

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1058. Mr. DODD (for himself and Mr. SHELBY) proposed an amendment to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Credit Card Accountability Responsibility and Disclosure Act of 2009” or the “Credit CARD Act of 2009”.

(b) **TABLE OF CONTENTS.**—

The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Regulatory authority.
- Sec. 3. Effective date.

TITLE I—CONSUMER PROTECTION

- Sec. 101. Protection of credit cardholders.
- Sec. 102. Limits on fees and interest charges.
- Sec. 103. Use of terms clarified.
- Sec. 104. Application of card payments.
- Sec. 105. Standards applicable to initial issuance of subprime or “fee harvester” cards.
- Sec. 106. Rules regarding periodic statements.
- Sec. 107. Enhanced penalties.
- Sec. 108. Clerical amendments.

TITLE II—ENHANCED CONSUMER DISCLOSURES

- Sec. 201. Payoff timing disclosures.
- Sec. 202. Requirements relating to late payment deadlines and penalties.
- Sec. 203. Renewal disclosures.
- Sec. 204. Internet posting of credit card agreements.

TITLE III—PROTECTION OF YOUNG CONSUMERS

- Sec. 301. Extensions of credit to underage consumers.
- Sec. 302. Protection of young consumers from prescreened credit offers.
- Sec. 303. Issuance of credit cards to certain college students.

TITLE IV—GIFT CARDS

- Sec. 401. General-use prepaid cards, gift certificates, and store gift cards.
- Sec. 402. Relation to State laws.
- Sec. 403. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

- Sec. 501. Study and report on interchange fees.
- Sec. 502. Board review of consumer credit plans and regulations.

SEC. 2. REGULATORY AUTHORITY.

The Board of Governors of the Federal Reserve System (in this Act referred to as the “Board”) may issue such rules and publish such model forms as it considers necessary to carry out this Act and the amendments made by this Act.

SEC. 3. EFFECTIVE DATE.

This Act and the amendments made by this Act shall become effective 9 months after the date of enactment of this Act, except as otherwise specifically provided in this Act.

TITLE I—CONSUMER PROTECTION

SEC. 101. PROTECTION OF CREDIT CARD-HOLDERS.

(a) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

(1) **AMENDMENT TO TILA.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(i) **ADVANCE NOTICE OF RATE INCREASE AND OTHER CHANGES REQUIRED.**—

“(1) **ADVANCE NOTICE OF INCREASE IN INTEREST RATE REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of an increase in an annual percentage rate (other than an increase due to the expiration of an introductory annual percentage rate, or due solely to a change in another rate of interest to which such rate is indexed) not later than 45 days prior to the effective date of the increase.

“(2) **ADVANCE NOTICE OF OTHER SIGNIFICANT CHANGES REQUIRED.**—In the case of any credit card account under an open end consumer credit plan, a creditor shall provide a written notice of any significant change, as determined by rule of the Board, in the terms (including an increase in any fee or finance charge, other than as provided in paragraph (1)) of the cardholder agreement between the creditor and the obligor, not later than 45 days prior to the effective date of the change.

“(3) **NOTICE OF RIGHT TO CANCEL.**—Each notice required by paragraph (1) or (2) shall be made in a clear and conspicuous manner, and shall contain a brief statement of the right of the obligor to cancel the account pursuant to rules established by the Board before the effective date of the subject rate increase or other change.

“(4) **RULE OF CONSTRUCTION.**—Closure or cancellation of an account by the obligor shall not constitute a default under an existing cardholder agreement, and shall not trigger an obligation to immediately repay the obligation in full or through a method that is less beneficial to the obligor than one of the methods described in section 171(c)(2), or the imposition of any other penalty or fee.”.

(2) **EFFECTIVE DATE.**—Notwithstanding section 3, section 127(i) of the Truth in Lending Act, as added by this subsection, shall become effective 90 days after the date of enactment of this Act.

(b) **RETROACTIVE INCREASE AND UNIVERSAL DEFAULT PROHIBITED.**—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended—

(1) by redesignating section 171 as section 173; and

(2) by inserting after section 170 the following:

“**SEC. 171. LIMITS ON INTEREST RATE, FEE, AND FINANCE CHARGE INCREASES APPLICABLE TO OUTSTANDING BALANCES.**

“(a) **IN GENERAL.**—In the case of any credit card account under an open end consumer credit plan, no creditor may increase any annual percentage rate, fee, or finance charge applicable to any outstanding balance, except as permitted under subsection (b).

“(b) **EXCEPTIONS.**—The prohibition under subsection (a) shall not apply to—

“(1) an increase in an annual percentage rate upon the expiration of a specified period of time, provided that—

“(A) prior to commencement of that period, the creditor disclosed to the consumer, in a clear and conspicuous manner, the length of the period and the annual percentage rate that would apply after expiration of the period;

“(B) the increased annual percentage rate does not exceed the rate disclosed pursuant to subparagraph (A); and

“(C) the increased annual percentage rate is not applied to transactions that occurred prior to commencement of the period;

“(2) an increase in a variable annual percentage rate, fee, or finance charge in accordance with a credit card agreement that

provides for changes according to an index or formula;

“(3) an increase due to the failure of the obligor to comply with the terms of a workout or temporary hardship arrangement, provided that the annual percentage rate, fee, or finance charge applicable to a category of transactions following any such increase does not exceed the rate, fee, or finance charge that applied to that category of transactions prior to commencement of the arrangement; or

“(4) an increase due solely to the fact that a minimum payment by the obligor has not been received by the creditor within 60 days after the due date for such payment, provided that the creditor shall—

“(A) include, together with the notice of such increase required under section 127(i), a clear and conspicuous written statement of the reason for the increase and that the increase will terminate not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments from the obligor during that period; and

“(B) terminate such increase not later than 6 months after the date on which it is imposed, if the creditor receives the required minimum payments during that period.

“(c) **REPAYMENT OF OUTSTANDING BALANCE.**—

“(1) **IN GENERAL.**—The creditor shall not change the terms governing the repayment of any outstanding balance, except that the creditor may provide the obligor with one of the methods described in paragraph (2) of repaying any outstanding balance, or a method that is no less beneficial to the obligor than one of those methods.

“(2) **METHODS.**—The methods described in this paragraph are—

“(A) an amortization period of not less than 5 years, beginning on the effective date of the increase set forth in the notice required under section 127(i); or

“(B) a required minimum periodic payment that includes a percentage of the outstanding balance that is equal to not more than twice the percentage required before the effective date of the increase set forth in the notice required under section 127(i).

“(d) **OUTSTANDING BALANCE DEFINED.**—For purposes of this section, the term ‘outstanding balance’ means the amount owed on a credit card account under an open end consumer credit plan as of the end of the 14th day after the date on which the creditor provides notice of an increase in the annual percentage rate, fee, or finance charge in accordance with section 127(i).”.

(c) **INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended by adding at the end the following:

“**SEC. 148. INTEREST RATE REDUCTION ON OPEN END CONSUMER CREDIT PLANS.**

“(a) **IN GENERAL.**—If a creditor increases the annual percentage rate applicable to a credit card account under an open end consumer credit plan, based on factors including the credit risk of the obligor, market conditions, or other factors, the creditor shall consider changes in such factors in subsequently determining whether to reduce the annual percentage rate for such obligor.

“(b) **REQUIREMENTS.**—With respect to any credit card account under an open end consumer credit plan, the creditor shall—

“(1) maintain reasonable methodologies for assessing the factors described in subsection (a);

“(2) not less frequently than once every 6 months, review accounts as to which the annual percentage rate has been increased since January 1, 2009, to assess whether such factors have changed (including whether any risk has declined);

“(3) reduce the annual percentage rate previously increased when a reduction is indicated by the review; and

“(4) in the event of an increase in the annual percentage rate, provide in the written notice required under section 127(i) a statement of the reasons for the increase.

“(c) **RULE OF CONSTRUCTION.**—This section shall not be construed to require a reduction in any specific amount.

“(d) **RULEMAKING.**—The Board shall issue final rules not later than 9 months after the date of enactment of this section to implement the requirements of and evaluate compliance with this section, and subsections (a), (b), and (c) shall become effective 15 months after that date of enactment.”.

(d) **INTRODUCTORY AND PROMOTIONAL RATES.**—Chapter 4 of the Truth in Lending Act (15 U.S.C. 1666 et seq.) is amended by inserting after section 171, as amended by this Act, the following:

“SEC. 172. ADDITIONAL LIMITS ON INTEREST RATE INCREASES.

“(a) **LIMITATION ON INCREASES WITHIN FIRST YEAR.**—Except in the case of an increase described in paragraph (1) or (2) of section 171(b), no increase in any annual percentage rate, fee, or finance charge on any credit card account under an open end consumer credit plan shall be effective before the end of the 1-year period beginning on the date on which the account is opened.

“(b) **PROMOTIONAL RATE MINIMUM TERM.**—No increase in any annual percentage rate applicable to a credit card account under an open end consumer credit plan that is a promotional rate (as that term is defined by the Board) shall be effective before the end of the 6-month period beginning on the date on which the promotional rate takes effect, subject to such reasonable exceptions as the Board may establish, by rule.”.

(e) **CLERICAL AMENDMENT.**—The table of sections for chapter 4 of the Truth in Lending Act is amended by striking the item relating to section 171 and inserting the following:

“171. Limits on interest rate, fee, and finance charge increases applicable to outstanding balances.

“172. Additional limits on interest rate increases.

“173. Applicability of State laws.”.

SEC. 102. LIMITS ON FEES AND INTEREST CHARGES.

(a) **IN GENERAL.**—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(j) **PROHIBITION ON PENALTIES FOR ON-TIME PAYMENTS.**—

“(1) **PROHIBITION ON DOUBLE-CYCLE BILLING AND PENALTIES FOR ON-TIME PAYMENTS.**—Except as provided in paragraph (2), a creditor may not impose any finance charge on a credit card account under an open end consumer credit plan as a result of the loss of any time period provided by the creditor within which the obligor may repay any portion of the credit extended without incurring a finance charge, with respect to—

“(A) any balances for days in billing cycles that precede the most recent billing cycle; or

“(B) any balances or portions thereof in the current billing cycle that were repaid within such time period.

“(2) **EXCEPTIONS.**—Paragraph (1) does not apply to—

“(A) any adjustment to a finance charge as a result of the resolution of a dispute; or

“(B) any adjustment to a finance charge as a result of the return of a payment for insufficient funds.

“(k) **OPT-IN REQUIRED FOR OVER-THE-LIMIT TRANSACTIONS IF FEES ARE IMPOSED.**—

“(1) **IN GENERAL.**—In the case of any credit card account under an open end consumer

credit plan under which an over-the-limit-fee may be imposed by the creditor for any extension of credit in excess of the amount of credit authorized to be extended under such account, no such fee shall be charged, unless the consumer has expressly elected to permit the creditor, with respect to such account, to complete transactions involving the extension of credit under such account in excess of the amount of credit authorized.

“(2) **DISCLOSURE BY CREDITOR.**—No election by a consumer under paragraph (1) shall take effect unless the consumer, before making such election, received a notice from the creditor of any over-the-limit fee in the form and manner, and at the time, determined by the Board. If the consumer makes the election referred to in paragraph (1), the creditor shall provide notice to the consumer of the right to revoke the election, in the form prescribed by the Board, in any periodic statement that includes notice of the imposition of an over-the-limit fee during the period covered by the statement.

“(3) **FORM OF ELECTION.**—A consumer may make or revoke the election referred to in paragraph (1) orally, electronically, or in writing, pursuant to regulations prescribed by the Board. The Board shall prescribe regulations to ensure that the same options are available for both making and revoking such election.

“(4) **TIME OF ELECTION.**—A consumer may make the election referred to in paragraph (1) at any time, and such election shall be effective until the election is revoked in the manner prescribed under paragraph (3).

“(5) **REGULATIONS.**—The Board shall prescribe regulations—

“(A) governing disclosures under this subsection; and

“(B) that prevent unfair or deceptive acts or practices in connection with the manipulation of credit limits designed to increase over-the-limit fees or other penalty fees.

“(6) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit a creditor from completing an over-the-limit transaction, provided that a consumer who has not made a valid election under paragraph (1) is not charged an over-the-limit fee for such transaction.

“(1) **LIMIT ON FEES RELATED TO METHOD OF PAYMENT.**—With respect to a credit card account under an open end consumer credit plan, the creditor may not impose a separate fee to allow the obligor to repay an extension of credit or finance charge, whether such repayment is made by mail, electronic transfer, telephone authorization, or other means, unless such payment involves an expedited service by a service representative of the creditor.”.

(b) **REASONABLE PENALTY FEES.**—

(1) **IN GENERAL.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.), as amended by this Act, is amended by adding at the end the following:

“SEC. 149. REASONABLE PENALTY FEES ON OPEN END CONSUMER CREDIT PLANS.

“(a) **IN GENERAL.**—The amount of any penalty fee or charge that a card issuer may impose with respect to a credit card account under an open end consumer credit plan in connection with any omission with respect to, or violation of, the cardholder agreement, including any late payment fee, over the limit fee, or any other penalty fee or charge, shall be reasonable and proportional to such omission or violation.

“(b) **RULEMAKING REQUIRED.**—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, shall issue final rules not later than 9 months after the date of enactment of

this section, to establish standards for assessing whether the amount of any penalty fee or charge described under subsection (a) is reasonable and proportional to the omission or violation to which the fee or charge relates. Subsection (a) shall become effective 15 months after the date of enactment of this section.

“(c) **CONSIDERATIONS.**—In issuing rules required by this section, the Board shall consider—

“(1) the cost incurred by the creditor from such omission or violation;

“(2) the deterrence of such omission or violation by the cardholder;

“(3) the conduct of the cardholder; and

“(4) such other factors as the Board may deem necessary or appropriate.

“(d) **DIFFERENTIATION PERMITTED.**—In issuing rules required by this subsection, the Board may establish different standards for different types of fees and charges, as appropriate.

“(e) **SAFE HARBOR RULE AUTHORIZED.**—The Board, in consultation with the Comptroller of the Currency, the Board of Directors of the Federal Deposit Insurance Corporation, the Director of the Office of Thrift Supervision, and the National Credit Union Administration Board, may issue rules to provide an amount for any penalty fee or charge described under subsection (a) that is presumed to be reasonable and proportional to the omission or violation to which the fee or charge relates.”.

(2) **CLERICAL AMENDMENTS.**—Chapter 3 of the Truth in Lending Act (15 U.S.C. 1661 et seq.) is amended—

(A) in the chapter heading, by inserting **“AND LIMITS ON CREDIT CARD FEES”** after **“ADVERTISING”**; and

(B) in the table of sections for the chapter, by adding at the end the following:

“148. Interest rate reduction on open end consumer credit plans.

“149. Reasonable penalty fees on open end consumer credit plans.”.

SEC. 103. USE OF TERMS CLARIFIED.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(m) **USE OF TERM ‘FIXED RATE’.**—With respect to the terms of any credit card account under an open end consumer credit plan, the term ‘fixed’, when appearing in conjunction with a reference to the annual percentage rate or interest rate applicable with respect to such account, may only be used to refer to an annual percentage rate or interest rate that will not change or vary for any reason over the period specified clearly and conspicuously in the terms of the account.”.

SEC. 104. APPLICATION OF CARD PAYMENTS.

Section 164 of the Truth in Lending Act (15 U.S.C. 1666c) is amended—

(1) by striking the section heading and all that follows through “Payments” and inserting the following:

“§ 164. Prompt and fair crediting of payments

“(a) **IN GENERAL.**—Payments”;

(2) by inserting “, by 5:00 p.m. on the date on which such payment is due,” after “in readily identifiable form”;

(3) by striking “manner, location, and time” and inserting “manner, and location”; and

(4) by adding at the end the following:

“(b) **APPLICATION OF PAYMENTS.**—

“(1) **IN GENERAL.**—Upon receipt of a payment from a cardholder, the card issuer shall apply amounts in excess of the minimum payment amount first to the card balance bearing the highest rate of interest, and then to each successive balance bearing the next highest rate of interest, until the payment is exhausted.

“(2) CLARIFICATION RELATING TO CERTAIN DEFERRED INTEREST ARRANGEMENTS.—A creditor shall allocate the entire amount paid by the consumer in excess of the minimum payment amount to a balance on which interest is deferred during the last 2 billing cycles immediately preceding the expiration of the period during which interest is deferred.”

“(c) CHANGES BY CARD ISSUER.—If a card issuer makes a material change in the mailing address, office, or procedures for handling cardholder payments, and such change causes a material delay in the crediting of a cardholder payment made during the 60-day period following the date on which such change took effect, the card issuer may not impose any late fee or finance charge for a late payment on the credit card account to which such payment was credited.”

SEC. 105. STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637), as amended by this Act, is amended by adding at the end the following new subsection:

“(n) STANDARDS APPLICABLE TO INITIAL ISSUANCE OF SUBPRIME OR ‘FEE HARVESTER’ CARDS.—

“(1) IN GENERAL.—If the terms of a credit card account under an open end consumer credit plan require the payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) by the consumer in the first year during which the account is opened in an aggregate amount in excess of 25 percent of the total amount of credit authorized under the account when the account is opened, no payment of any fees (other than any late fee, over-the-limit fee, or fee for a payment returned for insufficient funds) may be made from the credit made available under the terms of the account.

“(2) RULE OF CONSTRUCTION.—No provision of this subsection may be construed as authorizing any imposition or payment of advance fees otherwise prohibited by any provision of law.”

SEC. 106. RULES REGARDING PERIODIC STATEMENTS.

(a) IN GENERAL.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

“(o) DUE DATES FOR CREDIT CARD ACCOUNTS.—

“(1) IN GENERAL.—The payment due date for a credit card account under an open end consumer credit plan shall be the same day each month.

“(2) WEEKEND OR HOLIDAY DUE DATES.—If the payment due date for a credit card account under an open end consumer credit plan is a day on which the creditor does not receive or accept payments by mail (including weekends and holidays), the creditor may not treat a payment received on the next business day as late for any purpose.”

(b) LENGTH OF BILLING PERIOD.—

(1) IN GENERAL.—Section 163 of the Truth in Lending Act (15 U.S.C. 1666b) is amended to read as follows:

‘SEC. 163. TIMING OF PAYMENTS.

“(a) TIME TO MAKE PAYMENTS.—A creditor may not treat a payment on an open end consumer credit plan as late for any purpose, unless the creditor has adopted reasonable procedures designed to ensure that each periodic statement including the information required by section 127(b) is mailed or delivered to the consumer not later than 21 days before the payment due date.

“(b) GRACE PERIOD.—If an open end consumer credit plan provides a time period within which an obligor may repay any portion of the credit extended without incurring an additional finance charge, such additional

finance charge may not be imposed with respect to such portion of the credit extended for the billing cycle of which such period is a part, unless a statement which includes the amount upon which the finance charge for the period is based was mailed or delivered to the consumer not later than 21 days before the date specified in the statement by which payment must be made in order to avoid imposition of that finance charge.”

(2) EFFECTIVE DATE.—Notwithstanding section 3, section 163 of the Truth in Lending Act, as amended by this subsection, shall become effective 90 days after the date of enactment of this Act.

(c) CLERICAL AMENDMENTS.—The table of sections for chapter 4 of the Truth in Lending Act is amended—

(1) by striking the item relating to section 163 and inserting the following:

“163. Timing of payments.”; and

(2) by striking the item relating to section 171 and inserting the following:

“171. Universal defaults prohibited.

“172. Unilateral changes in credit card agreement prohibited.

“173. Applicability of State laws.”

SEC. 107. ENHANCED PENALTIES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended by striking “or (ii) in the” and inserting the following: “(iii) in the case of an individual action relating to an open end consumer credit plan that is not secured by real property or a dwelling, twice the amount of any finance charge in connection with the transaction, with a minimum of \$500 and a maximum of \$5,000, or such higher amount as may be appropriate in the case of an established pattern or practice of such failures; or (iv) in the”.

SEC. 108. CLERICAL AMENDMENTS.

Section 103(i) of the Truth in Lending Act (15 U.S.C. 1602(i)) is amended—

(1) by striking “term” and all that follows through “means” and inserting the following: “terms ‘open end credit plan’ and ‘open end consumer credit plan’ mean”; and

(2) in the second sentence, by inserting “or open end consumer credit plan” after “credit plan” each place that term appears.

TITLE II—ENHANCED CONSUMER DISCLOSURES

SEC. 201. PAYOFF TIMING DISCLOSURES.

(a) IN GENERAL.—Section 127(b)(11) of the Truth in Lending Act (15 U.S.C. 1637(b)(11)) is amended to read as follows:

“(11)(A) A written statement in the following form: ‘Minimum Payment Warning: Making only the minimum payment will increase the amount of interest you pay and the time it takes to repay your balance.’, or such similar statement as is established by the Board pursuant to consumer testing.

“(B) Repayment information that would apply to the outstanding balance of the consumer under the credit plan, including—

“(i) the number of months (rounded to the nearest month) that it would take to pay the entire amount of that balance, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(ii) the total cost to the consumer, including interest and principal payments, of paying that balance in full, if the consumer pays only the required minimum monthly payments and if no further advances are made;

“(iii) the monthly payment amount that would be required for the consumer to eliminate the outstanding balance in 36 months, if no further advances are made, and the total cost to the consumer, including interest and principal payments, of paying that balance in full if the consumer pays the balance over 36 months; and

“(iv) a toll-free telephone number at which the consumer may receive information about accessing credit counseling and debt management services.

“(C)(i) Subject to clause (ii), in making the disclosures under subparagraph (B), the creditor shall apply the interest rate or rates in effect on the date on which the disclosure is made until the date on which the balance would be paid in full.

“(ii) If the interest rate in effect on the date on which the disclosure is made is a temporary rate that will change under a contractual provision applying an index or formula for subsequent interest rate adjustment, the creditor shall apply the interest rate in effect on the date on which the disclosure is made for as long as that interest rate will apply under that contractual provision, and then apply an interest rate based on the index or formula in effect on the applicable billing date.

“(D) All of the information described in subparagraph (B) shall—

“(i) be disclosed in the form and manner which the Board shall prescribe, by regulation, and in a manner that avoids duplication; and

“(ii) be placed in a conspicuous and prominent location on the billing statement.

“(E) In the regulations prescribed under subparagraph (D), the Board shall require that the disclosure of such information shall be in the form of a table that—

“(i) contains clear and concise headings for each item of such information; and

“(ii) provides a clear and concise form stating each item of information required to be disclosed under each such heading.

“(F) In prescribing the form of the table under subparagraph (E), the Board shall require that—

“(i) all of the information in the table, and not just a reference to the table, be placed on the billing statement, as required by this paragraph; and

“(ii) the items required to be included in the table shall be listed in the order in which such items are set forth in subparagraph (B).

“(G) In prescribing the form of the table under subparagraph (D), the Board shall employ terminology which is different than the terminology which is employed in subparagraph (B), if such terminology is more easily understood and conveys substantially the same meaning.”

(b) CIVIL LIABILITY.—Section 130(a) of the Truth in Lending Act (15 U.S.C. 1640(a)) is amended, in the undesignated paragraph following paragraph (4), by striking the second sentence and inserting the following: “In connection with the disclosures referred to in subsections (a) and (b) of section 127, a creditor shall have a liability determined under paragraph (2) only for failing to comply with the requirements of section 125, 127(a), or any of paragraphs (4) through (13) of section 127(b), or for failing to comply with disclosure requirements under State law for any term or item that the Board has determined to be substantially the same in meaning under section 111(a)(2) as any of the terms or items referred to in section 127(a), or any of paragraphs (4) through (13) of section 127(b).”

(c) GUIDELINES REQUIRED.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary of the Treasury (in this section referred to as the “Secretary”) through the Office of Finance Education, in consultation with the Board, shall, by rule, regulation, or order, issue guidelines for the establishment and maintenance by creditors of a toll-free telephone number for purposes of the disclosures required under section 127(b)(11)(B)(iv) of the Truth in Lending Act, as added by this section.

(2) APPROVED AGENCIES.—Guidelines issued under this subsection shall ensure that referrals provided by the toll-free number referred to in paragraph (1) include only those agencies certified by the Secretary as meeting the criteria under this section.

(3) CRITERIA.—The Secretary shall only certify a nonprofit budget and credit counseling agency for purposes of this subsection that—

(A) demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides; and

(B) at a minimum—

(i) is registered as a nonprofit entity under section 501(c) of the Internal Revenue Code of 1986;

(ii) has a board of directors, the majority of the members of which—

(I) are not employed by such agency; and

(II) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

(iii) if a fee is charged for counseling services, charges a reasonable and fair fee, and provides services without regard to ability to pay the fee;

(iv) provides for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

(v) provides full disclosures to clients, including funding sources, counselor qualifications, possible impact on credit reports, any costs of such program that will be paid by the client, and how such costs will be paid;

(vi) provides adequate counseling with respect to the credit problems of the client, including an analysis of the current financial condition of the client, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

(vii) provides trained counselors who—

(I) receive no commissions or bonuses based on the outcome of the counseling services provided;

(II) have adequate experience; and

(III) have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in clause (vi);

(viii) demonstrates adequate experience and background in providing credit counseling;

(ix) has adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan; and

(x) is accredited by an independent, nationally recognized accrediting organization.

SEC. 202. REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.

Section 127(b)(12) of the Truth in Lending Act (15 U.S.C. 1637(b)(12)) is amended to read as follows:

“(12) REQUIREMENTS RELATING TO LATE PAYMENT DEADLINES AND PENALTIES.—

“(A) LATE PAYMENT DEADLINE REQUIRED TO BE DISCLOSED.—In the case of a credit card account under an open end consumer credit plan under which a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment, the periodic statement required under subsection (b) with respect to the account shall include, in a conspicuous location on the billing statement, the date on which the payment is due or, if different, the date on which a late payment fee will be charged, together with the amount of the fee

or charge to be imposed if payment is made after that date.

“(B) DISCLOSURE OF INCREASE IN INTEREST RATES FOR LATE PAYMENTS.—If 1 or more late payments under an open end consumer credit plan may result in an increase in the annual percentage rate applicable to the account, the statement required under subsection (b) with respect to the account shall include conspicuous notice of such fact, together with the applicable penalty annual percentage rate, in close proximity to the disclosure required under subparagraph (A) of the date on which payment is due under the terms of the account.

“(C) PAYMENTS AT LOCAL BRANCHES.—If the creditor, in the case of a credit card account referred to in subparagraph (A), is a financial institution which maintains branches or offices at which payments on any such account are accepted from the obligor in person, the date on which the obligor makes a payment on the account at such branch or office shall be considered to be the date on which the payment is made for purposes of determining whether a late fee or charge may be imposed due to the failure of the obligor to make payment on or before the due date for such payment.”.

SEC. 203. RENEWAL DISCLOSURES.

Section 127(d) of the Truth in Lending Act (15 U.S.C. 1637(d)) is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) in paragraph (1), by striking “Except as provided in paragraph (2), a card issuer” and inserting the following: “A card issuer that has changed or amended any term of the account since the last renewal that has not been previously disclosed or”.

SEC. 204. INTERNET POSTING OF CREDIT CARD AGREEMENTS.

(a) IN GENERAL.—Section 122 of the Truth and Lending Act (15 U.S.C. 1632) is amended by adding at the end the following new subsection:

“(d) ADDITIONAL ELECTRONIC DISCLOSURES.—

“(1) POSTING AGREEMENTS.—Each creditor shall establish and maintain an Internet site on which the creditor shall post the written agreement between the creditor and the consumer for each credit card account under an open-end consumer credit plan.

“(2) CREDITOR TO PROVIDE CONTRACTS TO THE BOARD.—Each creditor shall provide to the Board, in electronic format, the consumer credit card agreements that it publishes on its Internet site.

“(3) RECORD REPOSITORY.—The Board shall establish and maintain on its publicly available Internet site a central repository of the consumer credit card agreements received from creditors pursuant to this subsection, and such agreements shall be easily accessible and retrievable by the public.

“(4) EXCEPTION.—This subsection shall not apply to individually negotiated changes to contractual terms, such as individually modified workouts or renegotiations of amounts owed by a consumer under an open end consumer credit plan.

“(5) REGULATIONS.—The Board, in consultation with the other Federal banking agencies (as that term is defined in section 603) and the Federal Trade Commission, may promulgate regulations to implement this subsection, including specifying the format for posting the agreements on the Internet sites of creditors and establishing exceptions to paragraphs (1) and (2), in any case in which the administrative burden outweighs the benefit of increased transparency, such as where a credit card plan has a de minimis number of consumer account holders.”.

TITLE III—PROTECTION OF YOUNG CONSUMERS

SEC. 301. EXTENSIONS OF CREDIT TO UNDERAGE CONSUMERS.

Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

“(8) APPLICATIONS FROM UNDERAGE CONSUMERS.—

“(A) PROHIBITION ON ISSUANCE.—No credit card may be issued to, or open end consumer credit plan established by or on behalf of, a consumer who has not attained the age of 21, unless the consumer has submitted a written application to the card issuer that meets the requirements of subparagraph (B).

“(B) APPLICATION REQUIREMENTS.—An application to open a credit card account by a consumer who has not attained the age of 21 as of the date of submission of the application shall require—

“(i) the signature of a cosigner, including the parent, legal guardian, spouse, or any other individual who has attained the age of 21 having a means to repay debts incurred by the consumer in connection with the account, indicating joint liability for debts incurred by the consumer in connection with the account before the consumer has attained the age of 21; or

“(ii) submission by the consumer of financial information, including through an application, indicating an independent means of repaying any obligation arising from the proposed extension of credit in connection with the account.

“(C) SAFE HARBOR.—The Board shall promulgate regulations providing standards that, if met, would satisfy the requirements of subparagraph (B)(ii).”.

SEC. 302. PROTECTION OF YOUNG CONSUMERS FROM PRESCREENED CREDIT OFFERS.

Section 604(c)(1)(B) of the Fair Credit Reporting Act (15 U.S.C. 1681b(c)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end; and

(2) in clause (iii), by striking the period at the end and inserting the following: “; and

“(iv) the consumer report does not contain a date of birth that shows that the consumer has not attained the age of 21, or, if the date of birth on the consumer report shows that the consumer has not attained the age of 21, such consumer consents to the consumer reporting agency to such furnishing.”.

SEC. 303. ISSUANCE OF CREDIT CARDS TO CERTAIN COLLEGE STUDENTS.

Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following new subsection:

“(p) PARENTAL APPROVAL REQUIRED TO INCREASE CREDIT LINES FOR ACCOUNTS FOR WHICH PARENT IS JOINTLY LIABLE.—No increase may be made in the amount of credit authorized to be extended under a credit card account for which a parent, legal guardian, or spouse of the consumer, or any other individual has assumed joint liability for debts incurred by the consumer in connection with the account before the consumer attains the age of 21, unless that parent, guardian, or spouse approves in writing, and assumes joint liability for, such increase.”.

TITLE IV—GIFT CARDS

SEC. 401. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) by redesignating sections 915 through 921 as sections 916 through 922, respectively; and

(2) by inserting after section 914 the following:

“SEC. 915. GENERAL-USE PREPAID CARDS, GIFT CERTIFICATES, AND STORE GIFT CARDS.

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) DORMANCY FEE; INACTIVITY CHARGE OR FEE.—The terms ‘dormancy fee’ and ‘inactivity charge or fee’ mean a fee, charge, or penalty for non-use or inactivity of a gift certificate, store gift card, or general-use prepaid card.

“(2) GENERAL USE PREPAID CARD, GIFT CERTIFICATE, AND STORE GIFT CARD.—

“(A) GENERAL-USE PREPAID CARD.—The term ‘general-use prepaid card’ means a card or other payment code or device issued by any person that is—

“(i) redeemable at multiple, unaffiliated merchants or service providers, or automated teller machines;

“(ii) issued in a requested amount, whether or not that amount may, at the option of the issuer, be increased in value or reloaded if requested by the holder;

“(iii) purchased or loaded on a prepaid basis; and

“(iv) honored, upon presentation, by merchants for goods or services, or at automated teller machines.

“(B) GIFT CERTIFICATE.—The term ‘gift certificate’ means an electronic promise that is—

“(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

“(ii) issued in a specified amount that may not be increased or reloaded;

“(iii) purchased on a prepaid basis in exchange for payment; and

“(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

“(C) STORE GIFT CARD.—The term ‘store gift card’ means an electronic promise, plastic card, or other payment code or device that is—

“(i) redeemable at a single merchant or an affiliated group of merchants that share the same name, mark, or logo;

“(ii) issued in a specified amount, whether or not that amount may be increased in value or reloaded at the request of the holder;

“(iii) purchased on a prepaid basis in exchange for payment; and

“(iv) honored upon presentation by such single merchant or affiliated group of merchants for goods or services.

“(D) EXCLUSIONS.—The terms ‘general-use prepaid card’, ‘gift certificate’, and ‘store gift card’ do not include an electronic promise, plastic card, or payment code or device that is—

“(i) used solely for telephone services;

“(ii) reloadable and not marketed or labeled as a gift card or gift certificate;

“(iii) a loyalty, award, or promotional gift card, as defined by the Board;

“(iv) not marketed to the general public; or

“(v) issued in paper form only (including for tickets and events).

“(3) SERVICE FEE.—

“(A) IN GENERAL.—The term ‘service fee’ means a periodic fee, charge, or penalty for holding or use of a gift certificate, store gift card, or general-use prepaid card.

“(B) EXCLUSION.—With respect to a general-use prepaid card, the term ‘service fee’ does not include a one-time initial issuance fee.

“(b) PROHIBITION ON IMPOSITION OF FEES OR CHARGES.—

“(1) IN GENERAL.—Except as provided under paragraphs (2) through (4), it shall be unlawful for any person to impose a dormancy fee, an inactivity charge or fee, or a service fee

with respect to a gift certificate, store gift card, or general-use prepaid card.

“(2) EXCEPTIONS.—A dormancy fee, inactivity charge or fee, or service fee may be charged with respect to a gift certificate, store gift card, or general-use prepaid card, if—

“(A) there has been no activity with respect to the certificate or card in the 12-month period ending on the date on which the charge or fee is imposed;

“(B) the disclosure requirements of paragraph (3) have been met;

“(C) not more than one fee may be charged in any given month; and

“(D) any additional requirements that the Board may establish through rulemaking under subsection (d) have been met.

“(3) DISCLOSURE REQUIREMENTS.—The disclosure requirements of this paragraph are met if—

“(A) the gift certificate, store gift card, or general-use prepaid card clearly and conspicuously states—

“(i) that a dormancy fee, inactivity charge or fee, or service fee may be charged;

“(ii) the amount of such fee or charge;

“(iii) how often such fee or charge may be assessed; and

“(iv) that such fee or charge may be assessed for inactivity; and

“(B) the issuer of such certificate or card informs the purchaser of such charge or fee before such certificate or card is purchased, regardless of whether the certificate or card is purchased in person, over the Internet, or by telephone.

“(4) EXCLUSION.—The prohibition under paragraph (1) shall not apply to any gift certificate—

“(A) that is distributed pursuant to an award, loyalty, or promotional program, as defined by the Board; and

“(B) with respect to which, there is no money or other value exchanged.

“(c) PROHIBITION ON SALE OF GIFT CARDS WITH EXPIRATION DATES.—

“(1) IN GENERAL.—Except as provided under paragraph (2), it shall be unlawful for any person to sell or issue a gift certificate, store gift card, or general-use prepaid card that is subject to an expiration date.

“(2) EXCEPTIONS.—A gift certificate, store gift card, or general-use prepaid card may contain an expiration date if—

“(A) the expiration date is not earlier than 5 years after the date on which the gift certificate was issued, or the date on which card funds were last loaded to a store gift card or general-use prepaid card; and

“(B) the terms of expiration are prominently disclosed in all capital letters that are presented in at least 10-point type.

“(d) ADDITIONAL RULEMAKING.—

“(1) IN GENERAL.—The Board shall prescribe regulations to carry out this section, in addition to any other rules or regulations required by this title, including such additional requirements as appropriate relating to the amount of dormancy fees, inactivity charges or fees, or service fees that may be assessed and the amount of remaining value of gift certificate, store gift card, or general-use prepaid card below which such charges or fees may be assessed.

“(2) CONSULTATION.—In prescribing regulations under this subsection, the Board shall consult with the Federal Trade Commission.

“(3) TIMING; EFFECTIVE DATE.—The regulations required by this subsection shall be issued in final form not later than 9 months after the date of enactment of the Credit CARD Act of 2009.”

SEC. 402. RELATION TO STATE LAWS.

Section 920 of the Electronic Fund Transfer Act (as redesignated by this title) is amended by inserting “dormancy fees, inac-

tivity charges or fees, service fees, or expiration dates of gift certificates, store gift cards, or general-use prepaid cards,” after “electronic fund transfers.”

SEC. 403. EFFECTIVE DATE.

This title and the amendments made by this title shall become effective 15 months after the date of enactment of this Act.

TITLE V—MISCELLANEOUS PROVISIONS**SEC. 501. STUDY AND REPORT ON INTERCHANGE FEES.**

(a) STUDY REQUIRED.—The Comptroller General of the United States (in this section referred to as the “Comptroller”) shall conduct a study on use of credit by consumers, interchange fees, and their effects on consumers and merchants.

(b) SUBJECTS FOR REVIEW.—In conducting the study required by this section, the Comptroller shall review—

(1) the extent to which interchange fees are required to be disclosed to consumers and merchants, whether merchants are restricted from disclosing interchange or merchant discount fees, and how such fees are overseen by the Federal banking agencies or other regulators;

(2) the ways in which the interchange system affects the ability of merchants of varying size to negotiate pricing with card associations and banks;

(3) the costs and factors incorporated into interchange fees, such as advertising, bonus miles, and rewards, how such costs and factors vary among cards;

(4) the consequences of the undisclosed nature of interchange fees on merchants and consumers with regard to prices charged for goods and services;

(5) how merchant discount fees compare to the credit losses and other costs that merchants incur to operate their own credit networks or store cards;

(6) the extent to which the rules of payment card networks and their policies regarding interchange fees are accessible to merchants;

(7) other jurisdictions where the central bank has regulated interchange fees and the impact on retail prices to consumers in such jurisdictions;

(8) whether and to what extent merchants are permitted to discount for cash; and

(9) the extent to which interchange fees allow smaller financial institutions and credit unions to offer payment cards and compete against larger financial institutions.

(c) REPORT REQUIRED.—Not later than 180 days after the date of enactment of this Act, the Comptroller shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives containing a detailed summary of the findings and conclusions of the study required by this section, together with such recommendations for legislative or administrative actions as may be appropriate.

SEC. 502. BOARD REVIEW OF CONSUMER CREDIT PLANS AND REGULATIONS.

(a) REQUIRED REVIEW.—Not later than 2 years after the effective date of this Act and every 2 years thereafter, except as provided in subsection (c)(2), the Board shall conduct a review of the consumer credit card market, including—

(1) the terms of credit card agreements and the practices of credit card issuers;

(2) the effectiveness of disclosures of terms, fees, and other expenses of credit card plans;

(3) the adequacy of protections against unfair or deceptive acts or practices relating to credit card plans;

(4) the cost and availability of credit, particularly with respect to non-prime borrowers;

(5) the safety and soundness of credit card issuers;

- (6) the use of risk-based pricing; and
(7) credit card product innovation.

(b) SOLICITATION OF PUBLIC COMMENT.—In conducting the review required by subsection (a), the Board shall solicit comment from consumers, credit card issuers, and other interested parties, such as through hearings or written comments.

(c) REGULATIONS.—Following the review required by subsection (a), the Board shall publish notice in the Federal Register that—

(1) summarizes the review, the comments received from the public solicitation, and other evidence gathered by the Board, such as through consumer testing or other research, and

(2) proposes new or revised regulations or interpretations to update or revise disclosures and protections for consumer credit cards, as appropriate; or

(3) states the reasons for any determination of the Board that new or revised regulations are not proposed under paragraph (2).

SA 1059. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. EFFECTS OF HIGH COST CREDIT ON BANKRUPTCY PROCEEDINGS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by redesignating paragraph (27B) as paragraph (27C); and

(2) by inserting after paragraph (27A) the following:

“(27B) The term ‘high cost consumer credit transaction’ means an extension of credit by a ‘creditor’ (as defined in section 103 of the Truth in Lending Act (15 U.S.C. 1602(f))), resulting in a consumer debt that has an applicable annual percentage rate (as determined in accordance with section 107(a) of the Truth in Lending Act (15 U.S.C. 1606(a)), and including costs and fees incurred in connection with the extension of such credit) that exceeds, at any time while the credit is outstanding, the lesser of—

“(A) the sum of 15 percent and the yield on United States Treasury securities having a 30-year period of maturity; or

“(B) 36 percent.”.

(b) DISALLOWANCE OF CLAIMS.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

“(1) Notwithstanding subsections (a) and (b) of this section, the court shall disallow any claim arising from a high cost consumer credit transaction for the purpose of distribution under this title.”.

(c) EXCLUSION.—Section 707(b) of title 11, United States Code, is amended by adding at the end the following:

“(8) Paragraph (2) shall not apply in the case of a debtor who has any debts arising from a high cost consumer credit transaction.”.

SA 1060. Mr. WHITEHOUSE (for himself and Mr. SANDERS) submitted an amendment intended to be proposed by him to the bill H.R. 627, to amend the Truth in Lending Act to establish fair and transparent practices relating to the extension of credit under an open end consumer credit plan, and for other

purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 112. LIMITS ON ANNUAL PERCENTAGE RATES.

Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following:

“SEC. 141. LIMITS ON ANNUAL PERCENTAGE RATES.

“Notwithstanding any other provision of law, the annual percentage rate applicable to any consumer credit transaction (other than a residential mortgage transaction), including any fees associated with such a transaction, may not exceed the maximum rate permitted by the laws of the State in which the consumer resides.”.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a business meeting has been scheduled before Committee on Energy and Natural Resources. The business meeting will be held on Wednesday, May 13, 2009, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the business meeting is to consider pending nominations and pending energy legislation.

For further information, please contact Sam Fowler at (202) 224-7571 or Amanda Kelly at (202) 224-6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Thursday, May 14, 2009, at 2:30 p.m., in room SD-366 of the Dirksen Senate office building.

The purpose of the hearing is to receive testimony on S. 1013, the Department of Energy Carbon Capture and Sequestration Program Amendments Act of 2009.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Rosemarie_Calabro@energy.senate.gov

For further information, please contact Allyson Anderson at (202) 224-7143 or Rosemarie Calabro at (202) 224-5039.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. SCHUMER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, May 13, 2009, at 10 a.m., to hear testimony on “Problems for Military and Overseas Voters: Why Many Soldiers and Their Families Can’t Vote.”

For further information regarding this meeting, please contact Lynden Armstrong at the Rules and Administration Committee on 202-224-6352.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs’ Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on Monday, May 11th, 2009 at 1 p.m. to conduct a hearing entitled, “Making the Census Count in Urban America.”

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

PRIVILEGES OF THE FLOOR

Mr. DODD. I ask unanimous consent that members of my staff, Deborah Katz and Joe Valenti, be granted the privileges of the floor for the duration of the consideration of this bill.

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

EXECUTIVE SESSION

NOMINATION OF DAVID J. HAYES

Mr. REID. Madam President, I now move that the Senate go to executive session to consider Calendar No. 31, the nomination of David J. Hayes to be Deputy Secretary of the Interior.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

The clerk will report the nomination.

The legislative clerk read the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

CLOTURE MOTION

Mr. REID. Madam President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of David J. Hayes, of Virginia, to be Deputy Secretary of the Interior.

Harry Reid, Mark Begich, Jeff Merkley, Max Baucus, Patty Murray, Jon Tester, Jack Reed, Jeanne Shaheen, Barbara A. Mikulski, Debbie Stabenow, Tom Harkin, Robert Menendez, Byron L. Dorgan, Mark Pryor, Bernard Sanders, Sherrod Brown, Barbara Boxer.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum be waived.

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

LEGISLATIVE SESSION

Mr. REID. Madam President, I ask unanimous consent that the Senate return to legislative session.