS DISCLOSURE OF REQUIRED INFORMATION AND LANGUAGE REQUIREMENTS.—In prescribing regulations under subsection (a), the Commission shall require, at a minimum, that—

(1) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for prepaid telephone calling cards are printed in plain English in a clear and conspicuous location on the card, or on the packaging of the card, so as to be plainly visible to a consumer at the point of sale;

(2) the required disclosures (other than the disclosure required by subsection (a)(3)(B)) for prepaid telephone calling service that consumers access and purchase via the Internet are displayed in plain English in a clear and conspicuous location on the Internet site from which the consumer purchases such service, and include conspicuous instructions and directions to any link to such disclosures;

(3) the required disclosures (other than the disclosure required by subsection (a)(3)(A)) for advertising and other promotional materials are printed on any advertising for the prepaid telephone calling card or service used at the point of sale, including on any signs for display by retail merchants, displayed on any Internet site used to promote material, and on any other promotional material used at the point of sale that is prepared by, or at the direction of, any person that is subject to the requirements of this Act; and

(4) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, Internet advertising, or promotional material of a prepaid telephone calling card or prepaid telephone calling service, then the required disclosures are provided in that language on such card, packaging, advertisement, or promotional material in the same manner as if they were provided in English.

(5) if a language other than English is predominantly used on a prepaid telephone calling card or its packaging, or in the point-of-sale advertising, or promotional materials of a prepaid telephone calling card or prepaid telephone calling service, then the customer service department reached via a toll-free number must provide basic customer support (per-minute rate or equivalent calling units for each destination, fees, and terms of service) in that language.

(c) IMPLEMENTING REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such other disclosure regulations as the Commission determines are necessary to implement this section.

SEC. 4. UNLAWFUL CONDUCT RELATED TO PREPAID TELEPHONE CALLING CARDS.

(a) PREPAID TELEPHONE CALLING SERVICE PROVIDER.—It shall be unlawful for any prepaid telephone calling service provider to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed in accordance with the regulations prescribed under section 3.

(2) MINUTES AND RATES AS PROMOTED AND ADVERTISED.—With respect to a prepaid telephone calling card for a service of the prepaid telephone calling service provider, to provide fewer minutes than the number of minutes promoted or advertised, or to charge a higher per-minute rate to a specific domestic destination or international preferred destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card;

(B) any point-of-sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service provider; or

(C) other advertising related to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, AND ADVERTISED THROUGH VOICE PROMPTS.—To provide fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given by the prepaid telephone calling service provider to a consumer at the time the consumer places a call to a dialed domestic destination or international preferred destination with a prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card or service that permits a consumer to purchase additional usage minutes or add additional value to the card, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card.

(5) CHARGES FOR UNCONNECTED CALLS.—To assess any fee or charge for any unconnected telephone call. For purposes of this paragraph, a telephone call shall not be considered connected if the person placing the call receives a busy signal or if the call is unanswered.

(6) MAXIMUM BILLING INCREMENTS.—To assess or deduct a per-minute rate (or equivalent calling unit) in an increment greater than 1 minute of calling time for calls that are less than 1 full minute. It shall not be a violation of this section for a prepaid telephone calling service provider to deduct different destination-specific rates (or equivalent calling units) for each full minute of calling time in accordance with properly disclosed rates or other terms and conditions.

(b) PREPAID TELEPHONE CALLING CARD DISTRIBUTOR.—It shall be unlawful for any prepaid telephone calling card distributor to do any of the following:

(1) UNDISCLOSED FEES AND CHARGES.—To assess or deduct from the balance of a prepaid telephone calling card any fee or other amount for use of the prepaid telephone calling service, except—

(A) the per-minute rate or value for each particular destination called by the consumer; and

(B) fees that are disclosed as required by regulations prescribed under section 3.

(2) MINUTES AS PROMOTED AND ADVERTISED.—To sell, resell, issue, or distribute any prepaid telephone calling card that the distributor knows provides fewer minutes than the number of minutes promoted or advertised, or a higher per-minute rate to a specific destination than the per-minute rate to that specific destination promoted or advertised, on—

(A) the prepaid telephone calling card that is prepared by or at the direction of the prepaid telephone calling card service distributor;

(B) any point of sale material relating to the card that is prepared by or at the direction of the prepaid telephone calling card service distributor; or

(C) other advertising relating to the card or service.

(3) MINUTES ANNOUNCED, PROMOTED, OR ADVERTISED THROUGH VOICE PROMPTS.—To sell, resell, issue, or distribute a prepaid telephone calling card that such distributor knows provides fewer minutes than the number of minutes announced, promoted, or advertised through any voice prompt given to a consumer at the time the consumer places a call to a dialed destination with the prepaid telephone calling card or service.

(4) EXPIRATION.—To provide, sell, resell, issue, or distribute a prepaid telephone calling card that expires—

(A) before the date that is 1 year after the date on which such card is first used; or

(B) in the case of a prepaid telephone calling card that permits a consumer to purchase additional usage minutes or add additional value to the card or service, before the date that is 1 year after the date on which the consumer last purchased additional usage minutes or added additional value to the card or service.

(c) LIABILITY.—A prepaid telephone calling service provider or a prepaid telephone calling card distributor may not avoid liability under this section by stating that the displayed, announced, promoted, or advertised minutes, or the per-minute rate to a specific destination, are subject to fees or charges. A prepaid calling service provider or prepaid calling distributor shall not be liable for the disclosure of lawful fees, charges, or limitations made pursuant to regulations prescribed by the Commission under section 3, including lawful conditions of use.

(d) IMPLEMENTING REGULATIONS.—The Commission may, in accordance with section 553 of title 5, United States Code, prescribe such regulations as the Commission determines are necessary to implement this section.

SEC. 5. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) UNFAIR AND DECEPTIVE ACT OR PRACTICE.—Notwithstanding any other provision of law, a violation of a regulation prescribed under section 3 or the commission of an unlawful act proscribed under section 4 shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) AUTHORITY OF THE COMMISSION.—The Commission shall enforce this Act in the same manner and by the same means as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this Act. Notwithstanding section 5(a)(2) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2), communications common carriers shall be subject to the jurisdiction of the Commission exclusively for the purposes of this Act, and section 5(a)(2) shall not be otherwise affected.

(c) FEDERAL COMMUNICATIONS COMMISSION AUTHORITY.—

(1) To the extent that the Federal Trade Commission has authority under this Act with respect to prepaid calling cards, prepaid calling card providers and prepaid calling card distributors, the Federal Communications Commission shall not exercise any authority that it may otherwise have with respect to such cards, providers and distributors;

(2) Except as provided in paragraph (1), nothing in this Act affects the authority of the Federal Communications Commission with respect to such prepaid calling card providers and distributors.

SEC. 6. STATE ENFORCEMENT.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State, a State utility commission, or other authorized State consumer protection agency has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction—

(A) to enjoin that practice;

(B) to enforce compliance with this Act;

(C) to obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) to obtain such other relief as the court may consider to be appropriate.

(2) NOTICE TO FEDERAL TRADE COMMISSION.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide to the Commission—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply to the filing of an action under paragraph (1) if the attorney general of a State, a State utility commission, or an authorized State consumer protection agency filing such action determines that it is not feasible to provide the notice described in subparagraph (A) before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State, a State utility commission, or an authorized State consumer protection agency shall provide notice and a copy of the complaint to the Commission at the time the action is filed.

(b) INTERVENTION BY FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Upon receiving notice under subsection (a)(2), the Commission may intervene in the action that is the subject of such notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), the Commission may—

(A) be heard with respect to any matter that arises in that action; and

(B) file a petition for appeal.

(c) CONSTRUCTION.—Nothing in this Act may be construed to prevent an attorney general of a State, a State utility commission, or an authorized State consumer protection agency from exercising the powers conferred on the attorney general, a State utility commission, or an authorized State consumer protection agency by the laws of that State—

(1) to conduct investigations;

(2) to administer oaths or affirmations;

(3) to compel the attendance of witnesses or the production of documentary and other evidence;

(4) to enforce any State consumer protection laws of general applicability; or

(5) to establish or utilize existing administrative procedures to enforce the provisions of the law of such State.

(d) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) shall be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 7. APPLICATION.

The regulations prescribed under section 3 and the provisions of sections 3 and 4 shall apply to any prepaid telephone calling card issued or placed into the stream of commerce, and to any advertisement, promotion, point-of-sale material or voice prompt regarding a prepaid telephone calling service that is created or disseminated more than 120 days after the date on which the regulations prescribed under section 3 are published in the Federal Register.

SEC. 8. EFFECT ON STATE LAW.

(a) PREEMPTION.—

(1) IN GENERAL.—Except as otherwise provided in this section, this Act preempts the laws of any State or political subdivision thereof to the extent that such laws are inconsistent with this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(2) EXCEPTIONS.—This Act shall not preempt any provision of State law or enforcement action that provides additional enforcement protection to consumers of prepaid telephone calling cards if such provision of law or enforcement action—

(A) imposes higher fines or more punitive civil or criminal remedies, including injunctive relief, for any violation of this Act, or the rules, regulations, or orders issued by the Commission under this Act; or

(B)(i) relates to terms, conditions, or issues that are not addressed by this Act, or by the rules, regulations, or orders issued by the Commission under this Act; and

(ii) is not determined by the Commission to be inconsistent with the public interest.

(b) PETITIONS CONCERNING PREEMPTION.—

(1) PETITIONS BY PROVIDERS.—

(A) AUTHORITY TO PETITION.—A prepaid telephone calling card provider or a prepaid telephone calling card distributor may submit a petition to the Commission to challenge a State law or regulation—

(i) as inconsistent with this Act or the rules, regulations, or orders issued by the Commission under this Act; or

(ii) as inconsistent with the public interest, if the measure relates to terms, conditions, or issues that are not addressed by this Act, or the rules, regulations, or orders issued by the Commission under this Act.

(B) DEADLINE FOR COMMISSION ACTION.—Within 90 days after receiving a petition under subparagraph (A), the Commission shall issue a final determination on the issues presented in the petition. The Commission may issue an order staying the effectiveness of any State law or regulation that is the subject of the petition during, but for no longer than, such 90-day period.

(2) PROCEEDINGS ON UNADDRESSED ISSUES.—If, on the basis of any petition under paragraph (1), the Commission determines that a term, condition, or issue is not addressed by sections 3 or 4 of this Act, or the rules issued by the Commission under this section 3 of this Act, the Commission shall, within 180 days after the date of such determination, conduct an inquiry or other proceeding to determine whether the Commission should, in the public interest, promulgate a rule, pursuant to section 3(c), to address such term, condition, or issue.

SEC. 9. GAO STUDY.

Beginning 1 year after the date on which final regulations are promulgated pursuant to section 3(a), the Comptroller General shall conduct a study of the effectiveness of this Act and the disclosures required under this Act and shall submit a report of such study to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation no later than 2 years after the date of enactment of this Act.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. LIEBERMAN, Mr. KENNEDY, Mr. CARDIN, and Mr. WYDEN):

S. 564. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two factfinding commissions: one commission to review the treatment by our Government during World War II of American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, and another commission to review the U.S. Government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my colleagues Senators GRASSLEY, KENNEDY, LIEBERMAN, INOUYE, CARDIN and WYDEN have joined me as cosponsors of this important bill. I thank them for their support. And I thank Congressman WEXLER, who has been the unflagging champion of this legislation and will be introducing an identical bill in the House of Representatives.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, at the same time that so many brave Americans fought for freedom in Europe and the Pacific, the U.S. Government was curtailing the freedom of people here at home. While it is, of course, the right of every nation to protect itself during wartime, the U.S. Government must respect the basic freedoms for which so many Americans have given their lives. War tests our principles and our values. And as our Nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the basic freedoms guaranteed by the Constitution.

Many Americans are aware that during World War II, under the authority of Executive Order 9066, our Government forced more than 100,000 ethnic Japanese from their homes and ultimately into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved.

While I commend our Government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the Government also acknowledge the mistreatment experienced by American citizens or residents of German or Italian descent and persons of European descent living in Latin American countries, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, factfinding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. Government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that the U.S. Government designated more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families as ''enemy aliens.'' The U.S. Government unfairly subjected many to arrest, detainment, and relocation. Indeed, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. Even less well known is the U.S. policy coordinated with many Latin American countries that resulted in thousands of European Americans, including German and Austrian Jews, being arrested, shipped to the United States by U.S. military transport, and interned. Many European Americans and European Latin Americans were later repatriated or deported to European Axis nations during World War II, and some were exchanged for Americans and Latin Americans held in those nations. We must learn from this history and explore why we failed to protect the basic freedoms of our fellow Americans and those brought here from Latin America.

A second commission created by this bill will review the treatment by the U.S. Government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts here as well and determine how restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. It is a horrible truth that the United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. Government to complete the accounting of this period in our Nation's history. It is now time to create independent, fact finding commissions to conduct a full and thorough review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded ''enemy aliens'' and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were taken from their homes, shipped to the United States, and interned here.

There has been no justice for the European Americans and European Latin Americans who were repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the *St. Louis,* who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

The injustices to European Americans, European Latin Americans, and Jewish refugees occurred more than 60 years ago. Americans must learn from these tragedies now, while the people who survived these injustices are still with us, and are still here to teach us. We cannot put this off any longer. Their numbers are rapidly dwindling. I spoke on the Senate floor in the last Congress about one such former internee, Max Ebel, who died still waiting for his country to acknowledge his internment and those of many other European Americans. If we wait any longer, even more people who were affected will no longer be here to know that Congress has at last recognized their sacrifice and resolved to learn from the mistakes of the past.

We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I was very pleased that the Senate approved this bill by an overwhelming bipartisan majority as an amendment to the immigration bill in 2007. I urge my colleagues to join me in supporting the Wartime Treatment Study Act again this Congress, and to allow this bill to become law as soon as possible. I have been seeking to enact this legislation for eight years. It is long past time for a full accounting of this tragic chapter in our Nation's history.

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

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

S. 564

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wartime Treatment Study Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States Government deemed as ''enemy aliens'' more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families, requiring them to carry Certificates of Identification and limiting their travel and personal property rights. At that time, these groups were the two largest foreign-born groups in the United States.

(2) During World War II, the United States Government arrested, interned, or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to European Axis nations, many to be exchanged for Americans held in those nations.

(3) Pursuant to a policy coordinated by the United States with Latin American nations, thousands of European Latin Americans, including German and Austrian Jews, were arrested, relocated to the United States, and interned. Many were later repatriated or deported to European Axis nations during World War II and exchanged for Americans and Latin Americans held in those nations.

(4) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(5) The wartime policies of the United States Government were devastating to the German American and Italian American communities, individuals, and their families. The detrimental effects are still being experienced.

(6) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution or genocide and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(7) The United States Government should conduct an independent review to fully assess and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(8) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term ''during World War II'' refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term ''European Americans'' refers to United States citizens and resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) GERMAN AMERICANS.—The term ''German Americans'' refers to United States citizens and resident aliens of German ancestry.

(C) ITALIAN AMERICANS.—The term ''Italian Americans'' refers to United States citizens and resident aliens of Italian ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term ''European Latin Americans'' refers to persons of European ancestry, including German or Italian ancestry, residing in a Latin American nation during World War II.

(4) LATIN AMERICAN NATION.—The term ''Latin American nation'' refers to any nation in Central America, South America, or the Caribbean.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the ''European American Commission'').

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and two members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government action during World War II with respect to European Americans and European Latin Americans pursuant to United States laws and directives, including the Alien Enemies Acts (50 U.S.C. 21 et seq.), Presidential Proclamations 2526, 2527, 2655, 2662, and 2685, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to these and other pertinent laws, proclamations, or executive orders, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportation, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall also include a list of—

(A) all temporary detention and long-term internment facilities in the United States and Latin American nations that were used to detain or intern European Americans and European Latin Americans during World War II (in this paragraph referred to as ''World War II detention facilities'');

(B) the names of European Americans and European Latin Americans who died while in World War II detention facilities and where they were buried;

(C) the names of children of European Americans and European Latin Americans who were born in World War II detention facilities and where they were born; and

(D) the nations from which European Latin Americans were brought to the United States, the ships that transported them to the United States and their departure and disembarkation ports, the locations where European Americans and European Latin Americans were exchanged for persons held in European Axis nations, and the ships that transported them to Europe and their departure and disembarkation ports.

(2) An assessment of the underlying rationale of the decision of the United States Government to develop the programs and policies described in paragraph (1), the information the United States Government received or acquired suggesting these programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(3) A brief review of the participation by European Americans in the United States Armed Forces, including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including public education programs and the creation of a comprehensive online database by the National Archives and Records Administration of documents related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) FIELD HEARINGS.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected under the Commission on Wartime and Internment of Civilians Act (Public Law 96–317; 50 U.S.C. App. 1981 note) and the Wartime Violation of Italian Americans Civil Liberties Act (Public Law 106–451; 50 U.S.C. App. 1981 note). For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $600,000 to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the ''Jewish Refugee Commission'').

(b) MEMBERSHIP.—The Jewish Refugee Commission shall be composed of 7 members,

who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The Jewish Refugee Commission shall include two members representing the interests of Jewish refugees.

(e) MEETINGS.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the Jewish Refugee Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution or genocide in Europe entry to the United States as provided in subsection (b).

(b) SCOPE OF REVIEW.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's decision to deny Jewish and other refugees fleeing persecution or genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee law and policy relating to those fleeing persecution or genocide, including recommendations for making it easier in the future for victims of persecution or genocide to obtain refuge in the United States.

(c) FIELD HEARINGS.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) REPORT.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) IN GENERAL.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law. For purposes of section 552a(b)(9) of title 5, United States Code (commonly known as the ''Privacy Act of 1974''), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $600,000 to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

TITLE III—FUNDING SOURCE

SEC. 301. FUNDING SOURCE.

Of the funds made available for the Department of Justice by the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Public Law 110–329), $1,200,000 is hereby rescinded.

By Mr. DURBIN (for himself, Mr. COCHRAN, Mr. LEVIN, and Mr. DORGAN):

S. 565. A bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes; to the Committee on Finance.

Mr. DURBIN. March 12 is recognized as World Kidney Day, a day to raise awareness of the major health and societal costs of kidney disease. Today, 26 million American adults have chronic kidney disease, and 500,000 have irreversible kidney failure, or end-stage renal disease ESRD. These patients require dialysis or a kidney transplant to survive.

Fortunately, medical advancements have transformed organ transplantation from an experimental procedure into the accepted and often best treatment for organ failure. Transplantation has prolonged and improved the lives of thousands of Americans. Over 16,000 Americans received a kidney transplant in 2007, and 150,000 today are living with functioning kidney transplants.

Many of these kidney transplants were paid for by the Medicare system, which provides health care to aged and disabled Americans, as well as those living with ESRD. For these ESRD patients, Medicare also covers dialysis for patients who have not received a donor kidney and immunosuppressive drugs for kidney transplant recipients. Organ transplant recipients must take immunosuppressive drugs every day for the life of their transplant to reduce the risk of organ rejection.

In 2000, Congress wisely eliminated the 36-month time limitation for aged and disabled beneficiaries who had Medicare status at the time of transplant. So today, for an older or disabled person on Medicare, immunosuppressive drugs are covered by Medicare for the life of the transplant.

However, we still have an unfair and unrealistic gap in coverage for people with ESRD who are neither disabled nor elderly. For those transplant recipients, coverage for immunosuppressive drugs ends 36 months after transplantation. This is economically inefficient and morally wrong. Without regular access to immunosuppressive drugs to prevent rejection, many patients find themselves back in a risky and frightening place—in need of a new kidney.

Since Medicare covers the cost of the transplant for end stage renal disease, it makes sense for Medicare to preserve

this investment by covering antirejection drugs. It would be far less expensive for Medicare to cover immunosuppressive drugs at a cost of $10,000 to $20,000 a year than to pay for dialysis—$71,000 a year—or another transplant, $106,000, if a patient's kidney fails and he is once again eligible for Medicare coverage.

I am pleased to introduce today, along with my colleague from Mississippi, Senator THAD COCHRAN, the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act. This legislation would allow kidney transplant recipients to continue Medicare coverage for the purpose of immunosuppressive drugs only. All other Medicare coverage would end 36 months after the transplant.

It is time to take this step to provide continuous coverage for immunosuppressive drugs through Medicare. This is a logical and moral move that will reduce the need for dialysis and kidney retransplants and provide reliable, sustained access to critically important, lifesaving medications for thousands of Americans. In the long run, we will save both money and lives.

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

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

S. 565

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009''.

SEC. 2. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426–1(b)(2)) is amended by inserting ''(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))'' after ''shall end''.

(2) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking ''Every individual who'' and inserting ''(a) IN GENERAL.—Every individual who''; and

(B) by adding at the end the following new subsection:

''(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ELIGIBLE ONLY FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

''(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226A(b)(2), the following rules shall apply:

''(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

''(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

''(C) The provision of such drugs shall be subject to the application of—

''(i) the deductible under section 1833(b); and

''(ii) the coinsurance amount applicable for such drugs (as determined under this part).

''(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

''(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

''(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226A(b)(2); and

''(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.''.

(3) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: ''With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, this subparagraph shall be applied without regard to any time limitation.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

''SEC. 2708. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)(A)) is amended by inserting ''(other than section 2708)'' after ''requirements of such subparts''.

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

''SEC. 715. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191a(a)) is amended by striking ''section 711'' and inserting ''sections 711 and 715''.

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 714 the following new item:

''Sec. 715. Coverage of immunosuppressive drugs.''.

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9813 the following new item:

''Sec. 9814. Coverage of immunosuppressive drugs for kidney transplant recipients.'';

and

(2) by inserting after section 9813 the following:

''SEC. 9814. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS FOR KIDNEY TRANSPLANT RECIPIENTS.

''A group health plan shall provide coverage of immunosuppressive drugs in connection with a kidney transplant that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Kidney Transplant Patients Act of 2009, and such requirement shall be deemed to be incorporated into this section.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2010.

By Mr. DURBIN (for himself, Mr. SCHUMER, and Mr. KENNEDY):

S. 566. A bill to create a Financial Product Safety Commission, to provide consumers with stronger protections and better information in connection with consumer financial products, and to give providers of consumer financial products more regulatory certainty; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. When consumers purchase tangible consumer products such as toasters or televisions, they can be reasonably confident that the products are safe for their families to use. In America we don't say ''buyer beware'' when it comes to lead paint in toys or risky drugs. But when Americans purchase financial products such as mortgages or credit cards, they often have little idea whether those products —and the mountain of fine print that come with them—are good for their families. Why?

The answer is that consumer products are subject to oversight, while financial products are not. Professor Elizabeth Warren, Chairperson of the Congressional Oversight Panel for the $700 billion Troubled Assets Relief Program, was right when she said ''we need more oversight.'' That was more than a year ago.

Today there are no fewer than 10 Federal regulators with responsibility for consumer protections from predatory or deceptive financial products, but none have oversight as its primary objective.

The legislation that I am introducing today with Senators SCHUMER and KENNEDY would create a Financial Product Safety Commission that would focus exclusively on the interests of consumers. I am pleased that Congressmen BILL DELAHUNT and BRAD MILLER will be introducing the House companion.

The objectives of the Financial Product Safety Commission would be to reduce consumer risk in using financial products, coordinate enforcement with other Federal and State regulators, and report to the public regarding the state of consumer financial product safety.

The Financial Product Safety Commission would fulfill that mission by preventing predatory and deceptive financial practices, educating consumers on the responsible use of financial products and services, establishing a regulatory floor beneath which consumer financial product safety could not fall, and recommending the steps that should be taken to improve the value of financial products for consumers.

The bill is supported by over 55 national and State organizations, including Consumer Federation of America, Center for Responsible Lending Leadership Conference on Civil Rights, NAACP, La Raza, AFL-CIO, SEIU, National Consumer Law Center, Consumers Union, Public Citizen, and U.S. PIRG. I include a statement of support for the RECORD.

As Congress embarks on financial regulatory reform, our improved regulatory system must focus not just on the safety and soundness of the providers of financial products but also on the safety of the consumers of financial products. The Financial Product Safety Commission will do just that.

Mr. President, I ask unanimous consent that the text of the bill and supporting material be printed in the RECORD.

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

S. 566

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Financial Product Safety Commission Act of 2009''.

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

SEC. 2. FINDINGS.

Congress finds that—

(1) the Nation's multiagency financial services regulatory structure has created a dispersion of regulatory responsibility, which in turn has led to an inadequate focus on protecting consumers from inappropriate consumer financial products and practices;

(2) the absence of appropriate oversight has allowed excessively costly or predatory consumer financial products and practices to flourish; and

(3) the creation of a regulator whose sole focus is the safety of consumer financial products would help address this lack of consumer protection.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the terms ''Commission'', ''Chairperson'', and ''Commissioner'' mean the Financial Product Safety Commission established under this Act and the Chairperson and any Commissioner thereof, respectively;

(2) the term ''consumer financial product'' includes—

(A) any extension of credit, deposit account, payment mechanism, or other product or service within the scope of—

(i) the Truth in Savings Act (12 U.S.C. 4301 et seq.);

(ii) the Consumer Credit Protection Act (15 U.S.C. 1601 et seq.); or

(iii) article 3 (relating to negotiable instruments) or article 4 (relating to bank deposits) of the Uniform Commercial Code, as in effect in any State;

(B) any other extension of credit, deposit account, or payment mechanism; and

(C) any ancillary product, practice, or transaction;

(3) the term ''appropriate committees of Congress'' means the Committee on Banking, Housing, and Urban Affairs and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the Senate, and the Committee on Financial Services and the Subcommittee on Financial Services and General Government of the Committee on Appropriations of the House of Representatives, and any successor committees, as may be constituted;

(4) the term ''consumer'' means any natural person and any small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); and

(5) the term ''credit'' has the same meaning as in section 103 of the Truth in Lending Act (15 U.S.C. 1602).

SEC. 4. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT; CHAIRPERSON.—

(1) ESTABLISHMENT.—There is established the ''Financial Product Safety Commission'' which shall be an independent establishment, as defined in section 104(1) of title 5, United States Code.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be comprised of 5 commissioners, appointed by the President, by and with the advice and consent of the Senate.

(B) CONSIDERATIONS.—In making appointments to the Commission, the President shall consider individuals who, by reason of their background and expertise in areas related to consumer financial product safety, are qualified to serve as members of the Commission.

(3) CHAIRPERSON.—The Chairperson of the Commission shall be appointed by the President, by and with the advice and consent of the Senate, from among the members of the Commission.

(4) REMOVAL.—Any Commissioner may be removed by the President for neglect of duty or malfeasance in office, but for no other cause.

(b) TERM; VACANCIES.—

(1) IN GENERAL.—Except as provided in paragraph (2)—

(A) the Commissioners first appointed under this section shall be appointed for terms ending 3, 4, 5, 6, and 7 years, respectively, after the date of enactment of this Act, the term of each to be designated by the President at the time of nomination; and

(B) each of their successors shall be appointed for a term of 5 years from the date of the expiration of the term for which the predecessor was appointed.

(2) LIMITATIONS.—Any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor thereof was appointed shall be appointed only for the remainder of such term. A Commissioner may continue to serve after the expiration of such term until a successor has taken office, except that such Commissioner may not continue to serve more than 1 year after the date on which the term of that Commissioner would otherwise expire under this subsection.

(c) RESTRICTIONS ON OUTSIDE ACTIVITIES.—

(1) POLITICAL AFFILIATION.—Not more than 3 Commissioners may be affiliated with the same political party.

(2) CONFLICTS OF INTEREST.—No individual may serve as a Commissioner if that individual—

(A) is in the employ of, holding any official relation to, or married to any person engaged in selling or devising consumer financial products;

(B) owns stock or bonds of substantial value in a person so engaged;

(C) is in any other manner pecuniarily interested in a person so engaged; or

(D) engages in any other business, vocation, or employment.

(d) VACANCIES; QUORUM; SEAL; VICE CHAIRPERSON.—

(1) VACANCIES.—No vacancy on the Commission shall impair the right of the remaining Commissioners to exercise all the powers of the Commission.

(2) QUORUM.—Three members of the Commission shall constitute a quorum for the transaction of business, except that—

(A) if there are only 3 members serving on the Commission because of vacancies on the Commission, 2 members of the Commission shall constitute a quorum for the transaction of business; and

(B) if there are only 2 members serving on the Commission because of vacancies on the Commission, 2 members shall constitute a quorum for the 6-month period (or the 1-year period, if the 2 members are not affiliated with the same political party) beginning on the date of the vacancy which caused the number of Commissioners to decline to 2.

(3) SEAL.—The Commission shall have an official seal, of which judicial notice shall be taken.

(4) VICE CHAIRPERSON.—The Commission shall annually elect a Vice Chairperson to act in the absence or disability of the Chairperson or in case of a vacancy in the office of the Chairperson.

(e) OFFICES.—The Commission shall maintain a principal office and such field offices as it determines necessary, and may meet and exercise any of its powers at any other place.

(f) FUNCTIONS OF CHAIRPERSON; REQUEST FOR APPROPRIATIONS.—

(1) DUTIES.—The Chairperson shall be the principal executive officer of the Commission, and shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to—

(A) the appointment and supervision of personnel employed by the Commission (and the Commission shall fix their compensation at a level comparable to that for employees of the Securities and Exchange Commission);

(B) the distribution of business among personnel appointed and supervised by the Chairperson and among administrative units of the Commission; and

(C) the use and expenditure of funds.

(2) GOVERNANCE.—In carrying out any of the functions of the Chairperson under this subsection, the Chairperson shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may, by law, be authorized to make.

(3) REQUESTS FOR APPROPRIATIONS.—Requests or estimates for regular, supplemental, or deficiency appropriations on behalf of the Commission may not be submitted by the Chairperson without the prior approval of a majority vote of the Commission.

(g) AGENDA AND PRIORITIES; ESTABLISHMENT AND COMMENTS.—Not later than 30 days before the beginning of each fiscal year, the Commission shall establish an agenda for Commission action under its jurisdiction and, to the extent feasible, shall establish priorities for such actions. Before establishing such agenda and priorities, the Commission shall conduct a public hearing on the agenda and priorities, and shall provide reasonable opportunity for the submission of comments.

SEC. 5. OBJECTIVES AND RESPONSIBILITIES.

(a) OBJECTIVES.—The objectives of the Commission are—

(1) to minimize unreasonable consumer risk associated with buying and using consumer financial products;

(2) to prevent and eliminate practices that lead consumers to incur unreasonable, inappropriate, or excessive debt, or make it difficult for consumers to repay existing debt, including practices or product features that are abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise inconsistent with consumer protection;

(3) to promote practices that assist and encourage consumers to use credit and consumer financial products responsibly, avoid excessive debt, and avoid unnecessary or excessive charges derived from or associated with consumer financial products;

(4) to ensure that providers of consumer financial products provide credit based on the ability of the consumer to repay the debt incurred;

(5) to ensure that consumer credit history is maintained, reported, and used fairly and accurately;

(6) to maintain strong privacy protections for consumer transactions, credit history, and other personal information associated with the use of consumer financial products;

(7) to collect, investigate, resolve, and inform the public about consumer complaints regarding consumer financial products;

(8) to ensure a fair resolution of consumer disputes regarding consumer financial products; and

(9) to take such other steps as are reasonable to protect users of consumer financial products.

(b) RESPONSIBILITIES.—The Commission shall—

(1) promulgate consumer financial product safety rules that—

(A) ban abusive, fraudulent, unfair, deceptive, predatory, anticompetitive, or otherwise anticonsumer practices, products, or product features;

(B) place reasonable restrictions on consumer financial products, practices, or product features to reduce the likelihood that they may be provided in a manner that is inconsistent with the objectives specified in subsection (a); and

(C) establish requirements for such clear and adequate warnings or other information, and the form and manner of delivery of such warnings or other information, as may be appropriate to advance the objectives specified in subsection (a);

(2) establish and maintain a best practices guide for all providers of consumer financial products;

(3) conduct such continuing studies and investigations of consumer financial products industry practices as it determines necessary;

(4) award grants or enter into contracts for the conduct of such studies and investigations with any person (including a governmental entity), as necessary to advance the objectives specified in subsection (a);

(5) following publication of a rule, assist public and private organizations or groups of consumer financial product providers, administratively and technically, in the development of safety standards or guidelines that would assist such providers in complying with such rule;

(6) comment on selected rulemakings of agencies designated in section 6(d) affecting consumer financial products; and

(7) establish and operate a consumer financial product customer hotline which consumers can call to register complaints and receive information on how to combat anticonsumer products or practices.

SEC. 6. COORDINATION OF ENFORCEMENT.

(a) IN GENERAL.—Notwithstanding any concurrent or similar authority of any other agency, the Commission shall enforce the requirements of this Act.

(b) RULE OF CONSTRUCTION.—The authority granted to the Commission to make and enforce rules under this Act shall not be construed to impair the authority of any other Federal department or agency to make and enforce rules under any other provision of law, provided that any portion of any rule promulgated by any other such department or agency that conflicts with a rule promulgated by the Commission and that is less protective of consumers than the rule promulgated by the Commission shall be superseded by the rule promulgated by the Commission, to the extent of the conflict. Any portion of any rule promulgated by any other such department or agency that is not superseded by a rule promulgated by the Commission shall remain in force without regard to this Act.

(c) AGENCY AUTHORITY.—Any department or agency designated in subsection (d) may exercise, for the purpose of enforcing compliance with any requirement imposed under this Act, any authority conferred on such department or agency by any other Act.

(d) DESIGNATED DEPARTMENTS AND AGENCIES.—The departments and agencies designated in this subsection are—

(1) the Board of Governors of the Federal Reserve System;

(2) the Federal Deposit Insurance Corporation;

(3) the Office of the Comptroller of the Currency;

(4) the Office of Thrift Supervision;

(5) the National Credit Union Administration;

(6) the Federal Housing Finance Authority;

(7) the Federal Housing Administration;

(8) the Department of Housing and Urban Development;

(9) the Federal Home Loan Bank Board;

(10) the Federal Trade Commission; and

(11) any successor to the agencies, referred to in paragraphs (1) through (10), as may be constituted.

(e) COORDINATION OF RULEMAKING.—Any department or agency designated in subsection (d) that engages in a rulemaking affecting consumer financial products shall consult with the Commission in the promulgation of such rules.

SEC. 7. AUTHORITIES.

(a) AUTHORITY TO CONDUCT HEARINGS OR OTHER INQUIRIES.—

(1) IN GENERAL.—The Commission may, by one or more of its members, or by such agents or agency as it may designate, conduct any hearing or other inquiry necessary or appropriate to its functions anywhere in the United States.

(2) MEMBER PARTICIPATION.—A Commissioner who participates in a hearing, or other inquiry described in paragraph (1), shall not be disqualified solely by reason of such participation from subsequently participating in a decision of the Commission in the same matter.

(3) NOTICE REQUIRED.—The Commission shall publish notice of any proposed hearing in the Federal Register, and shall afford a reasonable opportunity for interested persons to present relevant testimony and data.

(b) COMMISSION POWERS; ORDERS.—The Commission shall have the power—

(1) to require, by special or general orders, any person to submit in writing such reports and answers to questions as the Commission may prescribe to carry out a specific regulatory or enforcement function of the Commission, and such submission shall be made within such reasonable period and under oath or otherwise as the Commission may determine, and such order shall contain a complete statement of the reasons that the Commission requires the report or answers specified in the order to carry out a specific regulatory or enforcement function of the Commission;

(2) to administer oaths;

(3) to require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence relating to the execution of its duties;

(4) in any proceeding or investigation to order testimony to be taken by deposition before any person who is designated by the Commission and has the power to administer oaths and, in such instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (3);

(5) to pay witnesses the same fees and mileage costs as are paid in like circumstances in the courts of the United States;

(6) to accept voluntary and uncompensated services relevant to the performance of the duties of the Commission, notwithstanding the provisions of section 1342 of title 31, United States Code, and to accept voluntary and uncompensated services (but not gifts) relevant to the performance of the duties of the Commission provided that any such services shall not be from parties that have or are likely to have business before the Commission;

(7) to—

(A) issue an order requiring compliance with applicable legal requirements;

(B) issue a civil penalty order in accordance with section 10(b);

(C) initiate, prosecute, defend, intervene in, or appeal (other than to the Supreme Court of the United States), through its own legal representative and in the name of the Commission, any civil action, if the Commission makes a written request to the Attorney General of the United States for representation in such civil action and the Attorney General does not, within the 45-day period beginning on the date on which such request was made, notify the Commission in

writing that the Attorney General will represent the Commission in such civil action; and

(D) whenever the Commission obtains evidence that any person has engaged in conduct that may constitute a violation of Federal criminal law, including a violation of section 9, transmit such evidence to the Attorney General of the United States; and

(8) to delegate any of its functions or powers, other than the power to issue subpoenas under paragraph (3), to any officer or employee of the Commission.

(c) NONCOMPLIANCE WITH SUBPOENA OR COMMISSION ORDER.—If a person refuses to obey a subpoena or order of the Commission issued under subsection (b), the Commission (subject to subsection (b)(7)) or the Attorney General of the United States may bring an action in the United States district court for the district and division in which the inquiry is carried out or any other appropriate United States district court seeking an order requiring compliance with the subpoena or order.

(d) DISCLOSURE OF INFORMATION.—No person shall be subject to civil liability to any person (other than the Commission or the United States) for disclosing information to the Commission.

(e) CUSTOMER AND REVENUE DATA.—The Commission may, by rule, require any provider of consumer financial products to provide to the Commission such customer and revenue data as may be required to carry out this Act.

(f) PURCHASE OF CONSUMER FINANCIAL PRODUCTS BY COMMISSION.—For purposes of carrying out this Act, the Commission may purchase any consumer financial product and it may require any provider of consumer financial products to sell the product to the Commission at cost.

(g) CONTRACT AUTHORITY.—The Commission is authorized to enter into contracts with governmental entities, private organizations, or individuals for the conduct of activities authorized by this Act.

(h) BUDGET ESTIMATES AND REQUESTS; LEGISLATIVE RECOMMENDATIONS; TESTIMONY; COMMENTS ON LEGISLATION.—

(1) BUDGET COPIES TO CONGRESS.—Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of that estimate or request to the appropriate committees of Congress.

(2) LEGISLATIVE RECOMMENDATION.—Whenever the Commission submits any legislative recommendations, testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit a copy thereof to the appropriate committees of Congress. No officer or agency of the United States shall have any authority to require the Commission to submit its legislative recommendations, testimony, or comments on legislation, to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the appropriate committees of Congress.

SEC. 8. COLLABORATION WITH FEDERAL AND STATE ENTITIES.

(a) PREEMPTION.—Nothing in this Act or any rule promulgated under this Act may be construed to annul, alter, affect, or exempt any person from complying with the laws of any State, except to the extent that those laws are inconsistent with a consumer financial product safety rule promulgated by the Commission, and then only to the extent of the inconsistency. For purposes of this section, a State law is not inconsistent with this Act or a consumer financial product safety rule, or the purposes of the Act or rule, if the protection afforded by such State law to any consumer is greater than the protection provided by the consumer financial product safety rule or this Act. Nothing in this Act or any rule promulgated under this Act precludes any remedy under State law to or on behalf of a consumer.

(b) PROGRAMS TO PROMOTE FEDERAL-STATE COOPERATION.—

(1) IN GENERAL.—The Commission shall establish a program to promote cooperation between the Federal Government and State governments for purposes of carrying out this Act.

(2) AUTHORITIES.—In implementing the program under paragraph (1), the Commission may—

(A) accept from any State or local authority engaged in activities relating to consumer protection assistance in such functions as data collection, investigation, and educational programs, as well as other assistance in the administration and enforcement of this Act which such States or local governments may be able and willing to provide and, if so agreed, may pay in advance or otherwise for the reasonable cost of such assistance; and

(B) commission any qualified officer or employee of any State or local government agency as an officer of the Commission for the purpose of conducting investigations.

(c) COOPERATION OF FEDERAL DEPARTMENTS AND AGENCIES.—The Commission may obtain from any Federal department or agency such statistics, data, program reports, and other materials as it may determine necessary to carry out its functions under this Act. Each such department or agency shall cooperate with the Commission and, to the extent permitted by law, furnish such materials to the Commission. The Commission and the heads of other departments and agencies engaged in administering programs relating to consumer financial product safety shall, to the maximum extent practicable, cooperate and consult in order to ensure fully coordinated efforts.

SEC. 9. PROHIBITED ACTS.

It shall be unlawful for any person—

(1) to advertise, offer, or attempt to enforce any agreement, term, change in term, fee, or charge in connection with any consumer financial product, or engage in any practice, that is not in conformity with this Act or an applicable consumer financial product safety rule under this Act; or

(2) to fail or refuse to permit access to or copying of records, or fail or refuse to establish or maintain records, or fail or refuse to make reports or provide information to the Commission, as required under this Act or any rule under this Act.

SEC. 10. ENFORCEMENT.

(a) CRIMINAL PENALTIES.—

(1) KNOWING AND WILLFUL VIOLATIONS.—Any person who knowingly and willfully violates section 9 shall be fined not more than $500,000, imprisoned not more than 1 year, or both for each such violation.

(2) EXECUTIVES AND AGENTS.—Any individual director, officer, or agent of a business entity who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of section 9 shall be subject to penalties under this section, without regard to any penalties to which that person may be otherwise subject.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who violates section 9 shall be subject to a civil penalty in an amount established under paragraph (2). A violation of section 9 shall constitute a separate civil offense with respect to each consumer financial product transaction involved.

(2) PUBLICATION OF SCHEDULE OF PENALTIES.—Not later than December 1, 2009, and December 1 of each fifth year thereafter, the Commission shall prescribe and publish in the Federal Register a schedule of the maximum authorized civil penalty that shall apply for any violation of section 9 that occurs on or after January 1 of the year immediately following the date of such publication.

(3) RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY.—In determining the amount of any civil penalty in an action for a violation of section 9, the Commission—

(A) shall consider—

(i) the nature of the consumer financial product;

(ii) the severity of the unreasonable risk to the consumer;

(iii) the number of products or services sold or distributed;

(iv) the occurrence or absence of consumer injury; and

(v) the appropriateness of such penalty in relation to the size of the business of the person charged; and

(B) shall ensure that penalties in each case are sufficient to induce compliance by all regulated entities.

(4) COMPROMISE OF PENALTY; DEDUCTIONS FROM PENALTY.—

(A) IN GENERAL.—Any civil penalty under this section may be compromised by the Commission.

(B) CONSIDERATIONS.—In determining the amount of such penalty or whether it should be remitted or mitigated and in what amount, the Commission—

(i) shall consider—

(I) the nature of the consumer financial product;

(II) the severity of the unreasonable risk to the consumer;

(III) the number of offending products or services sold;

(IV) the occurrence or absence of consumer injury; and

(V) the appropriateness of such penalty to the size of the business of the person charged; and

(ii) shall ensure that compromise penalties remain sufficient to induce compliance by all regulated entities.

(C) AMOUNT.—The amount of a penalty compromised under this paragraph, when finally determined, or the amount agreed on compromise, may be deducted from any sums owing by the United States to the person charged.

(c) COLLECTION AND USE OF PENALTIES.—

(1) ESTABLISHMENT OF FUND.—There is established within the Treasury of the United States a fund, into which shall be deposited all criminal and civil penalties collected under this section.

(2) USE OF FUND.—The fund established under this subsection shall be used to defray the costs of the operations of the Commission or, where appropriate, provide restitution to harmed consumers.

(d) PRIVATE ENFORCEMENT.—

(1) IN GENERAL.—A person may bring a civil action for a violation of section 9 for equitable relief and other charges and costs in an amount equal to the sum of—

(A) any actual damages sustained by such person as a result of such violation, if actual damages resulted;

(B) twice the amount of any finance charge in connection with the transaction, except that such liability shall not be less than $1,000, such minimum to be adjusted on an annual basis by the Commission based upon the consumer price index; and

(C) reasonable attorney fees and costs.

(e) JURISDICTION.—

(1) IN GENERAL.—Any action under this Act may be brought in any appropriate United

States district court, or in any other court of competent jurisdiction, not later than 2 years after the date of the discovery of the violation.

(2) RULES OF CONSTRUCTION.—This section does not bar a person from asserting a violation of this Act in an action to collect a debt, or if foreclosure has been initiated, as a matter of defense by recoupment or set-off. An action under this Act shall not be the basis for removal of an action to a United States district court. Neither this section nor any other section of this Act preempts or otherwise displaces claims and remedies available under State law, except as otherwise specifically provided in this Act.

(f) STATE ACTIONS FOR VIOLATIONS.—

(1) AUTHORITY OF STATES.—In addition to such other remedies as are provided under State law, if the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating section 9, the State—

(A) may bring an action to enjoin such violation in any appropriate United States district court or in any other court of competent jurisdiction;

(B) may bring an action on behalf of the residents of the State to recover—

(i) damages for which the person is liable to such residents under subsection (d) as a result of the violation; and

(ii) civil penalties, as established under subsection (b); and

(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorney fees, as determined by the court.

(2) RIGHTS OF FEDERAL REGULATORS.—

(A) NOTICE OF STATE ACTION.—A State shall serve prior written notice of any action under paragraph (1) upon the Commission and provide the Commission with a copy of its complaint, except in any case in which such prior notice is not feasible, in which case the State shall serve such notice immediately upon instituting such action.

(B) COMMISSION AUTHORIZATION.—Upon notice of an action under subparagraph (A), the Commission shall have the right—

(i) to intervene in the action;

(ii) upon so intervening, to be heard on all matters arising therein;

(iii) to remove the action to the appropriate United States district court; and

(iv) to file petitions for appeal.

(3) INVESTIGATORY POWERS.—For purposes of bringing any action under this subsection, nothing in this subsection or in any other provision of Federal law shall prevent the chief law enforcement officer of a State, or an official or agency designated by a State, from exercising the powers conferred on the chief law enforcement officer or such official by the laws of such State to conduct investigations or to administer oaths or affirmations or to compel the attendance of witnesses or the production of documentary and other evidence.

(4) LIMITATION ON STATE ACTION WHILE FEDERAL ACTION PENDING.—If the Commission has instituted a civil action or an administrative action for a violation of section 9, a State may not, during the pendency of such action, bring an action under this section against any defendant named in the complaint of the Commission for any violation of section 9 that is alleged in that complaint.

SEC. 11. REPORTS.

(a) REPORTS TO THE PUBLIC.—The Commission shall determine what reports should be produced and distributed to the public on a recurring and ad hoc basis, and shall prepare and publish such reports on a website that provides free access to the general public.

(b) REPORT TO THE PRESIDENT AND CONGRESS.—

(1) IN GENERAL.—The Commission shall prepare and submit to the President and the appropriate committees of Congress, at the beginning of each regular session of Congress, a comprehensive report on the administration of this Act for the preceding fiscal year.

(2) REPORT CONTENT.—The reports required by this subsection shall include—

(A) a thorough appraisal, including statistical analyses, estimates, and long-term projections, of the incidence and effects of practices associated with the provision of consumer financial products that are inconsistent with the objectives specified in section 5(a), with a breakdown, insofar as practicable, among the various sources of injury, as the Commission finds appropriate;

(B) a list of consumer financial product safety rules prescribed or in effect during such year;

(C) an evaluation of the degree of observance of consumer financial product safety rules, including a list of enforcement actions, court decisions, and compromises of civil penalties, by location and company name;

(D) a summary of outstanding problems confronting the administration of this Act in order of priority;

(E) an analysis and evaluation of public and private consumer financial product safety research activities;

(F) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act;

(G) the extent to which technical information was disseminated to the research and consumer communities and consumer information was made available to the public;

(H) the extent of cooperation between Commission officials, representatives of the consumer financial products industry, and other interested parties in the implementation of this Act, including a log or summary of meetings held between Commission officials and representatives of industry and other interested parties;

(I) an appraisal of significant actions of State and local governments relating to the responsibilities of the Commission;

(J) such recommendations for additional legislation as the Commission deems necessary to carry out the purposes of this Act; and

(K) the extent of cooperation with, and the joint efforts undertaken by, the Commission in conjunction with other regulators with whom the Commission shares responsibilities for consumer financial product safety.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission for purposes of carrying out this Act such sums as may be necessary.

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56 DIVERSE NATIONAL, STATE ORGANIZATIONS SUPPORT FINANCIAL PRODUCT SAFETY COMMISSION

Hon. RICHARD J. DURBIN
Majority Whip, U.S. Senate
Washington, DC.
Hon. WILLIAM DELAHUNT
House of Representatives
Washington, DC.
Hon. CHARLES SCHUMER
U.S. Senate
Washington, DC.
Hon. BRAD MILLER
House of Representatives
Washington, DC.

DEAR SENATORS DURBIN AND SCHUMER AND REPRESENTATIVES DELAHUNT AND MILLER: The undersigned organizations strongly support your legislation to create a federal Financial Product Safety Commission (FPSC) that would ensure the fairness, safety and sustainability of credit and payment products. It is now widely accepted that the current international economic crisis was triggered by the failure of federal regulators to stop abusive lending, particularly in the housing sector. By creating a separate agency focused exclusively on credit safety, your legislation will not only better protect consumers, but the entire economy.

Under this legislation, the FPSC would be empowered to ensure that credit and payment products do not have predatory or deceptive features that can harm consumers or lock them into unaffordable loans, such as pre-payment penalties, unjustified fees, or hair-trigger interest rate increases. The agency would also conduct ongoing research and investigation into credit industry products and services. In addition, it would provide consumers with high-quality information about how to avoid abusive lending or credit problems. This approach offers two crucial improvements over the current splintered, ineffectual regulatory system:

A FPSC would put consumer protection first. Federal regulatory agencies have often treated consumer protection as less important than or even in conflict with their mission to ensure the safety and soundness of financial institutions. In addition, the independence of regulators like the Office of the Comptroller of the Currency and Office of Thrift Supervision has been threatened because they are directly and almost entirely funded by the institutions they oversee. As a result, federal agencies dithered for years in implementing regulations to stop unfair and deceptive mortgage and credit card lending practices, finally producing only after the current foreclosure and consumer debt crisis took hold. Regulators have left other types of dangerous products completely untouched, such as high-cost ''overdraft'' loans that are triggered without consumer permission. The FPSC would be required to make consumer protection its top priority, which will also better ensure the soundness of financial institutions.

A FPSC would stop regulatory agencies from competing among themselves to lower standards. Right now, financial institutions freely switch charters between federal and state regulation, and between various federal charters, in order to reduce the level of oversight and the costs associated with it. Under a FPSC, regulated institutions could not choose the agency that regulates them. The FPSC would be empowered to establish federal minimum standards for all credit products and the institutions that offer them, so that competition between state and federal regulators would only exist to improve the quality of consumer protection.

Unless the structure of financial services regulation is realigned to change not just the focus of regulation but its underlying philosophy, it is unlikely that consumers will be adequately protected from unfair or dangerous credit products in the future. The ultimate result of this crucial legislation would be an agency designed to protect consumers from the corrosive effects of unsafe credit, which has a regulatory perspective that is truly independent of the institutions it regulates. Just as importantly, this agency would not be under constant pressure to keep protection standards low. You have created a template for regulatory modernization that will protect consumers, financial institutions and the economy for years to come.

We applaud your leadership on this issue and look forward to working with you to enact this proposal.

Sincerely,

Gregory L. Jefferson, Sr., Legislative Representative, American Federation of Labor

and Congress of Industrial Organizations (AFL–CIO).

Jim Campen, Executive Director, Americans for Fairness in Lending.

Linda Sherry, Director, National Priorities, Consumer Action.

Mike Calhoun, President, Center for Responsible Lending.

Travis Plunkett, Legislative Director, Consumer Federation of America.

Rosemary Shahan, President, Consumers for Auto Reliability and Safety.

Pamela Banks, Policy Counsel, Consumers Union.

Tamara Draut, Vice President of Policy & Programs, Demos.

Alan Reuther, Legislative Director, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW).

Wade Henderson, President & CEO, Leadership Conference on Civil Rights.

Hilary O. Shelton, Vice President for Advocacy/Director, NAACP Washington Bureau.

Ricardo C. Byrd, Executive Director, National Association of Neighborhoods.

John Taylor, President and CEO, National Community Reinvestment Coalition.

Lauren Saunders, Managing Attorney, National Consumer Law Center.

Sally Greenberg, Executive Director, National Consumers League.

Janis Bowdler, Associate Director, Wealth-Building Policy Project, National Council of La Raza.

Shanna L. Smith, President and CEO, National Fair Housing Alliance.

David Arkush, Director, Public Citizen's Congress Watch.

Alison Reardon, Director of Legislation, Service Employees International Union.

Ed Mierzwinski, Consumer Programs Director, U.S. PIRG.

STATE ORGANIZATIONS

Kimble Forrister, Statewide Coordinator, Alabama Arise

Leslie Kyman Cooper, Executive Director, Phyllis Rowe, President Emeritus, Arizona Consumers Council

Diane E. Brown, Executive Director, Arizona PIRG

Albert Sterman, Secretary/Treasurer, Democratic Processes Center, Arizona

H. C. ''Hank'' Klein, Founder, Arkansans Against Abusive Payday Lending

Alan Fisher, Executive Director, California Reinvestment Coalition

Jim Bliesner, Director, San Diego City/County Reinvestment Task Force, California

Lynn Drysdale, Managing Attorney, Consumer Law Unit, Jacksonville Area Legal Aid, Inc., Florida

Bill Newton, Executive Director, Florida Consumer Action Network

Brad Ashwell, Consumer & Public Health Advocate, Florida Public Interest Research Group

Dan McCurry, Coordinator, Chicago Consumer Coalition, Illinois

Lynda DeLaforgue and William McNary, Co-Executive Directors, Citizen Action/Illinois

Brian C. White, Executive Director, Lakeside Community Development Corporation, Illinois

Rose Mary Meyer, Director, Project IRENE, Illinois

Larry M. McGuire, Field Missionary Coordinator, Community of Christ and Inter-Religious Council of Linn County, Iowa

Jason Selmon, Executive Director, Sunflower Community Action, Kansas

Richard Seckel, Director, Kentucky Equal Justice Center

Charles Shafer, President, Maryland Consumer Rights Coalition

Debra Gardner, Legal Director, Public Justice Center, Maryland

Paul Schlaver, Chair, Massachusetts Consumers' Coalition

Paheadra B. Robinson, Staff Attorney, Mississippi Center for Justice

Mike Cherry, President/CEO, Consumer Credit Counseling of Springfield, Missouri, Inc.

Dan L. Wulz, Deputy Executive Director, Legal Aid Center of Southern Nevada, Inc.

Peter Skillern, Executive Director, Community Reinvestment Association of North Carolina

Al Ripley, Counsel for Consumer and Housing Affairs, NC Justice Center

Jim McCarthy, President/CEO, Miami Valley Fair Housing Center, Inc., Ohio

Sue Berkowitz, Director, South Carolina Appleseed Legal Justice Center

Corky Neale, Director of Research, Memphis Responsible Lending Collaborative, Tennessee

Don E. Baylor, Jr., Senior Policy Analyst—Economic Opportunity, Center for Public Policy Priorities, Texas

Alex R. Gulotta, Executive Director, Legal Aid Justice Center, Virginia

Michael H. Lane and Ward R Scull, Co-Founders, Virginians Against Payday Loans

Irene E. Leech, President, Virginia Citizens Consumer Council

Janice ''Jay'' Johnson, Chairperson, Virginia Organizing Project

James W. (Jay) Speer, Executive Director, Virginia Poverty Law Center

Bruce D. Neas, Legislative Coordinator, Columbia Legal Services on behalf of clients, Washington

Catherine M. Doyle, Chief Staff Attorney, Legal Aid Society of Milwaukee, Inc., Milwaukee, Wisconsin

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 72—EXPRESSING THE SENSE OF THE SENATE REGARDING DRUG TRAFFICKING IN MEXICO

Mr. MENENDEZ (for himself, Mr. KERRY, Mr. DODD, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 72

Whereas Mexico is 3 times the size of the State of Texas and has a population of approximately 110,000,000 people;

Whereas Mexico has the 12th largest economy in the world, with an annual gross domestic product of just under $1,000,000,000,000;

Whereas Mexico is the 8th largest exporter of crude oil in the world and provides approximately ⅓ of the oil imported by the United States;

Whereas Mexico is the 2nd largest buyer of exports from the United States;

Whereas Mexico has the largest Spanish-speaking population of any country in the world;

Whereas there is a tragically consistent demand for heroin, marijuana, methamphetamines, and cocaine from drug users in the United States;

Whereas the Government of Mexico is locked in an extremely violent struggle against drug trafficking organizations that produce and transport narcotics;

Whereas the drug trafficking organizations in Mexico are well organized, heavily armed, and wealthy criminal enterprises, with estimated criminal earnings of more than $25,000,000,000 every year;

Whereas it is estimated that Mexican drug trafficking organizations produce 8 metric tons of heroin and 10,000 metric tons of marijuana each year;

Whereas, in confrontations with the Government of Mexico and with each other, the drug trafficking organizations have adopted tactics intended to intimidate the public at large, corrupt law enforcement officials, and create a perception of increased violence among the people of Mexico;

Whereas, in 2008, approximately 6,200 people in Mexico died as the result of violence related to drug trafficking, more than twice as many as in 2007;

Whereas drug-related killings continued in Mexico during 2009, and on February 9, 2009, a total of 35 people were killed in drug-related violence in Mexico;

Whereas drug trafficking organizations in Mexico have brazenly targeted and executed many high-ranking public officials in Mexico;

Whereas more than 800 police officers and soldiers in Mexico have been killed in the line of duty since late 2006;

Whereas efforts by the Government of Mexico and the United States Government to combat drug trafficking organizations and power struggles between the drug trafficking organizations themselves have resulted in growing violence along the 2000-mile border between the United States and Mexico;

Whereas drug-related violence affects cities and towns on both sides of the border, as drug trafficking organizations from Mexico form partnerships with criminal organizations based in the United States;

Whereas law enforcement authorities in the United States have reported an increase in the number of killings, kidnappings, and home invasions linked to Mexican drug trafficking organizations in a number of cities in the United States, some of which are thousands of miles from the Mexican border;

Whereas a 2008 report by the Department of Justice indicated that Mexican drug trafficking organizations now operate in 195 cities in the United States;

Whereas the 2008 National Drug Threat Assessment by the Department of Justice identified drug organizations from Mexico as the greatest criminal threat to the United States;

Whereas the Government of Mexico is strengthening the institutions of a democratic state that adheres to the rule of law, supports a free press, and is committed to human rights;

Whereas the inauguration of President Felipe Calderón in December 2006 represented another step forward in the process of strengthening institutions in Mexico;

Whereas President Calderón has made defeating drug trafficking organizations a top priority of his administration, increasing the security budget of Mexico from $2,000,000,000 in 2006 to $4,000,000,000 in 2008 and deploying nearly 36,000 federal troops to carry out anti-drug operations;

Whereas the Government of Mexico has undertaken reforms that, together with significant changes to the code of criminal procedure and the penal code, could transform the justice system in Mexico to be more open and transparent, protect human rights, and devote resources to investigating and prosecuting crimes;

Whereas President Calderón has taken significant steps to crack down on corruption within the police forces and other government institutions of Mexico;

Whereas officers of the Government of Mexico have succeeded in seizing record quantities of narcotics from drug trafficking organizations;

Whereas law enforcement officials in Mexico are cooperating with law enforcement agencies in the United States at unprecedented levels, with Mexico extraditing 83