

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, supra; which was ordered to lie on the table.

SA 1013. Mr. SCHUMER (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1003. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1000 submitted by Mrs. BOXER (for herself, Ms. SNOWE, Mr. CORKER, and Mr. MERKLEY) to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

After page 2, line 20, add the following:

(f) **PUBLIC-PRIVATE INVESTMENT PROGRAM.**—

(1) **IN GENERAL.**—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of paragraph (2):

(A) Creates a public-private investment fund.

(B) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(i) a public-private investment fund; or

(ii) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(C) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(D) Guarantees any debt or asset for purposes of a public-private investment program.

(2) **REQUIREMENTS.**—Any program described in paragraph (1) shall—

(A) impose strict conflict of interest rules on managers of public-private investment funds that—

(i) specifically describe the extent, if any, to which such managers may—

(I) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(II) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(ii) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(iii) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(B) require the disclosure of information regarding participation in and management

of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(C) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury

(D) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(E) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(F) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(G) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(i) the books, documents, records, and employees of each manager of a public-private investment fund; and

(ii) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(H) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(I) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(J) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(K) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(L) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(M) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(3) **REPORT.**—Not later than 45 days after the date of the establishment of a program described in paragraph (1), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(4) **DEFINITION.**—In this subsection, the term “public-private investment fund” means a financial vehicle that is—

(A) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(B) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1004. Mr. ENSIGN submitted an amendment to be proposed by him to the bill S. 386, to improve enforcement

of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end of the bill, add the following:

SEC. 5. PUBLIC-PRIVATE INVESTMENT PROGRAM.

(a) **IN GENERAL.**—Any program established by the Secretary of the Treasury or the Board of Directors of the Federal Deposit Insurance Corporation that does any of the following shall meet the requirements of subsection (b):

(1) Creates a public-private investment fund.

(2) Makes available any funds from the Troubled Asset Relief Program established under title I of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211 et seq.) or the Federal Deposit Insurance Corporation for—

(A) a public-private investment fund; or

(B) a loan to a private investor to fund the purchase of a mortgage-backed security or an asset-backed security.

(3) Employs or contracts with a private sector partner to manage assets for a public-private investment program.

(4) Guarantees any debt or asset for purposes of a public-private investment program.

(b) **REQUIREMENTS.**—Any program described in subsection (a) shall—

(1) impose strict conflict of interest rules on managers of public-private investment funds that—

(A) specifically describe the extent, if any, to which such managers may—

(i) invest the assets of a public-private investment fund in assets that are held or managed by such managers or the clients of such managers; and

(ii) conduct transactions involving a public-private investment fund and an entity in which such manager or a client of such manager has invested;

(B) take into consideration that there is a trade off between hiring a manager with significant experience as an asset manager that has complex conflicts of interest, and hiring a manager with less expertise that has no conflicts of interest; and

(C) acknowledge that the types of entities that are permitted to make investment decisions for a public-private investment fund may need to be limited to mitigate conflicts of interest;

(2) require the disclosure of information regarding participation in and management of public-private investment funds, including any transaction undertaken in a public-private investment fund;

(3) require each public-private investment fund to make a certified report to the Secretary of the Treasury that describes each transaction of such fund and the current value of any assets held by such fund, which report shall be publicly disclosed by the Secretary of the Treasury;

(4) require each manager of a public-private investment fund to report to the Secretary of the Treasury any holding or transaction by such manager or a client of such manager in the same type of asset that is held by the public-private investment fund;

(5) allow the Special Inspector General of the Troubled Asset Relief Program, access to all books and records of a public-private investment fund;

(6) require each manager of a public-private investment fund to retain all books, documents, and records relating to such public-private investment fund, including electronic messages;

(7) allow the Special Inspector General of the Troubled Asset Relief Program, the Secretary of the Treasury, and any other Federal agency with oversight responsibilities access to—

(A) the books, documents, records, and employees of each manager of a public-private investment fund; and

(B) the books, documents, and records of each private investor in a public-private investment fund that relate to the public-private investment fund;

(8) require each manager of a public-private investment fund to give such public-private investment fund terms that are at least as favorable as those given to any other person for whom such manager manages a fund;

(9) require each manager of a public-private investment fund to acknowledge a fiduciary duty to the public and private investors in such fund;

(10) require each manager of a public-private investment fund to develop a robust ethics policy that includes methods to ensure compliance with such policy;

(11) require stringent investor screening procedures for public-private investment funds that include know your customer requirements at least as rigorous as those of a commercial bank or retail brokerage operation;

(12) require each manager of a public-private investment fund to identify for the Secretary of the Treasury each beneficial owner of a private interest in such fund; and

(13) require the Secretary of the Treasury to ensure that all investors in a public-private investment fund are legitimate.

(c) REPORT.—Not later than 45 days after the date of the establishment of a program described in subsection (a), the Special Inspector General of the Troubled Asset Relief Program shall submit to Congress a report on the implementation of this section.

(d) DEFINITION.—In this section, the term “public-private investment fund” means a financial vehicle that is—

(1) established by the Federal Government to purchase pools of loans, securities, or assets from a financial institution described in section 101(a)(1) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a)(1)); and

(2) funded by a combination of cash or equity from private investors and funds provided by the Secretary of the Treasury, the Federal Deposit Insurance Corporation, or the Board of Governors of the Federal Reserve System.

SA 1005. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:
SEC. 5. WARNINGS TO HOMEOWNERS OF FINANCIAL SCAMS.

(a) IN GENERAL.—If a loan servicer finds that a homeowner has failed to make 2 consecutive payments on a residential mortgage loan and such loan is at risk of being foreclosed upon, the loan servicer shall notify such homeowner of the dangers of fraudulent activities associated with foreclosure.

(b) NOTICE REQUIREMENTS.—Each notice provided under subsection (a) shall—

- (1) be in writing;
- (2) be included with a mailing of account information;

(3) have the heading “Notice Required by Federal Law” in a 14-point boldface type in English and Spanish at the top of such notice; and

(4) contain the following statement in English and Spanish: “Mortgage foreclosure is a complex process. Some people may approach you about saving your home. You should be careful about any such promises. There are government and nonprofit agencies you may contact for helpful information about the foreclosure process. Contact your lender immediately at [____], call the Department of Housing and Urban Development Housing Counseling Line at (800) 569-4287 to find a housing counseling agency certified by the Department to assist you in avoiding foreclosure, or visit the Department’s Tips for Avoiding Foreclosure website at <http://www.hud.gov/foreclosure> for additional assistance.” (the blank space to be filled in by the loan servicer and successor telephone numbers and Uniform Resource Locators (URLs) for the Department of Housing and Urban Development Housing Counseling Line and Tips for Avoiding Foreclosure website, respectively.)

(c) LOAN SERVICER.—As used in this section, the term “loan servicer” has the same meaning as the term “servicer” in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605(i)(2)).

(d) ENFORCEMENT BY FEDERAL TRADE COMMISSION.—

(1) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A failure to comply with any provision of this section shall be treated as a violation of a rule defining an unfair or deceptive act or practice promulgated under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(2) ACTIONS BY THE FEDERAL TRADE COMMISSION.—The Federal Trade Commission shall enforce the provisions of this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made part of this section.

SA 1006. Mr. SCHUMER (for himself, Mr. SHELBY, Mr. DODD, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. REED) proposed an amendment to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the appropriate place in section 3, insert the following:

() ADDITIONAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$20,000,000 for each of the fiscal years 2010 and 2011 for investigations and enforcement proceedings involving financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) INSPECTOR GENERAL.—There is authorized to be appropriated to the Securities and Exchange Commission, \$1,000,000 for each of the fiscal years 2010 and 2011 for the salaries and expenses of the Office of the Inspector General of the Securities and Exchange Commission.

SA 1007. Mr. HATCH (for himself, Mr. CORNYN, Mr. ENZI, Mr. ROBERTS, and Mr. BENNETT) proposed an amendment to the bill S. 386, to improve enforce-

ment of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; as follows:

At the end, insert the following:
SEC. ____ . TRANSPARENCY IN ANNUAL FINANCIAL REPORTS.

(a) FINDINGS.—Congress finds the following:

(1) The American workers who contribute union dues deserve to have transparency and accountability in the management of their unions.

(2) Since 2001, investigations of union fraud have resulted in more than 1,000 indictments, 929 convictions, and restitution in excess of \$93,000,000.

(3) A new rule (referred to in this subsection as the “transparency rule”) to require union management to disclose more information about sales and purchases of assets, and disbursements to officers and employees, among other things, was set to take effect on April 21, 2009, after a previous delay affording reporting entities more time to prepare to comply.

(4) The Obama Administration has set a goal for itself to be the most open and transparent administration in the history of the Nation.

(5) On April 21, 2009, the Department of Labor issued—

(A) a final rule providing for a further delay of the transparency rule; and

(B) a proposed rule to withdraw the transparency rule.

(6) The transparency rule would have been a key tool in the battle against fraud, discouraging embezzlement of the money of union members and making money harder to hide, and would have provided great sunlight and transparency to allow members to know how their dues were being spent.

(7) The Department of Labor’s actions are in direct contradiction to everything the Obama Administration purports to stand for.

(b) PROHIBITION.—The Secretary of Labor may not expend Federal funds to withdraw the rule issued by the Secretary of Labor entitled “Labor Organization Annual Financial Reports”, 74 Fed. Reg. 3678 (January 21, 2009).

SA 1008. Ms. SNOWE submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

On page 26, after line 22, add the following:
SEC. 5. EFFICIENT INVESTIGATION OF FINANCIAL CRIMES.

Not later than 60 days after the date of enactment of this Act, the Attorney General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report regarding the activities of the Department of Justice to work with other Federal departments and agencies and State and local governments to ensure that financial crimes (including fraud, misrepresentation, malfeasance, or related crimes with respect to development, advertising, brokerage, or sale of financial products including derivatives, mortgage-backed securities, credit default swaps, and subprime loans, or related services) are investigated and prosecuted in the most efficient way possible and without duplication of effort.

SA 1009. Mr. PRYOR (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ ENHANCED REPORTING ON USE OF TARP FUNDS.

Section 105 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5215(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(4) a detailed report on the use of capital investments by each financial institution, including—

“(A) a narrative response, in a form and on a date to be established by the Secretary, specifically outlining, with respect to the financial institution—

“(i) the original intended use of the TARP funds;

“(ii) whether the TARP funds are segregated from other institutional funds;

“(iii) the actual use of the TARP funds to date;

“(iv) the amount of TARP funds retained for the purpose of recapitalization; and

“(v) the expected use of the remainder of the TARP funds;

“(B) information compiled by the Secretary under subsection (b); and

“(C) a report, in a form and on a date to be established by the Secretary, on the compliance by the financial institution with the restrictions on dividends, stock repurchases, and executive compensation under the Security Purchase Agreement and executive compensation guidelines of the Department of Treasury.”;

(2) by redesignating subsections (b) through (e) as subsections (c) through (f), respectively; and

(3) by inserting after subsection (a) the following:

“(b) INFORMATION PROVIDED BY FINANCIAL INSTITUTIONS.—

“(1) IN GENERAL.—For purposes of the report of the Secretary required by subsection (a)(4), financial institutions assisted under this title shall provide to the Secretary the information required by paragraph (2), at such times and in such manner as the Secretary shall establish.

“(2) INFORMATION REQUIRED.—Information required by this paragraph is—

“(A) for those financial institutions receiving \$1,000,000,000 or more from the Capital Purchase Program established by the Secretary (or any successor thereto), a monthly lending and intermediation snapshot, as of a date to be established by the Secretary, which shall include—

“(i) quantitative information, as well as commentary, to explain changes in lending levels for each category on consumer lending, including first mortgages, home equity lines of credit, open end credit plans (as that term is defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602)), and other consumer lending;

“(ii) quantitative information, as well as commentary, to explain changes in lending levels for each category on commercial lending, including commercial and industrial (C&I) lending and real estate;

“(iii) quantitative information, as well as commentary, to explain changes in lending levels for each category on other lending activities, including mortgage-backed securities, asset-backed securities, and other secured lending; and

“(iv) a narrative report of the intermediation activity during the reporting period, including a general commentary on the lending environment, loan demand, any changes in lending standards and terms, and any other intermediation activity; and

“(B) for those financial institutions receiving less than \$1,000,000,000 from the Capital Purchase Program established by the Secretary (or any successor thereto), a lending and intermediation snapshot, as of a date to be established by the Secretary, but not more frequently than once every 90 days, including the information described in clauses (i) through (iv) of subparagraph (A).

“(3) CERTIFICATION REQUIRED.—The information submitted to the Secretary under this subsection shall be signed by a duly authorized senior executive officer of the financial institution, including a statement certifying the accuracy of all statements, representations, and supporting information provided, and such certifications shall be included in the reports submitted by the Secretary under subsection (a)(4).”.

SA 1010. Mrs. MCCASKILL submitted an amendment to be proposed by her to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE II—HECM FRAUD PREVENTION AND ENFORCEMENT ACT

SEC. 21. SHORT TITLE.

This title may be cited as the “Home Equity Conversion Mortgage Fraud Prevention and Enforcement Act of 2009”.

SEC. 22. PURPOSE.

The purpose of this title is to provide additional fraud prevention, detection, and enforcement provisions with respect to federally-insured home equity conversion mortgages.

SEC. 23. FEDERALLY-INSURED HOME EQUITY CONVERSION MORTGAGES.

(a) CERTIFICATION OF RESIDENCE.—Section 255(d)(2) of the National Housing Act (12 U.S.C. 1715z-20(d)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

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

“(D) submits a certification to the Secretary and the mortgagee that the mortgagor occupies the dwelling that secures the mortgage; and”.

(b) PURCHASE OF DWELLING.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended by striking “that is” and all that follows through “unit” and inserting “that—”

“(A) is designed principally for a 1- to 4-family residence in which the mortgagor occupies 1 of the units; and

“(B) in the case of a dwelling that is purchased with the proceeds of a home equity conversion mortgage, was owned and occupied during the 180-day period ending on the date of the sale of the dwelling”.

(c) APPRAISALS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z-20(d)) is amended—

(1) in paragraph (10), by striking “and” at the end;

(2) in paragraph (11), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(12) be secured by a dwelling that has been properly appraised by a person that—

“(A) the Secretary determines is qualified to perform such appraisals;

“(B) has verified the purchase price of the dwelling to ensure that the appraised value of the property is not inflated; and

“(C) has obtained any documentation necessary to support an appraised value that is high in relation to those of comparable dwellings.”.

(d) INFORMATION SERVICES FOR MORTGAGORS.—Section 255(f) of the National Housing Act (12 U.S.C. 1715z-20(f)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and adjusting the margins accordingly;

(2) by striking paragraph (5);

(3) in the matter preceding subparagraph (A), as redesignated by this subsection, by striking “The Secretary” and all that follows through “which shall include—” and inserting the following:

“(1) IN GENERAL.—The Secretary shall provide or cause to be provided to entities other than the lender the information required under subsection (d)(2)(B). Such information shall be discussed with the mortgagor and shall include—”;

(4) in the matter following subparagraph (D), as redesignated, by striking “The Secretary shall” and inserting the following:

“(4) ALTERNATIVE APPROACHES.—The Secretary shall”;

(5) in subparagraph (D), as redesignated by this subsection, by striking “and” at the end; and

(6) by inserting after subparagraph (D), as redesignated by this subsection, the following:

“(E) information about how to report mortgage-related fraud or consumer abuses, including information about how to contact the Office of the Inspector General of the Department of Housing and Urban Development;

“(F) in the case of a home equity conversion mortgage in which a person was removed from the title to the dwelling, information about—

“(i) the consequences of being removed from such title; and

“(ii) the consequences upon the death of the mortgagor or a divorce settlement.

“(2) FRAUD REPORTING.—A person or entity that counsels a mortgagor under this subsection shall report to the Inspector General of the Department of Housing and Urban Development any suspected mortgage-related fraud against a mortgagor.

“(3) CERTIFICATION.—Before making a home equity conversion mortgage, a mortgagee shall obtain from each mortgagor a certification that such mortgagor has received counseling under this subsection.”.

(e) ADDITIONAL PROTECTIONS.—Section 255 of the National Housing Act (12 U.S.C. 1715z-20) is amended by inserting after subsection (p) the following:

“(q) POWERS OF HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development may—

“(1) conduct independent audits and inspections of mortgagees to ensure that such mortgagees comply with the requirements under this section; and

“(2) compare the records of mortgagors under mortgages insured under this section with the Death Master File of the Social Security Administration.

“(r) PRIVACY PROTECTIONS.—A mortgagee may not sell or disclose any personally identifiable information about a mortgagor under a home equity conversion mortgage for marketing purposes unless such disclosure is at the request of the mortgagor.

“(s) COMPLIANCE SYSTEM.—Each mortgagee shall create and maintain a system to ensure compliance with this section that includes—

- “(1) written procedures; and
- “(2) a periodic review of records to detect and prevent violations of this section.

“(t) ADVERTISING.—

“(1) IN GENERAL.—A mortgagee may not advertise a home equity conversion mortgage in a manner that—

- “(A) is false or misleading;
- “(B) fails to present a fair balance between the risks and benefits of a home equity conversion mortgage; or
- “(C) fails to reveal—

“(i) facts that are material to a representation made in such advertisement; or

“(ii) the consequences of obtaining a home equity conversion mortgage.

“(2) REQUEST TO WITHDRAW OR REVISE ADVERTISEMENT.—The Secretary or the Commissioner of the Federal Trade Commission may request that a mortgagee withdraw or modify an advertisement that does not meet the requirements established under paragraph (1).”

SEC. 24. CRIMINAL PENALTIES.

(a) DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TRANSACTIONS.—Section 1012 of title 18, United States Code, is amended by striking “one year” and inserting “2 years”.

(b) EQUITY SKIMMING.—Section 912 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1709-2) is amended—

(1) in paragraph (1), by striking “a mortgage or deed of trust insured or held by the Secretary” and inserting “a home equity conversion mortgage, a mortgage, or deed of trust insured or held by the Secretary”; and

(2) in the matter following paragraph (3), by adding at the end the following: “Notwithstanding any other provision of law, and for purposes of any violation of this section relating to a home equity conversion mortgage, the statute of limitations for the commencement of a criminal action under this section shall not begin and shall be considered tolled until the fraud constituting the action is discovered.”

SA 1011. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9,

2009), provided that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

- (i) are under review by the administration; and
- (ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1012. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 990 proposed by Mr. KOHL to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after line 1, and insert the following:

SEC. ____ . PROTECTING AMERICANS FROM VIOLENT CRIME.

(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

(1) The Second Amendment to the Constitution provides that “the right of the people to keep and bear Arms, shall not be infringed”.

(2) Section 2.4(a)(1) of title 36, Code of Federal Regulations (as in effect before January 9, 2009), provided that “except as otherwise provided in this section and parts 7 (special regulations) and 13 (Alaska regulations), the following are prohibited: (i) Possessing a weapon, trap or net (ii) Carrying a weapon, trap or net (iii) Using a weapon, trap or net”.

(3) Section 27.42 of title 50, Code of Federal Regulations (as in effect before January 9, 2009), provided that, except in special circumstances, citizens of the United States may not “possess, use, or transport firearms on national wildlife refuges” of the United States Fish and Wildlife Service.

(4) The regulations described in paragraphs (2) and (3) (as in effect before January 9, 2009) prevented individuals complying with Federal and State laws from exercising the second amendment rights of the individuals while at units of—

- (A) the National Park System; and
- (B) the National Wildlife Refuge System.

(5) The existence of different laws relating to the transportation and possession of firearms at different units of the National Park System and the National Wildlife Refuge System entrapped law-abiding gun owners while at units of the National Park System and the National Wildlife Refuge System.

(6) Although the Bush administration issued new regulations relating to the Second Amendment rights of law-abiding citizens in units of the National Park System and National Wildlife Refuge System that went into effect on January 9, 2009—

(A) on March 19, 2009, the United States District Court for the District of Columbia granted a preliminary injunction with respect to the implementation and enforcement of the new regulations; and

(B) the new regulations—

- (i) are under review by the administration; and
- (ii) may be altered.

(7) Congress needs to weigh in on the new regulations to ensure that unelected bureaucrats cannot again override the Second Amendment rights of law-abiding citizens on 83,600,000 acres of National Park System land and 90,790,000 acres of land under the jurisdiction of the United States Fish and Wildlife Service.

(8) The Federal laws should make it clear that the second amendment rights of an individual at a unit of the National Park System or the National Wildlife Refuge System should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS IN UNITS OF THE NATIONAL PARK SYSTEM AND THE NATIONAL WILDLIFE REFUGE SYSTEM.—The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located.

SA 1013. Mr. SCHUMER (for himself, Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill S. 386, to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English.

(c) DEFINITION.—For purposes of this section, the term “laws of the United States” includes the Constitution of the United States, any provision of Federal statute, any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building to conduct a hearing on the nomination of Yvette D. Roubideaux to be Director of the Indian Health Service.

Those wishing additional information may contact the Indian Affairs Committee at 202-224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 23, 2009, at 10:30 a.m.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, April 23, 2009, in room S-216, at 12 p.m.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on Thursday, April 23, at 2 p.m., in room SD-366 of the Dirksen Senate office building.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public

Works be authorized to meet during the session of the Senate on Thursday, April 23, 2009 at 10:30 a.m. in room 406 of the Dirksen Senate office building.

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

COMMITTEE ON FINANCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10 a.m., in room 215 of the Dirksen Senate office building, to conduct a hearing entitled “Technology Neutrality in Energy Tax: Issues and Options.”

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

COMMITTEE ON FOREIGN RELATIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 10:15 a.m., to hold a hearing entitled “Voice of Veterans from the Afghan War.”

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 9 a.m. to conduct a hearing entitled “Follow the Money: State and Local Oversight of Stimulus Funding.”

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 2:15 p.m. in room 628 of the Dirksen Senate office building.

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

COMMITTEE ON THE JUDICIARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct an executive business meeting on Thursday, April 23, 2009, at 10 a.m. in room SD-226 of the Dirksen Senate office building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 23, 2009, at 2 p.m.

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

JOINT COMMITTEE ON THE LIBRARY

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:30 a.m.

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

JOINT COMMITTEE ON PRINTING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Joint Committee on Printing be authorized to meet during the session of the Senate on Thursday, April 23, 2009, at 11:45 a.m.

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

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2009 first quarter Mass Mailings is Monday, April 27, 2009. If your office did no mass mailings during this period, please submit a form that states “none.”

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Public Records office will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office at (202) 224-0322.

DESIGNATING APRIL 23, 2009, AS “NATIONAL ADOPT A LIBRARY DAY”

Mr. DURBIN. I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 113, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 113) designating April 23, 2009, as “National Adopt A Library Day.”

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The resolution (S. Res. 113) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 113

Whereas libraries are an essential part of the communities and the national system of education in the United States;

Whereas the people of the United States benefit significantly from libraries that serve as an open place for people of all ages and backgrounds to make use of books and other resources that offer pathways to learning, self-discovery, and the pursuit of knowledge;

Whereas the libraries of the United States depend on the generous donations and support of individuals and groups to ensure that people who are unable to purchase books still have access to a wide variety of resources;

Whereas certain nonprofit organizations facilitate donations of books to schools and