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No. 66

## House of Representatives

The House was not in session today. Its next meeting will be held on Monday, May 4, 2009, at 12:30 p.m.

## Senate

FRIDAY, MAY 1, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

### PRAYER

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

Let us pray.

Gracious God most holy, the source of our hope, our Senators need Your presence and help for the journey ahead. You promised that You will never fail or forsake them, so empower them to trust You, come what may. Give them patience and make them faithful as they wait in faith for the harvest of their stewardship. Allow them to minister to those on life's margins, continuing Your work of setting the captives free. Lord, give them wisdom and courage to serve their generation in a way that honors You. May they place their lives and this Nation's future into Your all-powerful hands. Cause them to be people of faith and integrity, that we may lead a quiet and peaceful life with godliness and honesty. We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

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

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 1, 2009.

To the Senate:

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

ROBERT C. BYRD,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### HELPING FAMILIES SAVE THEIR HOMES ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 896, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 896) to prevent mortgage foreclosures and enhance mortgage credit availability.

Pending:

Dodd-Shelby amendment No. 1018, in the nature of a substitute.

Corker amendment No. 1019 (to amendment No. 1018), to address safe harbor for certain servicers.

Vitter amendment No. 1016 (to amendment No. 1018), to authorize and remove impediments to the repayment of funds received under the Troubled Asset Relief Program.

Vitter amendment No. 1017 (to amendment No. 1018), to provide that the primary and foundational responsibility of the Federal Housing Administration shall be to safeguard and preserve the solvency of the administration.

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

### SCHEDULE

Mr. DODD. Mr. President, in the absence of the majority leader, who will be here a little later, I have been asked to say that following leader remarks, the Senate will resume consideration of S. 896, a bill to prevent mortgage foreclosures and enhance credit availability. We hope to reach an agreement today on a finite list of amendments—the leader does.

We have been working at that, I can say to the Presiding Officer, so we can complete the bill on Tuesday.

There will be no rollcall votes today. Senators should expect the first vote on Monday to begin at approximately 5:30 p.m. Senators should note we could have more than one vote Monday evening.

With that, I see my colleague from Oklahoma.

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

Mr. INHOFE. Mr. President, I ask unanimous consent to be considered speaking in morning business for as much time as I consume.

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



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

#### EPA'S ENDANGERMENT FINDING

Mr. INHOFE. Mr. President, I am on the floor to express some concerns I have concerning Guantanamo Bay and the efforts of some people, for no reason that I can understand, who want to close it. However, before doing that, another matter is happening right now.

On Friday of last week, the administration set in motion a ticking timebomb with its release of an endangerment finding for carbon dioxide and five other greenhouse gases. The ruling proposes that carbon dioxide is a dangerous pollutant that threatens the public health and welfare, and therefore must be regulated under the 1970 Clean Air Act.

This so-called endangerment finding sets the clock ticking on a vast array of regulations and taxes on small businesses throughout America that would be devastating. They claim, at least for now, to attempt to organize the chaos by limiting it to motor vehicles, which is a bad enough option considering the state of the auto industry to which we are all so sensitive with what is happening. Any attempt to stretch the Clean Air Act to regulate these gases illustrates a kind of game of Russian roulette this administration is playing with the American economy. We start with the auto industry. I can assure you, it is not going to end up there.

They are presenting policymakers with a false choice: Using an outdated, ill-equipped, economically disastrous option under the Clean Air Act or, to pick another bad option, cap and trade.

What they are saying is we are either going to find this endangerment finding, which will allow us to go ahead under the Clean Air Act provisions of 1970, or we are going to then start something that would be almost the same thing as cap and trade, except it will be done through the Executive and it will be done through the Clean Air Act amendments so we will have no control of it, in terms of doing it through legislation. As you know, there are several cap-and-trade schemes that are up there.

Last Friday, a week ago today, the Wall Street Journal, in an editorial, commented on this false choice. I agree with them. I will be quoting now from the Wall Street Journal, a week ago today. They said:

Still, why confine the rule only to cars and trucks? By the EPA's own logic, it shouldn't matter where carbon emissions come from. Carbon from a car's tailpipe is the same as carbon from a coal-fired power plant. And transportation is responsible for only 28 percent of U.S. emissions, versus 34 percent for electricity generation. Ms. Jackson is clearly trying to limit the immediate economic impact of her ruling, so as not to ignite too great a business or consumer backlash.

But her half-measure is also too clever by half. By finding carbon a public danger, she is inviting lawsuits from environmental lobbies demanding that EPA regulate all carbon sources. Massachusetts and two other states

have already sued in federal court to force the EPA to create a NAAQS for CO<sub>2</sub>.

We have gone through a NAAQS process with particulate matter and we know how that works.

For further background on this matter, let me explain. The history behind the EPA's endangerment finding dates back to 1999, when the International Center for Technology Assessment, joined by Greenpeace, the Green Party of Rhode Island, Earth Day Network, and 15 other organizations—far left-wing organizations, I might add—filed a petition with EPA, demanding it regulate greenhouse gas emissions from new motor vehicles. These groups urged the EPA Administrator to reduce the effects of global warming by regulating the emissions on greenhouse gases for “new motor vehicles.”

In the landmark Supreme Court case of *Massachusetts v. EPA*, they successfully argued that auto emissions were causing global warming, which in turn was eroding the coastline of Massachusetts. The remedy, they said, was to control greenhouse gas emissions from cars. All this begs the obvious question: What effect would EPA regulation of tailpipe emissions actually have on global temperatures?

In recent testimony before the House Ways and Means Committee on the climate impacts of regulating carbon emissions, Dr. John Christy of the University of Alabama—that is at Huntsville—found that such regulations would be “an undoubtedly expensive proposition” and would have “virtually no climate impact.” Christy calculated this using the IPCC climate models. Let's keep in mind that is the United Nations Intergovernmental Panel on Climate Change, that has been very biased in this whole thing and actually started the whole issue, the concept that anthropogenic gases—CO<sub>2</sub>, methane—are causing climate change or causing global warming.

Christy calculated, using the IPCC climate models, that even if the entire country adopts these rules, the necessary impact would be at most one-hundredth of 1 degree by the year 2100.

Further, he said:

Even if the entire world did the same, the effect would be less than 4/100 of a degree by 2100, an amount so tiny we can't even measure it. . . .

This is what Dr. John Christy has said. It is almost exactly the same thing as back during the Clinton administration, when we had Al Gore as Vice President. He called upon someone to put together—at that time we were coming this close to ratifying the Kyoto convention. He said: We want you to do a study and say if we were to ratify the Kyoto convention and all other countries that are developed nations would do the same thing, how much would it reduce the temperature in 50 years.

They did the study and found out it was 7/100 degrees Celsius. They tried to hide that thing, but we did find it. That is exactly the same thing Dr. Christy

said here, what he discovered and testified to last week.

Once the EPA makes a finding that greenhouse gases endanger public health and welfare under the Clean Air Act, who specifically would be affected? As EPA's Advance Notice for Proposed Rulemaking makes clear—that is taking place right now—it makes it clear that an endangerment finding would lead to regulations covering nearly every facet of the American economy.

In reading through comments filed in the regulatory docket, one is struck by how broadly the Clean Air Act would apply once an endangerment finding is made—especially previous sources that have never come under control of the Act. EPA received thousands of public comments from various industries and groups that expressed concern and outright opposition—on issues of cost, competitiveness, jobs, and administrative complexity—to greenhouse gas regulation under the CAA.

The following excerpts, taken from comments filed by the ANPR—the American Association of Housing Services for the Aging—speak for themselves.

The members of AAHSA . . . help millions of individuals and their families every day through mission-driven, not-for-profit organizations dedicated to providing the services that people need, when they need them, in the place they call home. Our 5,700 member organizations, many of which have served their communities for generations, offer the continuum of aging services: adult day services, home health, community services, senior housing, assisted living residences, continuing care retirement communities and nursing homes.

AAHSA opposes regulation of greenhouse gases under the Clean Air Act. The Clean Air Act is not suited to regulate greenhouse gases, as the EPA administrator and several other federal agencies have opined. In addition, if the EPA regulates greenhouse gases under the Clean Air Act, many AAHSA members could be subject to costly and burdensome Clean Air Act programs. For example, health care facilities with 51,000 square feet or greater would be subject to the Prevention of Significant Deterioration (PSD) permitting requirements. This would require such facilities to get a PSD permit prior to new construction or modifications . . . Finally, there is also the possibility that health care facilities would need to obtain Title V operating permits from the EPA one year from when greenhouse gases become regulated, which would add to the already stressed budgets of nonprofit health care facilities.

Here is another one—Family Dairies USA. This is testimony just a week ago.

Family Dairies USA is a dairy cooperative with 3600 members located in a six state area in the Upper Midwest of the United States.

Our members are involved in production agriculture, meaning that a majority of them produce the corn that feeds the cows that produce the milk which feed the Nation. We are opposed to current regulations relating to greenhouse gases under the Clean Air Act as it relates to production agriculture.

Now, this would be of interest to any of the Members who are from agricultural States such as my State of Oklahoma. I am quoting now from this organization:

Title V requires that any entity emitting more than 100 tons per year of regulated pollutant must obtain a permit in order to continue to operate. EPA has no choice but to require those permits once an endangerment finding is made.

In other words, they have to do this. This is not something that is an option.

USDA, [the U.S. Department of Agriculture,] has stated that an operation with more than 25 dairy cows emits more than 100 tons of carbon and would have to obtain permits under Title V in order to continue to operate if greenhouse gasses are regulated.

Title V is administered by the States, and permit fees (tax) vary from state to state. EPA sets a "presumptive minimum rate" for permits, and that rate is \$43.75 per ton for 2008–2009. For states charging \$43.75 per ton, the cow fee (tax) for dairy would be \$175 a cow.

The cow tax would impose a significant added cost for our dairy farmers that cannot easily be absorbed. . . . Imposition of the tax will cause many operators to go out of business and would likely raise prices.

Obviously, it would. That is quoting from Family Dairies USA.

Mark Magney, president of Magney Construction:

We are a mid-sized construction firm—

This is testimony from last week—

we employ 30 full time staff and have been in business since 1994. We primarily engage in the construction of water and wastewater treatment facilities throughout the upper Midwest. We believe the Clean Air Act is ill-suited for regulating greenhouse gas emissions, and that the EPA should not move forward with the proposed rule or other regulation of greenhouse gas emissions under the Clean Air Act. Doing so could easily delay, if not halt, all future building and highway construction.

New construction and renovation are vital to our economy and to the future improvement of our environmental performance of our Nation's infrastructure and must be allowed to continue.

This is serious because right now we are looking at reauthorizing the Transportation bill. The last time we did it was 2005. That was a \$287.4 billion bill for a 5-year reauthorization. Now we are up for reauthorization in 2009, and we are right now trying to figure out what to do about America's infrastructure. What we do not need is to have this additional regulation increase the cost of construction of the roads and the bridges that are so desperately needed.

According to Peter Glaser, a national legal expert on the Clean Air Act, an endangerment finding will lead to new EPA regulations covering virtually everything, including "office buildings, apartment buildings, warehouse and storage buildings, educational buildings, health care buildings such as hospitals, and assisted living facilities, hotels, restaurants, religious worship buildings, public assembly buildings, supermarkets, retail malls, agricultural facilities, and many others."

An array of new development projects could be delayed, perhaps for several years, causing "an economic train wreck." This conclusion was supported recently by the Heritage Foun-

dation's Center for Data Analysis, which found that EPA's new carbon regulations would destroy over 800,000 jobs and result in a cumulative GDP loss of some \$7 trillion by 2029.

The administration and other groups have recently argued that these are only scare tactics and that no one is asking EPA to do this. They argue, in fact, that EPA has already figured out ways it can avoid sweeping in small sources of CO<sub>2</sub>. That is what they always say. "Well, this is just the big guys, not the little guys." I think we all know better.

However, when Republicans on the EPW Committee asked the administration's nominee who is set to head the office where the endangerment finding and regulations following it will be proposed, how they plan to manage this, we have not gotten a straight answer yet. I know this because I am the ranking member on the EPW Committee, and we are going through the nomination and the confirmation process.

I have been very cooperative. I certainly supported Lisa Jackson and others, even though I do not agree with them philosophically. But we are not getting straight answers because no one wants to get out on that limb. They do not want to admit we are going to regulate everything if this comes along.

Our reason to question is not based on scare tactics. Staff uncovered some comments in the proposed record that argued quite differently. The Conservation Law Foundation, in their comments on EPA's Advanced Notice of Proposed Rulemaking—that is what we are in the middle of now, on greenhouse gas regulation under the Clean Air Act—did ask EPA to regulate such sources. Moreover, both groups asserted that EPA is required by law—it is not optional but required by law—to apply the PSD program to sources emitting above 100 to 250 tons per year. No exceptions to that. Pretty scary.

The Center for Biological Diversity argued:

While it is uncontroversial that EPA should prioritize the largest pollution sources first, one of the reasons that the NSR program will be such an effective tool for reducing greenhouse gas emissions is that it applies to a wide variety of sources that will emit in excess of the applicable statutory threshold of 250 or 100 tons per year.

So they are admitting this is the case. They argued:

As a threshold matter, the asserted belief of EPA officials that the statutory requirements are burdensome or not "efficient" as they should be simply does not excuse the agency from following the law. The EPA has no authority to weaken the requirements of the statute simply because its political appointees do not like the law's requirements.

But can't EPA just invent new thresholds?

Several of the suggestions that EPA has advanced are outside the scope of its authority. The EPA has no authority to set higher greenhouse gas major source cutoffs and significance levels.

That is something that is pretty scary. I think what we need to understand is that we are looking at the United States of America. I have been on this floor now for 9 years, starting way back when we were considering ratification of the Kyoto Treaty. And I have to say, at that time I was the chairman of the Environment and Public Works Committee. Republicans were a majority and I was chairman. I assumed that manmade gases, anthropogenic gases, CO<sub>2</sub>, methane, were causing global warming because that is what everybody said, until the Wharton School of Economics came out with the Wharton Econometric Survey.

In this survey they found—they answered the question: What would it cost if we in the United States signed the Kyoto Treaty and lived by its emissions requirements?

The range was between \$300 and \$330 billion a year. After all of these things our new President has been doing with the big spending and a \$3.5 trillion budget and tripling the public debt in the next 10 years, we do not think about \$300 billion being that much, but it really is. We are talking about \$3,000 a family in my State of Oklahoma. Actually, it exceeds that.

So I thought at that time, if there is some doubt as to the science, we better find out about it because if we are going to sign that treaty, that is what it is going to cost people in America. We started checking. We found a lot. The whole thing started with the IPCC from the United Nations. They would love nothing more than to have some big global tax and not have to be accountable to individual countries. Maybe that was not their motive, I don't know.

I do know this: We started looking at the science only to find out many of the people who were the leaders in other countries—names come to my mind such as David Bellamy from the UK. He was with Al Gore 10 years ago marching up and down the streets saying: Global warming is going to kill everybody. Now he is one of the premiere scientists in the UK. He is now actually on my side in terms of being skeptical as to the science.

The same thing is true with Nir Shaviv in Israel, with Claude Allegre in France, a very well known socialist, one with whom I do not agree on anything except his new position which has now refuted this idea that greenhouse gases are caused—that global warming is caused by manmade gases. So with all of those changes, I suggest any of my colleagues here who would like to see documentation, I have my Web site in [hofe.senate.gov](http://hofe.senate.gov). On this Web site we cite all of the over 700 scientists who were on the other side of this issue and have now joined the skeptics list.

The reason they are trying to regulate greenhouse gases under the Clean Air Act is because they know they cannot get it passed in this Chamber. In the House it probably would get passed.

The House has never had occasion to debate this issue. They have not had it. We have had it four times. We had it in the Kyoto Treaty, we had it in the McCain-Lieberman bill, the Warner-Lieberman bill, and we had it in the Sanders-Boxer bill.

If we stop and look at the trend, more and more of my colleagues are realizing now that the science is not there, but the economics is there. If we look at what happened back in 2005, 2005 I chaired the committee, so it was my responsibility to defeat it. That was the McCain-Lieberman bill. We had, at that time—it was going to be about a \$340 billion tax increase for the American people, and we debated it for 5 days, 10 hours a day. I stood right here at this desk for 50 hours, and we could only get two or three Senators to come down and participate and help me on my side. But we defeated it because people did not want to have to go home and explain to people that on dubious science they are passing this huge tax increase.

Then we fast-forward to 2008. In 2008, it was totally different because that was the Warner-Lieberman bill that was even a more aggressive bill in terms of its emission requirements. MIT had a value of that somewhere around \$366 billion a year. So that would be another huge tax increase.

What happened in that 3-year period? In 2008, it did not take 5 days to defeat it, it happened in 2 days. There were 23 Senators who came down and helped me on the Senate floor. Why are so many people concerned about this, so many Senators and House Members, about getting into this issue? They will vote right, but they do not want to talk about it because they have huge amounts of money—moveon.org, George Soros, Michael Moore, they put in—what I call the Hollywood elitists, they put in millions of dollars a year and consequently there are a lot of Members who are afraid of this issue.

But there are only 39 votes at most. They need 60 votes. It is not going to pass. Since this is not going to pass the Senate, they are going to try to do as much as they can under regulations and provisions of the Clean Air Act.

#### GUANTANAMO BAY

Mr. President, just briefly I want to share my findings. I only wish every Member of the Senate would take the time to go down to Guantanamo Bay and spend some time down there because if they do they would come back asking the question: Why in the world would we close this prison?

Even media that has been very unfriendly—the liberal media would like to close anything having to do with the military or having to do with prisons—came back and said: Wait a minute, there is a premiere facility down there. There has never been a documented case of any kind of waterboarding, any kind of torture. The conditions of the detainees down there are such that everyone down there understands they are being treated better than they should be treated.

Did you know we actually have one doctor or medical practitioner for each two detainees down there? Let's keep in mind who they are. These are detainees. They are not prisoners of war; they are terrorists. Many of them have killed a lot of Americans. They are down there right now.

Anticipating that there might be a problem keeping that facility open, we are down now to 245 detainees in Gitmo, 245. Of the 245—I believe this is about a week old, but I think it is still accurate—there are 170 of them who cannot be sent back to their countries because their countries would not repatriate them. They will not allow them to come back.

Of the 170, some 110 are rough, tough guys. We are talking about Khalid Mohammad, who is the instigator of 9/11. We are talking about some really bad guys. So the position that the Obama administration first took, and this came out during the inaugural address, and I agreed with him at that time, he said:

Well, we would like to close it, but we want to wait and make sure we can take care of adjudicating and take care of these detainees in some other facility.

That was pretty responsible. I disagreed that we should close it because it is one of the few good things we have. We don't get many good deals in America. That has only cost us \$4,000 a year since 1903. Name another bargain like that.

Now the alternatives are this: If they close it and don't do anything to handle how they will adjudicate these cases, they could end up in our court system. I am not a lawyer. I am one of the few nonlawyers in this Chamber. We know the rules of evidence are different in a tribunal than in a court case. Very likely, it would be almost impossible to get a conviction. Consequently, a lot of these guys could be turned loose.

Right now, half the States have passed something in their legislatures—my State of Oklahoma has—saying we don't want any terrorists loose in the United States. They even proposed that there are 17 areas in America where we could detain these people. One of them happens to be Fort Sill in Oklahoma. I went down to that facility. Sergeant Major Carter, a young lady who is in charge, was saying: I spent 2 years in Gitmo. Why in the world would we close that down? We can't handle that kind of thing. We don't have the same kind of facilities here.

The arguments are not real in terms of any kind of abuse. They have better medical care than they have ever had before. By their own statements, it is better food than they have ever had before. Besides, there is no place else. If we look at what they are doing and the alternatives, we really don't have a choice. If only people in this Chamber and likewise in the House would recognize that we are going to have to come up with some kind of an alternative be-

fore we close it down. We spent \$12 million. It took 12 months to build. I can't remember the name, but it is a courthouse in Gitmo. That is where they handle the tribunals. The rules of evidence are such that they can't do it in our court system. They have already shut that down, so they are not trying these people now. They should be, but they are not. There is no place else. It is not just the 245 who are there, but, with the escalation of what we are doing in Afghanistan—I was there last week—I can assure my colleagues, there will be more detainees who will come in. We will have to figure out something to do with the rest of them. There is no place else.

I only wish that anyone who is supporting the position of closing Gitmo would answer two questions. First, why? What is the possible reason for closing it? No. 2, what are we going to do with the detainees if we do?

I yield the floor and express my appreciation to the Senator from Connecticut for giving me the time this morning.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, the pending business before the Senate is S. 896, the Helping Families Save Their Homes Act. I would like to take a few minutes and review the provisions of this bill that Senator SHELBY of Alabama and I have offered in the form of a substitute. It is similar to the original bill, but there are some changes. We have been told there are somewhere in the neighborhood of a dozen amendments, maybe a little less, that our colleagues have proposed. We are trying to work out a finite list of amendments, to consider them on Monday, with the hope of getting to conclusion of this bill either by Monday or Tuesday—Monday may be a little optimistic but by Tuesday to be able to complete work before moving on to other business.

This is a very important piece of legislation. Many of our residents and citizens are deeply concerned about the foreclosure problems. I have repeated the numbers over and over. I suspect many people are aware, but 10,000 people a day run the risk of losing their homes through default or the auction process. Those numbers have not been shrinking at all. In fact, there are estimates that the numbers may actually increase.

We have tried over the last 2 years any number of steps to reduce and mitigate the foreclosure problem, including inviting the major lending institutions to step up and voluntarily talk about mitigation. That process began as early as the late winter of 2007 and the spring of 2007. Regrettably, those institutions did little or nothing to try to mitigate this problem.

In fact, the previous administration refused to accept the magnitude of the problem, despite overwhelming evidence, even in early 2007, that the foreclosure issue was going to mushroom

far beyond early predictions. Of course, that is exactly what has happened.

Today, most analysts tell us that while there are a lot of elements that contributed to the present condition the economy is in, no one disagrees that a major source of economic hardship began with the residential real estate market. This problem will not be solved until we get to the bottom of it. While there are a lot of other issues to talk about, and we are doing that, until this issue of keeping people in their homes at rates and mortgages they can afford is resolved, this problem will persist.

The legislation Senator SHELBY and I offer, along with the support of committee members—and I note the Presiding Officer is a very distinguished member of the committee—is to try to offer some relief. I will explain briefly the provisions of the bill. I invite my colleagues to review it and, hopefully, be supportive on Monday or Tuesday when we try to reach final passage.

We expand the ability of the Federal Housing Administration and rural housing to modify loans. Servicers of the Federal Housing Administration and rural housing do not have the same ability to modify these Federal Housing Administration or USDA loans as they do for non-Government loans they service. Our legislation authorizes the Department of Housing and Urban Development and the U.S. Department of Agriculture to give these servicers the opportunity and incentive to participate in the Obama Loan Modification Program or to otherwise modify the loans in ways that are not presently available to distressed homeowners, including reducing interest rates, reducing principal, or stretching out the terms of these Government-insured loans. This is a major provision of the bill. To be able to provide the FHA and USDA with the authority to expand these opportunities can bring a tremendous amount of relief to people under those programs.

Secondly, we expand the access to the HOPE for Homeowners Act. This was legislation we adopted last summer. The legislation makes a number of changes to the HOPE for Homeowners Program to make it more user friendly and effective, including the option to lower fees, streamlining borrower certification requirements, giving the Secretary of Housing and Urban Development limited discretion to determine the amount and the distribution of future appreciation. It bans millionaires from the program and allows for incentive payments to servicers and originators who participate in the program.

The HOPE for Homeowners Act that passed overwhelmingly here, while the intentions for the bill were high, the reality is, the bill didn't even come close to achieving the goals those of us who crafted it thought it would. We have listened to a lot of people over the last number of months as to what could be done to make the proposal

more effective and efficient to reach more people. The proposals I have mentioned were the ideas we have accumulated that we believe, and others believe, should make the program far more effective. It will not solve all the foreclosure problems, but it will be a major step in the right direction.

Thirdly, the bill creates more enforcement tools for the Federal Housing Administration to eliminate bad lenders. The bill empowers the Secretary of HUD to expeditiously drop lenders that break Federal Housing Administration rules, including, one, by authorizing the Department of Housing to go after lenders that break the rules but then withdraw from the program to avoid enforcement actions. We put a stop to that. We crack down on the misuse of FHA insurance issued on mortgages originated through unapproved third-party entities, and we authorize HUD to impose penalties on entities that misuse the Federal Housing Administration Ginnie Mae designations, another important housing program.

Fourth, this bill provides a safe harbor for servicers who modify a loan consistent with the Obama plan or refinance a borrower into a HOPE for Homeowners loan. This is a somewhat controversial provision because we end up having a contest between investors and bankers.

The problem is simply this: Even as more and more homeowners have fallen behind in their loans, the response of loan servicers has been inadequate to the issue. In part, their reason for not responding is because they fear they will be sued by investors or competing interests for doing so. The House of Representatives passed a very broad safe harbor provision, very similar to the one our colleague from Florida, Senator MARTINEZ, offered and passed by a voice vote in this body as part of the Senate-passed stimulus bill several months ago. The provision was dropped in conference. The safe harbor provision in this bill is much more narrowly drawn than was the proposal by Senator MARTINEZ. I thank him for it. He was very creative in offering the idea, but there were concerns raised that it was too broad, that we should make it more narrow in its application. So as to not disadvantage investors where they have a legitimate complaint and provide a safe harbor for those who don't deserve it, the safe harbor we crafted is much more narrowly drawn than the House provision or the one that passed the Senate in order to ensure that only servicers that provide modification consistent with the Obama plan get the benefit of the safe harbor.

In addition, this bill ensures that the HOPE for Homeowners refinances are covered as well. That will not satisfy all of the investor community, but it is far better than what was in the House bill or previously authored.

The fifth provision of this bill authorizes an additional \$130 million for

foreclosure prevention activities. We owe a special thanks to the majority leader, Senator REID, for its inclusion. He has been consistent over the months that I have been involved in these issues since becoming chairman of the Banking Committee 2 years ago, along with Senator SCHUMER and others, about providing additional resources for counseling. This bill provides these additional moneys. We have found in the past that where consumers are aware of what is available to them and they get advice as to how to proceed, we are able to reduce the problems of people losing their homes. Once you are in the foreclosure legal web, it is very difficult to help people. Once you are in that court setting, it is hard. So the goal is to try to catch individuals who qualify for some assistance, who would qualify for some relief before they end up in the legal bureaucracy. That is why counseling services have been so valuable over the last number of months, because they have been overwhelmed by the amount of work.

I know in my case, the head of my office in Connecticut, who has been with me for many years, literally every morning he arrives at work, he has e-mails—30, 40, 50 a day—from constituents seeking help because they fear they are about to lose their homes. I know other congressional offices as well as, of course, counselors are also being inundated with requests for help. Obviously, getting good counseling, good solid advice, is important. Senator REID has provided a very valuable contribution to this legislation with this proposal.

The sixth provision of this bill extends the \$250,000 deposit insurance level for 4 years. Presently, that level would expire at the end of this year under an agreement reached earlier with the Chairperson of the Federal Deposit Insurance Corporation. Most people are aware that normally deposits are insured up to \$100,000 per account. However, the Emergency Economic Stabilization Act increased coverage through the end of this year. This legislation extends the higher deposit insurance limit for banks, thrifts, and credit unions to the year 2013.

Deposit insurance has been a stabilizing force in our banking system since its inception in 1933. It is worth noting that the Federal Deposit Insurance Corporation originated in the Depression years. There were three things done at that time that had as much to do with the 60 years of relative stability in our economy. One was the formation of the Securities Exchange Commission, which played a very valuable role in beginning to govern those markets and to prohibit or limit some of the wildcatting that went on that created in good part the Depression of the 1930s.

Secondly was Glass-Steagall, which has been controversial with the separation of commerce and banking. We have begun to blur those lines. I was

involved in that effort back a number of years ago when we dealt with the Community Reinvestment Act. Like everyone else in this Chamber, I suspect if we were all asked if we could have anything back and redo, I wish that was one we could go back and revisit. Candidly, it seemed reasonable at the time, the firewalls. But, frankly, I think we could have done a little more to protect and separate those activities.

Third, in addition to the SEC and Glass-Steagall was the FDIC, the Federal Deposit Insurance Corporation—the run on banks. The very day Franklin Roosevelt took office in March of 1933—do not hold me to this number, but something like 5,000 banks declared a holiday, and there was a substantial run. People were frightened they were going to lose the savings they had accumulated, the deposits they had invested or put in these banks.

The Federal Deposit Insurance Corporation, providing that insurance to people that their accounts would be protected in an economic difficulty, had as much to do, if anything, in providing the kind of stability we have seen over the years. But that level of \$100,000 has been around for a while. I forget how long, but it goes back several decades—well, 1980. My good friend and colleague in the Chamber, Jonathan Miller, tells me it has probably been since the 1980s for the \$100,000, maybe even earlier. So there has been a desire to move this level up with good cause, even in the absence of the predicaments we are in.

So for those reasons, we raised it. I, for one, would have preferred we almost make it permanent—the \$250,000—but others wanted to restrain this by the amount of time, and I respect their judgment. So there was a debate whether it should be 1 year or permanent. We settled on 4 years. My sense is, we are not going to roll this back in 4 years; it is going to be at least \$250,000.

So for those out there who are concerned about whether there is enough certainty in all of this, while I know they would have preferred a permanent increase, when you are serving with 99 other colleagues here and you are trying to get things done, you have to make some compromises. So the chairman would have liked it permanent, some of my good friends in this Chamber wanted far less than that, and we settled on 4 years. That is the reason that timeframe has come up.

This is going to be tremendously important. The significant extension of the increase in deposit insurance will be especially helpful to smaller financial institutions in our respective States that are worried there would be a run from these institutions, including community banks that derive 85 to 90 percent of their funding from deposits.

So to the community bankers across the country that rightly have been disappointed that every time we talk

about banks, we fail to distinguish between the more conservative, responsible activities of our community bankers across the country and the activities of other financial institutions that have had far less than that level of responsibility—so to our friends in the community banking system across the United States: We heard you on this. Many of you would have preferred a permanent raising. I agree with you about that, but this is the best I could do with this bill. It will not roll back, in my view. Eventually, I think we will make this permanent. For the time being, it is 4 years.

By helping community banks protect and grow their deposit bases, this legislation contributes to the effort to improve the availability of capital for lending. That, of course, affects small businesses, microbusinesses, and our constituents across the country. So while this is seen as some security and stability, particularly in the community banking system, this also is very important to small businesses and investors and depositors as well. That is why this legislation needs to be seen in the full context of those who will benefit from it—not only those facing foreclosure but obviously businesses that need borrowing, need that capital to stay alive, let alone try to expand and grow during these difficult times.

The eighth provision of this bill increases the permanent borrowing authority for both the Federal Deposit Insurance Corporation and the National Credit Union Administration. The bill increases the permanent borrowing authority for the FDIC from \$30 billion to \$100 billion. It has been since the 1990s—I think 1991, if I am not mistaken, was the time we settled on the \$30 billion. It has been since then that there has been—actually long before this economic crisis—a desire to raise that borrowing authority level. So in this bill, we raise the authority from \$30 billion to \$100 billion. In the credit unions, we raise it to \$6 billion.

We establish temporary additional borrowing authority from the \$100 billion to \$500 billion in the case of the FDIC and from \$6 billion to \$30 billion in the case of the National Credit Union Administration, to which the regulators may gain access only with—by the way, you only get beyond that \$100 billion with the FDIC or beyond the \$6 billion if you are part of the National Credit Union Administration if you are able to get the following agreements: The regulators may gain access only with a two-thirds vote by the Federal Deposit Insurance Corporation or the National Credit Union Administration, a two-thirds vote by the Federal Reserve Board, and agreement by the Secretary of the Treasury, in consultation with the

President of the United States. I hope my colleagues would feel those are enough safeguards that you would not find regulators being able to raise those amounts without going through some significant hoops, and the circumstances would have to be such that these various offices would agree.

FDIC—Federal Deposit Insurance Corporation—Chairman Sheila Bair has said that the temporary authority would allow the FDIC to reduce the special assessments on banks by as much as 50 percent, increasing lending by as much as \$75 billion.

Again, going back to our banking community and their concerns about assessments, the fact that we are doing it, reducing those assessments by as much as 50 percent, is no small achievement. Again, it is real relief. By doing so, there is the likelihood these institutions can provide additional lending because those assessments will not be too high, which helps small businesses and borrowers across the country. Again, it is not unlike raising insurance levels.

We think these provisions will also make a great contribution to getting lending going again. The one thing we all hear from our constituents over and over again is: We are having a hard time accessing capital. So we hope these provisions will provide some additional relief in that area.

The ninth provision of this bill stretches out the payment of assessments to rebuild the bank, thrift, and credit union deposit insurance funds to 8 years. This is a very important provision. Again, it goes and relates to the last two provisions I talked about because, again, while we think we are providing some relief in terms of the amount of assessments, over what period of time you have to pay them is also a critical issue for these smaller lending institutions. By doing what I have just suggested—stretching it out to 8 years—community banks and credit unions will be able to devote more of their resources to making loans in the communities they serve.

This provision is especially important for credit unions because of the way their deposit insurance system is structured; otherwise, these institutions would have to rebuild their fund in 1 year, which could lead to a severe reduction in lending. So it is a major provision for both community banks and credit unions but particularly in the case of credit unions.

The 10th provision of the bill improves the FDIC's systemic risk special assessment authority. Again, it is related to the last three provisions I have mentioned. The Government's recent use of its systemic risk authority benefited large bank holding companies and their nonbank affiliates, shareholders, and creditors as well. Yet to recover any losses from systemic risk, the FDIC may now only charge banks and thrifts themselves. Obviously, this would unfairly burden community and other traditional banks, particularly



those with few or no nonbank activities.

What we have done in this bill would allow the FDIC, with the Treasury Secretary's concurrence, to directly assess bank holding companies if they stand to benefit from the Government's actions and correspondingly to reduce the cost to our community banks. Again, this is a major provision. It is a technical one, maybe, to many, but again, since a lot of these institutions do not have any nonbanks—and therefore run the risk in the absence of this provision—they could end up being assessed for those charges. This would allow the Secretary of the Treasury and the regulators to seek those assessments for the institutions that ought to be assessed since they are the ones benefiting from that program.

So these provisions, while they are technical in nature, I say to my colleagues—and they are not the kinds of issues you can explain necessarily in a quick sentence before a townhall meeting—let me tell you, they are very important. Are they going to solve the economic crisis? Absolutely not. Are they going to make a difference? Absolutely. Absolutely. So while this bill does not get the same degree of notoriety that others have, it is a critical component to getting our economy moving again.

For those of you who have heard—as I have heard over and over—from our community bankers, our community small businesses: Where is the lending, we think this bill, while it is not going to cause a floodgate to open in terms of lending, it lifts a lot of those barriers and restraints that people have otherwise felt when it comes to lending practices.

So do some of these community banks and thrifts and credit unions benefit as a result of this? Yes, they do. But let me remind you, when they do, the borrowers, the homeowners, the small businesses who are desperate for that lending, that capital, or to mitigate foreclosure, are a direct beneficiary of this legislation. So this is a bill where literally both the lending institutions and the borrowers are direct beneficiaries, and one of the reasons I think it is so important we try to adopt this as quickly as we can.

My hope is that on Monday or Tuesday we will be able to handle a few of these amendments, some of which have nothing to do with this bill. We have to deal with the TARP money and others things, and I appreciate people's concerns about that issue. But let's not miss an opportunity now to get this right.

If this bill becomes loaded down with a lot of other amendments—and I am always hesitant to speak for the majority leader, but in my conversations with him, he has indicated he is not going to spend forever on this. We will come back to it—recognizing that at some point, whether it is later this summer or next fall or maybe next winter, we could come back to this, I

think that would be a tragedy because I think we can get this done. Senator SHELBY and I have worked hard on a bipartisan basis to put this legislation together. We have a very good Banking Committee that has worked on this legislation as well. And I think we would miss an opportunity not to get this done.

So to my colleagues who would like to bring up a lot of other issues—and I do not question their motives or sincerity behind those ideas that have little or nothing to do with this—I would urge restraint or we may run the risk of losing an opportunity to get this bill done.

There are a lot of other matters before this body that the leader has to get up for consideration. He cares deeply about this issue, as I have evidenced by the fact that he has contributed directly to this bill. But he also has other matters that deserve our attention. He has provided me the opportunity, along with Senator SHELBY, to get this bill done. Let's not miss this opportunity.

People talk about bipartisanship, working together. That is exactly what Senator SHELBY and I have done with our respective staffs to produce this product. It is not exactly everything Senator SHELBY would agree on. It is not everything I would agree on. But together we feel this is a product that deserves the support of our colleagues.

Let me, lastly, if I can, suggest to you that there are a number of very diverse groups that support our efforts. The Center for Responsible Lending is a strong advocate of this bill. The Credit Union National Association supports this bill. The Independent Community Bankers Association strongly supports this bill. The National Consumer Law Center supports this legislation. The American Bankers Association, the National Association of Consumer Advocates supports this bill, the Financial Services Roundtable, and the Housing Policy Council. To those who think this is just another list of organizations, let me remind those who are not familiar with these organizations, that is a very diverse list. You do not normally find consumer groups and the American Bankers Association, community bankers and the Center for Responsible Lending all agreeing on a bill. Yet that is exactly what has occurred with this legislation. So if you have any doubts about the importance of it, I would invite my colleagues to contact any of these organizations and ask them how significant this bill is.

Technical, it may be, in nature, and yet it is these technical corrections and improvements which can make a difference in the lives of our fellow citizens who are anxious—to put it mildly—that we step up and get the job done, get our economy moving again, restore our optimism and confidence as a people, and provide the kinds of steps that will move us in that direction.

Mr. President, lastly, I ask unanimous consent that letters of endorse-

ment from various organizations I have just recited be printed in the RECORD.

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

CREDIT UNION  
NATIONAL ASSOCIATION,  
Washington, DC, April 30, 2009.

MEMBERS OF THE UNITED STATES SENATE:  
On behalf of the Credit Union National Association (CUNA), I am writing in support of the Dodd Substitute Amendment to S. 896. CUNA is the largest credit union trade association, representing nearly 90% of America's 8,000 state and federally chartered credit unions and their 92 million members.

CUNA strongly supports the Dodd amendment, which includes a number of provisions aimed at helping credit unions continue to help their members weather the financial crisis and maintain member confidence in credit unions. We appreciate Chairman Dodd's willingness to work with us to address credit unions' concerns. We encourage you to support the Dodd amendment when it is considered later this week. Credit unions consider this a critical vote.

The Dodd amendment would extend until the end of 2013 the increase in deposit insurance coverage (\$250,000) for the National Credit Union Share Insurance Fund (NCUSIF) that Congress enacted on a temporary basis as part of the Emergency Economic Stabilization Act of 2008. This provision is an important step that will help maintain member confidence in credit unions.

The Dodd amendment also includes a number of provisions aimed at helping credit unions manage the impact of the financial crisis on the credit union system. Even though credit unions use strong underwriting standards to make loans to their members and keep most of their mortgages in portfolio, no financial institution is immune from the current economic situation. Corporate credit unions, which provide payment, settlement, investment and other services for natural person credit unions, have been particularly hard hit by the economic maelstrom.

On March 20, the National Credit Union Administration (NCUA) placed two corporate credit unions—U.S. Central and Western Corporate Federal Credit Union (Wescorp)—into conservatorship. The losses at the two corporate credit unions were created by declines in the value of mortgage-backed securities in which they invested. Although these securities were originally AAA-rated and appeared prudent when the investments were made, market developments proved to the contrary. Despite these investment losses, the payment and settlement services provided by these corporate credit unions continue to be offered on a very sound basis.

The credit union system itself is covering the losses on these corporate credit union investments by way of a significant NCUSIF insurance assessment on all federally insured natural person credit unions. Under current law, credit unions must replenish their NCUSIF deposits equal to 1% of their insured shares on an annual basis and are also subject to premium charges when the fund drops below a 1.2% equity ratio. While credit unions expect to pay for the corporate credit union problem themselves, they would like to spread the losses over time, as banks are permitted to do for their insurance costs under current law.

The Dodd amendment would increase NCUA's borrowing authority from Treasury from \$100 million to \$6 billion, with the ability to borrow as much as \$30 billion in exigent circumstances through December 2010. The amendment also establishes a Temporary Corporate Stabilization Fund that

would also help NCUA to spread out credit unions' insurance costs over seven years. Spreading these costs over multiple years means that credit unions can use the funds, that otherwise would have been used to pay the assessment immediately, to make credit available to their members. CUNA strongly supports both the additional borrowing authority for NCUA as well as the establishment of the Temporary Corporate Stabilization fund.

Time is of the essence. We appreciate the Senate's timely consideration of the Dodd amendment and hope it will be enacted expeditiously.

On behalf of America's credit unions, thank you very much for your consideration. Please support the Dodd amendment.

Sincerely,

DANIEL A. MICA,  
*President & CEO.*

APRIL 30, 2009.

Hon. CHRISTOPHER DODD, Chairman,  
Hon. RICHARD SHELBY, Ranking Member,  
*Senate Committee on Banking, Housing and Urban Affairs, Washington, DC.*

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: We write to express our support for two provisions of S. 896 that would remove significant obstacles to economically rational loan modifications. One would explicitly allow servicers to modify loans where the modification results in a net benefit to the investors as a whole. The other would make homeowners whose loans are insured or guaranteed by FHA, VA or USDA eligible for the same type of affordable loan modifications that other borrowers may receive under the Administration's modification program. The foreclosure problem is so severe that multiple responses are needed, including these two. These amendments are modest, tightly drawn provisions that provide the incentives or authority needed to avoid preventable foreclosures.

New projections of foreclosures on all types of mortgages during the next five years estimate 13 million defaults. Right now, more than one in ten homeowners is facing mortgage trouble. Nearly one in five homes is underwater. With the housing sector responsible for one in eight U.S. jobs, the flood of new foreclosures will contribute to the growing unemployment rates, further constrict consumer spending, and severely reduce tax revenues at all levels of government.

Servicer safe harbor. Currently, foreclosures continue to outpace the rate at which servicers are modifying loans, and affordable modifications are particularly scarce for loans that have been securitized. Servicers cite as one of the main reasons for the lack of affordable modifications their concern about being sued by investors if they modify too aggressively—both because of restrictions in their contracts with investors and because many modifications may advantage one tranche of investors over another, even when benefiting investors as a group. A "safe harbor" is needed to allow servicers attempting to do the right thing the cover to make economically rational modifications that benefit the investors as a whole.

The servicer safe harbor provision in S. 896 is narrowly drawn, addressing modifications alone, and not origination issues, fraud or any other issue. It provides a safe harbor only for modifications that are affordable in accordance with Treasury guidelines, and only those where the net present value of the modification exceeds recovery through foreclosure, according to Treasury's prescribed calculations. So its effect will be to prevent "tranche warfare" and other obstacles from standing in the way of sound, economically rational modifications.

Voluntary modifications on FHA/VA/USDA loans. A second needed provision addresses modifications of FHA, VA and USDA insured and guaranteed loans. While private label securities are at the heart of the foreclosure crisis, 10 percent of seriously delinquent loans are government loans. There are currently two significant obstacles to modifying these loans when homeowners can no longer afford monthly payments, often due to lost income in today's struggling economy. First, servicers bear all the cost of modifying these loans, which serves as a disincentive to modification. Second, servicers have no statutory authority to offer more aggressive modifications in line with the Administration's HAMP program. The relevant provisions would address both of these problems by offering servicers incentives to modify government loans and giving them the authority to place borrowers in the same types of affordable modifications available to homeowners whose loans aren't insured or guaranteed by FHA, VA or USDA.

Sincerely,

CENTER FOR RESPONSIBLE  
LENDING,  
NATIONAL ASSOCIATION OF  
CONSUMER ADVOCATES,  
NATIONAL CONSUMER LAW  
CENTER (ON BEHALF OF  
ITS LOW-INCOME CLIENTS).

NATIONAL ASSOCIATION OF  
FEDERAL CREDIT UNIONS,  
*Arlington, Virginia, April 30, 2009.*

Re Support Dodd-Shelby Substitute to S. 896.

Hon. CHRISTOPHER DODD,  
*Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

Hon. RICHARD SHELBY,  
*Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DODD AND RANKING MEMBER SHELBY: On behalf of the National Association of Federal Credit Unions (NAFCU), the only trade association exclusively representing the interests of our nation's federal credit unions, I am writing in support of your proposed substitute amendment to S. 896, the "Helping Families Save Their Homes Act of 2009." NAFCU welcomes this important piece of legislation and would like to offer a few comments regarding the bill.

NAFCU urges the adoption of the corporate credit union stabilization fund proposal recently released by the National Credit Union Administration and contained in the amendment. We also applaud the adoption of a longer time frame regarding the repayment of the National Credit Union Share Insurance Fund (NCUSIF). By lengthening the repayment terms to 8 years, Congress ensures credit unions will be able to focus more of their resources to making loans that will strengthen the economy, rather than having to divert resources to rebuild the NCUSIF. These changes will relieve pressure on natural-person credit unions from pending NCUSIF premiums and allow them to provide consumer and small business loans to help the economy. We would also support extending the repayment period for the corporate stabilization fund from the proposed seven years to eight years.

While NAFCU is pleased to see an increase in emergency borrowing authority for the NCUSIF to \$30 billion, we would urge the Senate to adopt a higher initial borrowing authority of \$10 billion. This change is long overdue, since the current level of \$100 million was established in 1971, and has not been modified for the growth of credit unions and their member deposits over time. While NCUA's initial request for borrowing authority was only \$6 billion, we believe more prudent action would be to enact an amount of

\$10 billion, since the \$6 billion figure would only cover what is currently known to be needed for the present corporate credit union crisis, and does not cover additional amounts that may arise. This new amount of \$10 billion would not preclude the NCUA from only borrowing \$6 billion, but rather it would allow them the flexibility to deal with the current situation. The extended emergency borrowing authority of \$30 billion will help ensure the NCUA has the tools it needs should a new crisis emerge in these difficult times and is an important addition to the legislation.

Finally, as part of the Emergency Economic Stabilization Act of 2008, Congress increased the coverage on FDIC and NCUSIF insured accounts to \$250,000 through December 31, 2009. This change serves to maintain public confidence in insured depository institutions in the current economic environment. The proposed amendment would extend the higher insurance level for four more years to 2013. While this extension would ease confusion many credit unions and their members already have about the pending sunset on December 31st, we believe that this new level should be made permanent.

NAFCU thanks you for your time and consideration regarding these matters. Should you have any questions or require any additional information please do not hesitate to contact me or Brad Thaler, NAFCU's Director of Legislative Affairs, at 703-522-4770.

Sincerely,

FRED R. BECKER, JR.,  
*President and CEO.*

HOUSING POLICY COUNCIL,  
THE FINANCIAL SERVICES ROUNDTABLE,  
*Washington, DC, April 30, 2009.*

Re Support for S. 896.

Hon. CHRIS DODD,  
*Chairman, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.*

Hon. RICHARD SHELBY,  
*Ranking Member, Committee on Banking, Housing and Urban Affairs, Dirksen Senate Office Building, Washington, DC.*

DEAR CHAIRMAN DODD AND SENATOR SHELBY: we are writing in support of your legislation, S. 896, the "Helping Americans Save Their Homes" Act. The Financial Services Roundtable and its Housing Policy Council believe this legislation will help at-risk homeowners stay in their homes and make government and private sector foreclosure prevention efforts more effective.

Mortgage servicers are working hard to assist troubled homeowners and prevent foreclosures whenever possible. Private sector efforts are providing 250,000 workouts for troubled homeowners each month. However, difficult conditions in the housing market and the overall economy are causing hardship for more homeowners. Additional support for loan modifications and other foreclosure prevention efforts are needed and this legislation will provide it.

The Helping Americans Save their Homes Act will provide additional tools to help at-risk homeowners. Two of the most important provisions in the bill are:

Expanding Access to the HOPE for Homeowners (H4H) Program. This legislation makes a number of needed changes to the Hope for Homeowners Program to make it more accessible and attractive for homeowners and lenders to utilize.

Providing a safe harbor for servicers that modify a loan consistent with the President's Making Home Affordable plan or refinancing a borrower into a HOPE for Homeowners (H4H) loan. This legislation will provide additional protection to mortgage servicers who provide loan modifications to



borrowers consistent with the standards in the President's Making Home Affordable loan modification program. This protection, consistent with the goal of protecting investors' interests will promote more streamlined loan modification efforts.

We also support the legislation's efforts to increase FHA's ability to eliminate bad lenders from the program. In addition, we support the authorization of additional funding for foreclosure prevention counseling and for advertising to educate borrowers and prevent mortgage scams. Counseling for homeowners and combating scams are critical part of the industry's HOPE NOW Alliance foreclosure prevention efforts and the provisions of this bill will provide more support to non-profit counselors to enable them to assist homeowners and to educate homeowners to help them resist mortgage rescue scams.

The Financial Services Roundtable and Housing Policy Council strongly support this important legislation and we urge the Senate to approve it. Thank you for considering our views.

With best wishes,

JOHN H. DALTON,  
*President.*  
STEVE BARTLETT,  
*President and CEO.*

AMERICAN BANKERS ASSOCIATION,  
*Washington, DC, April 30, 2009.*

Hon. CHRIS DODD,  
*Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

Hon. RICHARD SHELBY,  
*Ranking Member, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN DODD AND SENATOR SHELBY: I am writing on behalf of the members of the American Bankers Association in strong support of your substitute amendment to S. 896, the Helping Families Save Their Homes Act of 2009, which will soon be considered by the Senate.

The substitute provides the Federal Deposit Insurance Corporation (FDIC) with a much needed increase in its borrowing authority, extends the period for the restoration of the FDIC's deposit insurance fund from five to eight years, and provides a temporary extension (through 2013) of the FDIC's \$250,000 deposit insurance limit.

The amendment also will make it easier for servicers to modify loan agreements. It improves the Hope for Homeowners Program to make it more accessible for lenders and better able to help homeowners avoid foreclosures.

ABA urges the Senate to pass this important legislation without extraneous amendments, and we look forward to working with you to have it enacted into law as quickly as possible.

Sincerely,

FLOYD E. STONER,  
*Executive Vice President, Congressional Relations & Public Policy.*

Mr. DODD. Mr. President, I thank the Presiding Officer, and I yield the floor.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

HONORING FOREIGN SERVICE OFFICER BRIAN ADKINS

Mr. BROWN. Mr. President, today is Foreign Affairs Day. Each year, as part of this special day, the American Foreign Service Association and the Department of State honor Foreign Service personnel who have lost their lives while serving our Nation overseas in the line of duty or under heroic or other inspirational circumstances. This year's Memorial Plaque Ceremony honors the life and service of Brian Adkins from Whitehall, OH, a Foreign Service officer who died on January 31, 2009, while serving in Ethiopia.

Brian, who would have turned 26 on February 2, 2009, joined the State Department in 2007 after receiving multiple degrees from George Washington University. Brian was quickly recognized for his intelligence and linguistic skill in seven languages, and the State Department assigned Brian as a consular officer to Addis Ababa, Ethiopia, in the summer of 2008. Immersing himself in the language and culture of the region, Brian dedicated his time to building a greater understanding of American values in the region and to helping Americans abroad.

Outside of his service, Brian entertained his family, friends, and coworkers as an accomplished violinist and cook. He was also a devoted Catholic who spent much of his free time volunteering and giving his time to those in need.

It is with great pride that we honor Brian Adkins and his family today. We have lost a talented and committed civil servant whose exceptional life serves to remind us of the importance and meaning of public service.

HEALTH CARE REFORM

Mr. President, for the first time in a long time, there is clear and widespread consensus that to improve the health of Americans and the strength of our Nation, we must act quickly and responsibly to reform a health care system that has failed far too many of our citizens.

The millions of uninsured, 45 million or so, and the tens of millions more underinsured Americans and the thousands of businesses struggling to compete globally with rising health insurance costs expect us to find a path forward.

With our Nation spending in excess of \$2 trillion annually on health care, with too much of our citizens only a hospital visit and a pink slip away from financial disaster, we cannot afford to squander this opportunity. We cannot settle for simply marginal improvements. Instead, we must fight in this Chamber for substantial reforms that will significantly improve our health care system.

That is why this week 15 of my colleagues and I sent a letter to Chairman

KENNEDY of the HELP Committee and Chairman BAUCUS, the chairman of the Finance Committee, making the case for giving Americans a health insurance option not controlled by the health insurance industry.

We must preserve access to employer-sponsored coverage for those who want to keep their current plan, but that is clearly not enough. Again, we want to preserve access for those Americans who have their own employer-sponsored plan, if they decide to stay in that plan, giving Americans a choice to go outside that with a private or public health insurance plan and a good policy and good choices.

At a time when too many Americans are struggling to pay health care costs, a public plan option—it is only an option—will make health insurance more affordable.

The report released this week by Consumers Union found that 30 percent of the underinsured have out-of-pocket costs of \$3,000 or more for a single year.

A Health Affairs study similarly found that one-quarter of underinsured people have deductibles of \$1,000 or more. It is estimated that half of all personal bankruptcies are caused, at least in part, by unpaid medical bills or illnesses.

A public plan option would limit out-of-pocket costs such as high deductibles and large copayments and would not abandon people. At a time when too many of our rural citizens are struggling to find quality, affordable health insurance, a public plan option will ensure access in rural and underserved areas. Too often rural communities are largely ignored by the private insurance market that targets the much more profitable large metropolitan areas with more consumers.

Private plans too often neglect sparsely populated rural areas. Instead, a public plan would be consistently available in all markets, ensuring that rural areas and our rural people are not left stranded. At a time when too many Americans are losing their jobs—and therefore losing their employer-sponsored health insurance—a public plan option will ensure portability and ensure continuity of coverage.

A public plan would ensure that those facing employment changes: Loss of job, downsizing, plant closing, moving out of the country, whatever, that those facing unemployment changes, those people would have a choice to have quality, affordable coverage backed by the strength and the reliability of the Federal Government.

A public plan, therefore, would not disappear when an American loses their job or when a marriage ends or when a dependent becomes an adult. At a time when too many Americans simply do not have stable, reliable, adequate, affordable health insurance, a public plan option is vital to ensuring the consumers have another choice.

Americans should have the choice of a public health insurance plan which would work to close the gaps in our

patchwork health coverage system. There are many ways to design a public plan option for uninsured Americans and for underinsured Americans. I stand ready to work with Chairman BAUCUS and Chairman KENNEDY. I stand ready to work with Senate and House colleagues on how best to design this public plan option as part of our overall health reforms.

Health reform must include checks and balances, including private insurance and a public insurance option for the Americans we serve.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. CASEY. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CASEY. Mr. President, I rise to speak about the Casey-Leahy-Specter-Gillibrand amendment to S. 896, the Helping Families Save Their Homes Act.

Last year, Congress included \$4 billion in the Housing and Economic Recovery Act of 2008 for the redevelopment of abandoned and foreclosed homes and residential properties, which was a crucial step toward helping neighborhoods and communities recover from the devastating foreclosure crisis. In the American Recovery and Reinvestment Act, Congress again recognized the value of the neighborhood stabilization program and the grants that go with it, known by the shorthand NSP grants, by providing another \$2 billion, this time in a competitive grant program. When a program has that much support and is so widely recognized as doing good, we want to make sure we give the beneficiaries of the program as much flexibility in using resources to help our constituents as we can. That is what this amendment is about, to provide that kind of flexibility.

The amendment allows grantees to use up to 10 percent of neighborhood stabilization program funds for foreclosure prevention activities. That is, of course, defined by the Secretary of Housing and Urban Development. Predatory lending and the subprime mortgage crisis created a wave of foreclosures that has swept the country since 2006. Many communities, however, fear a second wave that will result from the severe loss of jobs in the economic downturn and the loss of value in homes. Borrowers unable to make monthly payments due to unemployment will not be able to refinance their homes because they have plummeted in value as a result of the housing market meltdown. My amendment would offer more flexibility to grantees to use these funds for this purpose.

I urge my colleagues, as we consider housing legislation this week and next, to be mindful that the foreclosure cri-

sis is not over. Foreclosure filings nationwide ballooned in March 2009, up 45 percent from a year ago, and in Pennsylvania we have had a total of 4,943 foreclosure filings in just the 1 month of March. The Durbin amendment that was voted on yesterday, which was unfortunately defeated, would have saved 1.7 million homes from foreclosure.

If we will not give borrowers the tools they need to save their homes, at least we can continue to provide resources to State and local governments, community organizations, housing counselors, and the thousands of attorneys who volunteer their time and expertise to helping homeowners and families in need.

I will continue to fight for funding for housing counseling and legal services to help families. I am grateful to Senators DODD and SHELBY for the underlying legislation which I believe is a step in the right direction.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Iowa is recognized.

Mr. HARKIN. I thank the Chair.

(The remarks of Senator HARKIN in pertaining to the introduction of S. 953 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ROXANA SABERI

Mr. DORGAN. Mr. President, I have come to speak about the subject of energy, but before I do that, I wish to speak about the issue of Roxana Saberi and the fact that she sits this morning in a 10-foot by 10-foot cell in Evin Prison just outside of Tehran, Iran.

Let me describe, as I have previously done so, this young woman. This is a picture of Roxana Saberi. She was born and raised and educated in Fargo, North Dakota. Her father came to this country from the country of Iran about 35 years ago. As a result, Roxana, born and raised in this country, is an American citizen. However, her father was an Iranian citizen and has Iranian citizenship. Thus, this young woman is considered an Iranian citizen as well.

Let me tell you a bit about her. She was an all-star scholar, an all-star athlete. She graduated from high school in Fargo, North Dakota. She got a bach-

elor's degree. She competed in the Miss North Dakota Pageant and was Miss North Dakota. She competed in the Miss America Pageant and was one of the 10 finalists in the pageant. She went to Northwestern University and got a master's degree at Northwestern University. She then went to Cambridge, England, and in Cambridge received a master's degree in international studies. She worked for a television station in North Dakota in the middle of all of that. Later, she went to Iran because she was very interested in her heritage. While in Iran, she reported for National Public Radio and BBC in England. She reported for those entities and many others.

At the end of January of this year, she was arrested by the Iranian authorities and put in prison. She was arrested, presumably for purchasing a bottle of wine. They threw her in prison. She was there incommunicado, unable to communicate with anyone for a good long while. She was later told her arrest was not for purchasing a bottle of wine but, rather, for reporting without a license—being a reporter and reporting without a license.

She was finally allowed about a 1-minute telephone call to her parents in the United States. Then she was allowed to see an attorney. Then they held a very brief, closed-door trial in Tehran, Iran and found her guilty, sentencing her to eight years in prison for espionage.

The Iranian Government went from purchasing a bottle of wine which justified her arrest and detention in prison, to reporting without a license, to espionage, and to an 8-year prison sentence. Today, Roxana Saberi sits in a 10-foot by 10-foot cell with two other women in that prison.

I visited this week with the Swiss Ambassador to Iran, who came to this country and stopped in to see me. The reason I mention the Swiss Ambassador is because we do not have an embassy in Iran nor do we have an ambassador there. We do not have diplomatic relations with this country, so the Swiss Embassy is our protectorate. So we have an intercessor. They have been working with us to talk with the Iranian officials.

This is an unbelievable miscarriage of justice and needs to be rectified. The fact is, the Iranian officials should understand that they have detained this young journalist and thrown her in prison. They have charged her with espionage and sentenced her to eight years in prison, thus the spotlight of the world is on them. Their credibility is at stake.

I hope the Iranian officials will do the right thing: release her from prison and allow her to leave the country of Iran. It is past time, long past the time for them to make the right judgment. They have made a number of wrong judgments in recent weeks and months. This young woman has been in prison since the end of January. It is a complete miscarriage of justice. For them

to charge her with being a spy and find her guilty of espionage is almost unbelievable. They know better than that. I call on the Iranian Government to release her from prison and allow her to leave the country of Iran.

Most governments in the world have now communicated with the country of Iran about this case. I hope we will not have to be talking about this case much longer. I hope the Iranian authorities and its Government will do the right thing.

Roxana Saberi should not be in prison. She is a very accomplished young woman who was in the country of Iran because she treasured her heritage. Because she was in Iran, she was apparently arrested on what I believe are trumped-up charges and has been sentenced in a way that completely defies any reasonable sense of justice.

Again, my hope is Iranian officials will begin to do the right thing and do it very soon. I call on them to release this young woman from prison and allow her to leave the country of Iran.

#### ENERGY POLICY

Mr. President, I wish to talk about energy policy. There are so many different issues we confront in this country, and we have been leapfrogging from one issue to another. We have a very serious financial crisis and financial collapse in this country. We have seen, month after month after month, 600,000, 650,000 people losing their jobs, in an economy that has substantially collapsed, and we are hoping now is at bottom. We are hoping we will begin to rebuild once again. But when we talk about 3.7 million people having lost their jobs just since this recession began. This is a very serious situation.

So the financial crisis that is one issue. On top of that, day after day we hear of other significant challenges—a crisis now that might turn out to be a pandemic dealing with swine flu, and requiring the U.S. Government to move very quickly to address that. I just described one issue in Iran. The reality is that we have a country that wishes to build a nuclear weapon and imprisons innocent young women. Further, there are concerns about North Korea and their actions in recent weeks. We have no end to challenges. We are trying to figure out what and where we go with respect to Afghanistan and Pakistan. What do we do about Iraq? How do we address the issue of terrorism? There is no end to the issues we face.

I have been in both Afghanistan and in Iraq and that region dealing with, not only the internal issues of both countries which are very difficult, but the issue of terrorism in the region is something very important to us.

My point is that we are working on many issues and all of them critically important. But let me describe one issue that, if something catastrophic happened some night about midnight, would put this country flat on its back. That concern is energy and our unbelievable dependence on foreign energy.

Let me put a chart up that shows oil consumption. This is a chart showing

the top oil consumers in the world. At the top of the chart is the United States. The next largest is China and so forth. We put little straws in this planet and suck oil out. We suck 85 million barrels of oil every day out of the Earth—85 million barrels a day! One-fourth of it is needed for the United States. Think of that: One-fourth of everything that is taken out of this planet in the form of oil is needed in this country. We have an unbelievable appetite for oil to turn into energy.

Another statistic: Of the 21 million barrels a day that we use in the United States, nearly 70 percent comes from outside our country. We are 70 percent dependent on oil supplies from outside of our country. Another statistic: Nearly 70 percent of all the oil that we use is used in the transportation sector. We get behind a steering wheel, put the key in the ignition, get the seat real comfortable, put whatever we are going to put in the cup holder, and away we go using oil. As I said, 70 percent of that which we use is used in transportation, and nearly 70 percent of that which we use comes from outside our country.

Think through for a moment: If somehow terrorists interrupted the supply of oil to this country or were able to destroy one of the major supply lines or one of the major facilities in Saudi Arabia or elsewhere, then we would be in very significant difficulty. This demonstrates how we are unbelievably dependent on oil.

I think we are going to continue to use oil, natural gas and fossil fuels in our future for a long time. We are going to need to use them differently by decarbonizing them and have less CO<sub>2</sub> emitted, but the fact is we are going to continue to use fossil energy. Much more importantly, how do we, even as we continue to use that oil, make the U.S. less dependent on that oil which others produce? Well, the way we do that, it seems to me, is to define a different kind of energy future. To decide that, we are going to produce renewable energy and that we are going to do so by maximizing the production of renewable energy domestically. If we are producing a lot of energy from the wind and a lot of energy from the sun, or biomass or other alternatives, it means we need to import less oil. That is a fact.

We are going to have a lot of debates, and it wasn't too many months ago on the floor of the Senate that we had folks coming with big signs that said: Drill, baby, drill. Drill, baby, drill. The whole notion was you have to drill more. Well, you know what, I am for drilling more. It makes sense to me.

By the way, if you are going to drill more, the place you would go, it seems to me, is in the eastern Gulf of Mexico—where you have substantial opportunities to achieve more production. The only area that has been newly opened in the Gulf of Mexico in recent years is something called lease 181,

which four of us, myself, Senator BINGAMAN, then-Senator Talent, and Senator Domenici introduced legislation to open. It got narrowed some, but we got it done, and that became law. They had a lease sale, and we now have the opportunity to get some energy from lease 181, which is a reasonably small area in the eastern gulf.

My point is: We should drill more. Let us drill where it makes sense and add to our stock. But the fact is, that in itself will not solve our problems. Senator VOINOVICH and I introduced legislation in recent weeks called the National Energy Security Act of 2009. It is bipartisan and addresses a wide range of issues of things we have to do to address this energy issue. Right now, in the authorization committee of the Energy and Natural Resources Committee, we are beginning to write a new energy bill as well, and I am pushing very hard to include those kinds of provisions in a new energy bill that will, I hope, come to the floor of the Senate reasonably soon.

Here are the kinds of things this represents—the achievements I think we have to strive for in a new energy bill. It is what we have included in the National Energy Security Act. Number 1, reduce our dependence on foreign oil; Number 2, increase domestic production—and that is not just oil but production of all sources of energy—Number 3, electrify and diversify our vehicle fleet because as I indicated, 70 percent of our energy is used in transportation; and by doing this we can move toward an electric drive future with respect to vehicles, and then even beyond that, hydrogen fuel cells with respect to the long-term future—Number 4, create a transmission superhighway; and, Number 5, train the energy workforce of tomorrow.

The transmission superhighway is a critical part of this because we don't have a transmission superhighway similar to the interstate highway system in this country. We have a transmission system that is kind of like an old inner tube with patches on it. Much of it is old, with some new, but it does not have a transmission capability that connects all of America. What we need to do is maximize the potential of renewable energy.

How do we do that? Well, the wind blows especially hard from Texas to North Dakota. What you need to do is to capture that wind energy and move it to where it is needed. For example in North Dakota, while it can produce a lot of wind energy—the Department of Energy calls it the Saudi Arabia of wind—North Dakota doesn't need the additional wind energy. But if it can produce it, it must move it to where it is needed. From Texas to California, in the heartland of our country, where you can produce a lot of energy from the wind, you need to have a modern grid that connects it to areas of the country that can use, and must have, the product of that wind energy.

I mean, this is simple. You take energy from the wind and, through a turbine, turn it into electricity. You can do a lot of things with it, but most notably you would put it on a grid and move it to where it is needed. Or you can, through electrolysis, separate hydrogen from water and store a hydrogen fuel from it.

This is an example of an interstate transmission system. We have all seen these. Actually, there are new technologies now that would allow it to be put underground and perhaps would be much more efficient and much less costly. But anyway, if you don't modernize the transmission grid and create a superhighway of transmission capability connecting all of America, you cannot possibly maximize wind energy or solar energy or biomass or others. You can't possibly do it. If we can get a bill to the floor of the Senate that is tepid or halting with respect to how we want to do this, or even whether we want to do it, we can talk until we are blue in the face. But we will not have done this country any favors in maximizing the production of renewable energy.

I mentioned a transmission system. The transmission system is necessary for wind and solar energy, and so on. Most of us now understand what this wind energy means. I know it was a fanciful idea not too many years ago to talk about getting energy from the wind, but with the new technology with respect to the turbines, you can put a big old tower up and some very large blades and you can grab energy from the wind and produce electricity. Once you put that tower up, you can make a few adjustments here or there, but for the next 30 years, you are going to be getting wind energy for virtually nothing. I understand we have to talk about maintenance, but understand that wind is free.

By the way, free energy comes from sun as well. As we know, the wind comes from different warming trends of the Earth, the sun shines all the time and has an unbelievable amount of energy that it focuses on the Earth, both in solar energy and wind energy. We need to harvest it and we need to take advantage of it with solar cells and a whole range of different approaches using solar and wind energy.

The only way it will work, however, is if we have, as I said, an interstate transmissions system. This system has three components to it that make it controversial: Who is going to plant it? Who is going to site it? And who is going to pay for it? Now, let me give a statistic. In the last 9 years, we have produced 11,000 miles of natural gas pipeline in this country, moving natural gas all around the country. During those 9 years, we have been able to build only 640 miles of high voltage transmission lines. Let me say that again. We have built 11,000 miles of natural gas pipeline, and during the same period we could only build 640 miles of high voltage transmission lines.

Why is that? It is because it is hard to build transmission lines. Nobody wants them to cross their interstate transmission lines. Talking about interstate now. They have proven very difficult to build because you have several different jurisdictions that have to give approval and a good many of them simply say, "Not in my back yard. Take a hike." We have to address those issues. Is it controversial? Sure it is. But if we don't address it, I guarantee you this country can talk and talk and talk about moving toward more renewable energy, but we will never get there. We will not get there. Now, if we do that—move toward more renewable energy and put it on transmission lines to move it where it is needed—it will allow us to move toward an electric drive future for our vehicles, which I think is very important.

I have often mentioned my first vehicle as a young kid was an antique—a 1924 Model T Ford. It is interesting—I will not tell the whole story about my Model T Ford—but I restored it in 2 years as a young teenage kid. I loved to do that stuff. When I got it running again, got it painted and all fixed up, it was a car that was serviceable, right? It was running. The Model T ran. The interesting thing about vehicles is that everything—everything—in a vehicle has changed since they made a Model T—everything. It doesn't matter what you talk about—tires, the radiator, the spark plugs, you name it—it has all changed. There is now computer capability. But the one thing that hasn't changed is the gas tank. The gas tank on that car that was built nearly a century ago is the same as the gas tank on the current vehicle. You filled it the same way as you do now: You looked for a gas pump, drove up there, stuck a hose in the tank and started pumping.

Nothing has changed about the way we fuel vehicles. But we have to change that. If 70 percent of our oil is used in the vehicle fleet—in transportation in this country—then we have to decide if we are going to be less dependent on Saudi Arabia and Kuwait and Venezuela and Iraq and so on, and change the way we fuel vehicles.

Here is a picture of an electric drive vehicle. I don't quite know the form, but we have electric drive vehicles on the road today. There is much more sophistication in the development of these vehicles. In my subcommittee, I put in \$2 billion in the economic recovery program for grants for battery technology because we want to lead the world in battery storage. That is part of the key to an electric drive future. We want to lead the world in storage capacity.

Some of the electric vehicles, perhaps—whether you have plug-in vehicles, plug-in hybrids, there are all kinds of different approaches—will run on batteries, and when the battery runs a bit low, there will be a tiny engine someplace that starts and provides some additional charging for the battery. There are all kinds of different

approaches, but the fact is we need to move in this direction, and I believe we will. But it will happen only if we decide as a country to embrace the policies that allow us to do it, and that is substantial additional development of renewable energy—the capability of building an interstate transmission system and getting it done with high voltage wires. If we do all that, we can change our energy future. That is a fact.

I mentioned a few moments ago about drilling. The fact that I want to maximize renewable energy doesn't mean I don't want to produce what we need to produce, and that is additional oil and natural gas, and continue to use coal as we decarbonize the use of coal. But in the legislation Senator VOINOVICH and I have introduced, we open the entire eastern gulf for expansion of drilling. This is a very important area where there is substantial additional opportunity for drilling. It is now closed, by the way. This little area, lease 181, is the area we opened, the four of us, by legislation in recent years. That is the only area that has been opened. We need to do this, and we need to demonstrate we are serious about energy and all forms of energy.

I have talked a lot about production and then moving it to where it is needed. Conservation is critically important, and in the legislation we have introduced, we have substantial conservation capability as well. But the fact is, when you save a barrel of oil, it is the same as producing a barrel of oil. I believe we have great opportunity to conserve.

While I am speaking, there are a whole lot of folks who left their homes to go to work today. They have all kinds of appliances plugged in. It is true at this point that the toaster is not pushed down, toasting bread, you know. Many of the appliances are not actually triggered, but they are still using some energy because they are plugged into the wall. At midnight and 2 o'clock and 4 o'clock in the morning, almost every home is still heating water. You tell me the name of somebody who is going to shower at 3 a.m. The whole country is heating water at 2 a.m.—for what? The point is, we can do a lot more and do it a lot better through conservation. That deals with the issues of smart grid and smart metering and a whole range of issues of that type.

If someone wonders whether all of this is important, I want to show you this black spot on the map. This is a map of the United States of America, and the lights show where electricity is used at night. You can see the population centers. But over here, there is one big black hole. That is because it is August 14, 2003, and 50 million people lost their electricity. Do you see that? Ohio to New York, 50 million Americans discovered the switch they used to flick up doesn't yield any energy, the toaster they used to push down doesn't produce any energy; no energy at all,

and all of a sudden you have a huge dark spot for 50 million Americans. If you wonder about the importance of this, I am talking about the reliability of a system for something we take advantage of every single day.

We are drafting a bill right now in the Energy Committee, and there is a great deal of disagreement about a renewable energy standard requirement that at least 15 percent of electricity is produced from renewables. That should not be controversial at all. In fact, I think a couple dozen states have gone way beyond the Congress on this issue. That should be a slam dunk, but it is not.

Building a transmission system—we are going to have a lot of opposition. But no country gets where it wants to go unless it sets a course. There is an old saying: If you don't care where you are, you are never lost. This country has to set a course and say: Here is where America wants to head for a decade. If, at the end of that decade, we are not less dramatically dependent on foreign oil for this country's energy needs, we are going to be held hostage for a lot of interests around this country. We need to do this, we need to do it right, and we need to do it soon.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

#### RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate at 1:31 p.m., recessed subject to the call of the Chair and reassembled at 1:34 p.m., when called to order by the Presiding Officer (Mr. BEGICH).

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, I ask unanimous consent that other than the pending Dodd-Shelby substitute amendment, the following be the only first-degree amendments in order to S. 896, and that they be subject to second-degree amendments which would be relevant to the amendments to which

offered, with a managers' amendment, which has been cleared by the managers and the leaders, in order, and that once it is offered, it be agreed to, and the motion to reconsider be laid on the table; that upon disposition of the listed amendments, the substitute amendment, as amended, if amended, be agreed to, the motion to reconsider be laid upon the table; that the bill, as amended, be read the third time, and the Senate proceed to vote on passage of the bill.

The list of amendments is as follows:

Vitter amendment No. 1016, pending; Vitter amendment No. 1017, pending; Corker amendment No. 1019, pending; Grassley amendment No. 1020; Grassley amendment No. 1021; Casey amendment No. 1033; Ensign amendment No. 1034; Kohl amendment No. 1037; Kerry amendment No. 1036; Thune amendment No. 1030; Boxer amendment No. 1035; DeMint amendment No. 1026; Isakson amendment No. 1027; Schumer amendment No. 1031; Reed amendment No. 1039; Feingold amendment No. 1032; Reed amendment No. 1040; Boxer amendment No. 1038.

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

Mr. REID. Mr. President, I ask unanimous consent that on Monday, May 4, at 5 p.m., there be 30 minutes of debate, equally divided and controlled between the Senators DODD and VITTER, or their designees, to debate concurrently the Vitter amendments Nos. 1016 and 1017; that at 5:30 p.m., the Senate proceed to vote in relation to the amendments in the order listed above; that no amendments be in order to either amendment prior to a vote in relation thereto, with 2 minutes of debate equally divided prior to each vote, with the second vote 10 minutes in duration.

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

#### MORNING BUSINESS

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

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

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard.

Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

As of late, the focus of our nation has been on the economy and, more specifically, the price of oil and gasoline and the effects it is having on normal Americans. Most media sources are running stories on the terrible effects of \$4-5 a gallon of gas are having on the average American consumer and their widespread financial hardships.

My sincere belief is that \$4 or \$5 a gallon gas while putting a dent in the wallet is not causing widespread financial hardship on the overwhelming majority of U.S. citizens. The monthly increase for Joe Average is roughly in the \$25-100 range. This amount should be easily absorbed by virtually everyone across the U.S. There are some people for whom an increase this minor would cause them to fall into bankruptcy, but they are the people who would most likely end up in this same situation for one reason or another and who have habits and a severe lack of financial and budgeting skills that need changed more than just a little cheaper gas.

I have worked my entire professional life in the banking industry and have had to foreclose on people who could not afford to have increases in their needed expenses such as utilities, transportation, healthcare or food during good times, economically speaking. These are the same people who could have absorbed these needed increases if they had merely given up cable TV or their \$150 per month cell phone. This is the same issue we are facing today. Some sacrifices will need to be made by Joe Average but Joe ought to be able to cut back on non-necessities and absorb the extra costs. If Joe Average refuses to make the changes to his daily habits, then we should not bail him out of a situation that he put himself in and refuses to change his ways in order to get out of.

The belief I have is that \$4-5 gas will actually be a major savior not only to the US but to the human race as a whole. The high prices will force us to innovate and bring technologies that have been available for years into the mainstream, to decrease our overall use of non-renewable energy and decrease our pollution levels. Even if one does not buy into the notion of global warming, we all know that breathing pollution is extremely harmful and expensive in terms of healthcare costs. Many pollution problems can be solved at the same time as our energy problems.

Significantly more money, in the multiple tens or hundreds of billions of dollars, needs to be spent on emerging energy-efficient technologies in order to secure a long term solution to energy and pollution problems; not to put a temporary band-aid on gas prices to win over a few votes. The peoples of the world look to the US to be a leader and innovator of new technologies and we have been sorely lacking for many years.

Most European countries and Japan are vastly further ahead both on efficiency and pollution control standards. We have many bright scientists, engineers and entrepreneurs in this country who have the ideas, goals and desires to accomplish this task; what they lack is the financial access to get the ideas into large-scale production. The U.S. vitally needs an effort on the scale of the Manhattan Project or the Apollo Program to get technology from its infancy and