

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

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

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

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

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

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

spends their free time reading the Uniform Commercial Code in order to make sense out of these credit card agreements.

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

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### MORNING BUSINESS

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

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

#### MITCHELL SCHOLARSHIP PROGRAM

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

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

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

#### PRESIDENT OBAMA'S FIRST 100 DAYS

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

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

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

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

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

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

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

a daunting task alone and I tend to agree with them. However, so far, the President has done very little on his end to make good on that promise and that has been his biggest failing during the first 100 days.

The problems began right out of the gate when the Congress debated the SCHIP reauthorization language. I was an original author of the SCHIP program and had been one of its strongest supporters. In fact, over the years, a number of Republicans in this Chamber—including myself and Senator GRASSLEY—had endured a lot of criticism among our more conservative constituents over our support for the SCHIP program.

During the 110th Congress, we worked with the Democratic majority to forge a bipartisan compromise in order to ensure widespread support for reauthorizing this program. This included some common-sense proposals to ensure the program was an efficient use of taxpayer funds. Yet, when the 111th Congress convened, the President and his supporters in Congress left that compromise on the side of the road and instead chose to push through a more expansive and liberal version of the bill. In the end, the bill passed on a vote divided on partisan lines.

So, in the earliest days of his administration, the President was presented an easy opportunity to place unity and bipartisanship ahead of a far-left Democratic agenda and, unfortunately for the SCHIP program, he balked and, in doing so, he set the tone for the early months of his Presidency.

Shortly thereafter, the President came to Congress with a proposed “stimulus package” at a pricetag of nearly a \$1 trillion. Although it was eventually reduced to \$790 billion, the “stimulus package” basically read like a wish-list of long-time Democratic policy priorities and had very little to do with actually stimulating the economy. For example, small businesses, which create 70 percent of the new jobs in this country, went virtually unnoticed in the President’s “stimulus” bill, which focused more on expanding the Federal Government and providing “tax credits” for millions of Americans who don’t pay any taxes.

The President had an opportunity to work with Republicans on the “stimulus” and include ideas that are proven to have immediate economic impacts—like reducing the highest corporate tax rates in the industrialized world to keep businesses in the U.S. or tax credits to address the housing crisis.

Instead, he chose to cut Republicans almost entirely out of the negotiations and was content to have the support of only three members of the minority voting in favor, one of whom officially joined the majority earlier this week.

Almost as disappointing as the substance of the bill was the President’s tactics in debating the “stimulus.” Rather than acknowledging sincere policy differences between Democrats and Republicans, he accused the Re-

publicans of wanting to do nothing, which was anything but the truth. This too has become an unfortunate, yet commonly used, tactic used by the Obama administration.

The partisan recklessness continued into the debate over the President’s budget. I have been in the Senate now for 33 years and I can say without reservation that President Obama’s first budget is the most poorly crafted budget I have ever seen. In 1 year, the President’s budget will quadruple the Federal deficit—That is the case even if you use the President’s own estimates. Following the President’s budget will create more debt than was created under every President from George Washington through George W. Bush combined. It also contains the largest tax increase in history of our union. And, under the Obama budget, government spending could end up as high as 40 percent of the GDP within the space of only a few years.

In order to assuage such concerns—or at least in order to pretend to do so—the President has claimed that his budget will cut the deficit in half over 5 years. So, he will quadruple the deficit in 1 year—but we don’t have worry because, 5 years from now, he will cut that deficit in half? Does anyone really think the President was considering his promises of bipartisanship when drafting this budget?

It is not only the size of the budget, but its priorities. Like the stimulus bill, the President’s budget reads like a policy manifesto for far-left Democrats. Worse still, the President and congressional majority have declared their intentions to use the budget reconciliation process in order to enact major pillars of their domestic policy platform, including an expansive government-run health care program and an energy tax euphemistically referred to as “cap and trade.” These are bills the President couldn’t get passed through regular order, even with the large Democratic majorities. So, instead, he seems willing and able to force them through with little substantive debate, leaving the minority completely out of the equation.

Once again, it appears that the President’s promise of increased bipartisanship came with an expiration date.

I wish this was all, but unfortunately it is not. The President’s failure to live up to his promises of bipartisanship extends into the national security sphere. One of his very first actions as President was to order the closure of the Guantanamo Bay prison facility. Of course, he didn’t have an alternative plan in place, only the stated desire to close the prison and to cast aspersions on his predecessor’s efforts to protect our country’s national security. Such inane details—like what we will do with these dangerous captives once the facility closes—could wait until later, the President had a political statement to make.

Just 2 weeks ago, President Obama opted to selectively declassify memos

drafted by the Office of Legal Counsel during the Bush administration relating to CIA interrogation tactics. Instead of providing the American people real context about these tactics—their successes and failures—the President opted to placate those on the far left who want nothing less than an indictment and trial of our former President. He did this for the stated purpose of clearing the air and moving forward, yet he left open the possibility of prosecuting former Bush officials whose only alleged crimes were to offer legal opinions. One would think that a President who is truly interested in bipartisanship and moving forward would avoid further politicizing such contentious issues. Yet, as a result of the President’s lack of leadership, we may be looking at months and years of show trials in order to pacify those on the far left who would criminalize policy differences in order to exact political vengeance on the Bush administration. I hope that this will not be the case and that the President will change course on these issues.

Now, to be fair, the President has made some good decisions during his first 100 days and I am not unwilling to give him credit where it is due. For example, he ended the ban on Federal funding for embryonic stem cell research. I have supported taking such measures for many years as I believe that this research has the potential to revolutionize medicine in this country. This was, in my view, a wise decision on the part of the President and I have commended him for it.

Likewise, the President exercised true leadership in helping Congress to pass the Edward M. Kennedy Serve America Act, a new law that will revolutionize volunteer service in this country. This bill was a long-time coming and had the support of a bipartisan coalition here in the Senate. Beginning with his address before Congress in February, President Obama got involved in helping this legislation move forward and, as a result, many people throughout the country will be given more opportunity to serve in their neighborhoods and to do much of the heavy lifting in fixing our Nation’s problems. I have both publicly and privately thanked the President for his support of the Serve America Act.

Sadly, such instances of true bipartisanship have been few and far between.

Some may believe I am being too hard on the President or that my concerns are just sour grapes over my own partisan disagreements with the President’s agenda. But, from the day he was inaugurated, I have continually expressed my willingness to work with President Obama. After all, this is my country too and I want him to succeed. My record in being willing and able to work with Members of both parties speaks for itself. But, in my opinion, success in addressing the major issues facing our country—including health care, energy, and our crippling entitlement programs—will require the work

and ideas of both parties. So far, with very few exceptions, the President seems all too willing to keep his own counsel and that of his fellow Democrats on how to address these issues. This is not the type of government he promised on the campaign trail and, quite frankly, I think it has led to policy results that, at best, have to be considered questionable.

Going forward, I hope that, instead of cursory gestures and empty statements encouraging bipartisanship, President Obama makes a real effort to listen to and accept ideas from both sides of the aisle. That will take real courage and leadership and, thus far, I don't know that he has demonstrated much of either.

#### FREE MEDIA IN THE OSCE REGION

Mr. CARDIN. Mr. President, earlier this month we marked World Press Freedom Day, a timely opportunity to draw attention to the plight of journalists and others involved in the press and media in the OSCE—Organization for Security and Co-operation in Europe—region. While all 56 OSCE countries have accepted specific commitments on media and working conditions for journalists, the difficulty remains translating words on paper into deeds in practice. Today, many courageous journalists are working under tremendously difficult conditions, often at great personal risk, with some paying the ultimate price for their journalistic pursuits.

According to the U.S.-based Committee to Protect Journalists, CPJ, nearly a dozen journalists and their colleagues have been killed in the OSCE region since last year's observance. Among those slain in Russia were Anastasiya Baburova, of Novaya Gazeta; Shafiq Amrakhov, of RIA 51; Telman Alishaya, of TV-Chirkei; and Magomed Yevloyev, owner of the popular Web site Ingushetiya, who was killed while in police custody. Scores of journalists have been murdered in Russia alone since the early 1990s.

Others slain over the past 12 months included Ivo Pukanic and Niko Franjic, both of Nacional, in Croatia; and freelance journalists Alexander Klimchuk and Grigol Chikhladze, with Caucasus Images, as well as Dutch RL/T TV veteran cameraman Stan Storimans, killed in the conflict zone during the war in Georgia last August. Besides war correspondents, victims often include investigative journalists covering politics, corruption, and human rights.

We are approaching the fifth anniversary of the slaying of American journalist Paul Klebnikov in Moscow. I call upon the Russian authorities to bring to justice all of those responsible in any way for his murder.

As chairman of the Helsinki Commission, I note the vital work undertaken by the OSCE Representative on Freedom of the Media, Miklos Haraszti, a tireless advocate for freedom of expres-

sion and the courageous journalists who pursue their profession, sometimes at great personal risk. The reports of the OSCE Representative on Freedom of the Media are available at: <http://www.osce.org/fom/>. Freedom of expression, free media, and information has been selected as a special focus topic for the OSCE's annual Human Dimension Implementation Meeting, scheduled to be held in Warsaw, Poland, this fall.

#### NOMINATION OF DAVID HAYES

Mr. INHOFE. Mr. President, I would like to speak on the nomination of David Hayes to be Deputy Secretary of the Interior. The Department of Interior has made some key decisions in the past few months that I think warrant special attention and discussion before we vote on this nominee. I also want to note that several issues surrounding this nominee fall under the jurisdiction of the Environment and Public Works Committee, on which I serve as ranking member. As Deputy Secretary at the Department of Interior, Mr. Hayes would oversee the implementation of the Endangered Species Act, a law that the EPW Committee oversees.

As chairman of the EPW Committee for 4 years, and now in my third year as ranking member, I have worked a considerable amount with the Department of Interior, specifically the Fish and Wildlife Service, and its implementation of the Endangered Species Act. As ranking member, one of my roles is to exercise rigid oversight of executive branch actions under EPW jurisdiction. In the past, I have seen many good things come from the Department of Interior, such as the Partners for Fish and Wildlife Program, which conserves habitat by leveraging Federal funds through voluntary private landowner participation, as well as the delisting of the Bald Eagle, showing what good the ESA can accomplish. However, recent actions to reverse rules related to ESA have bothered me.

Through my role as ranking member on the EPW Committee, I have become concerned with the possibility of the ESA being used as a backdoor for greenhouse gas regulation following the listing of the polar bear as a threatened species. In April, I joined other Senators in a letter to Commerce Secretary Locke urging him not to reverse regulations preventing the Endangered Species Act from regulating carbon dioxide. Now as we move to debate the David Hayes nomination this week, we must again carefully consider the motives of this administration in using the Endangered Species Act. ESA should be used as a tool for protecting truly threatened and endangered species, not for controlling the emissions of greenhouse gases from potentially every source, big or small, in America.

Two weeks ago, I voted for Tom Strickland to become the new Assistant Secretary for Fish, Wildlife, and

Parks, after he was reported out of our committee. As with David Hayes, I took issue with the nomination of Assistant Secretary Strickland, raising questions concerning the administration's decision to reverse rules on the listing of the polar bear and modifications to the section 7 consultation process. Thankfully, just last week, Assistant Secretary Strickland and Secretary Salazar upheld the polar bear rule. While the decision by Interior to retain this rule shows good judgment by this administration, potential lawsuits by radical environmental groups still threaten to undermine the original intent of the Endangered Species Act.

What is most troublesome, however, is the decision by Interior to overturn the section 7 consultation rule in complete disregard of the Administrative Procedures Act. That is in direct contrast to President Obama's commitment to transparency and public process. Moreover, revoking this rule forces Federal agencies to consult with the Fish and Wildlife Service for each new Federal action that may result in the emission of greenhouse gases. Under the ESA, a Federal action agency is required to initiate consultation with the Fish and Wildlife Service or the National Marine Fisheries Service if it determines that the effects of its action are anticipated to result in the "take"—including potential harm—of any listed species, or the destruction or adverse modification of designated critical habitat. This includes actions the agency takes itself, actions that are federally funded, as well as the issuance of a Federal permit or license for a private party.

The final rule as published last December exempted from consultation actions which are "manifested through global processes and (i) cannot be reliably predicted or measured at the scale of a listed species' current range, or (ii) would result at most in an extremely small, insignificant impact on a listed species or critical habitat, or (iii) are such that the potential risk of harm to a listed species or critical habitat is remote." Unfortunately, after Interior's recent decision to reverse this rule, Federal agencies are again subjected to consulting Fish and Wildlife Services in these areas. This is a very costly process, which would cover any number of highway and construction projects, including, among others, those under the jurisdiction of the Army Corps of Engineers.

Senator MURKOWSKI, the ranking member of the Senate Energy Committee, has made her position very clear on Mr. Hayes by placing a hold on his nomination until her questions to Secretary Salazar are fully answered. The Department, and environmental groups, could manipulate the Endangered Species Act and the polar bear listing for purposes never intended by Congress. Moreover, repealing regulations without public hearings or public comment is a bad way to start an administration, as it signals to the public