

health care to be privatized? Overwhelmingly, no.

In recent years, the Senator from Ohio, I, and others, have worked to substantially increase funding for federally qualified community health care centers all over this country. These are the most cost-effective ways of providing quality health care, dental care, low-cost prescription drugs, mental health counseling.

The people of this country want those. I hope we have success in expanding that program. But I get a little bit tired of hearing from some of our friends on the other side who tell us: Oh, people do not want government involved in health care. Well, you tell that to seniors. Tell them you want to privatize Medicare. Tell that to the veterans, that you want to privatize the VA.

The fact is, as the Senator from Ohio indicated, we are wasting tens and tens of billions of dollars every year in bureaucracy, in billing, in excessive CEO salaries through private health insurance companies. At the very least, the people of this country are demanding, and we must bring forth, a strong—underline “strong”—public option within any health care reform program we develop.

Mr. BROWN. I thank the Senator from Vermont. It is pretty clear, and I think this Congress is going to do the right thing. The President, when he met with us last week, as he promised in his campaign, was strongly in favor of purchasing insurance from the Medicare look-alike plan or private plans or either one or keeping what they already have.

The President has spoken strongly on it for months. The majority of this Congress wants to do the same. I am hopeful that is what we will do in the months ahead.

HONORING OUR ARMED FORCES

SERGEANT JUSTIN DUFFY

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SGT Justin J. Duffy, age 31, who was killed in Iraq on June 2, 2009.

Sergeant Duffy was born in Moline, IL. As a child, his family moved to Cozad, NE, where he graduated from high school in 1995. He earned a degree in criminal justice from the University of Nebraska-Kearney. Duffy worked at Eaton Corporation for 5 years, where he was recognized for his work ethic and leadership ability and promoted to a supervisor position. His colleagues and friends said Duffy was the kind of person who never missed a day on the job and was always on time and ready to work. This young man stood out among his peers and always sought a challenge, so it came as no surprise to his friends and family when he decided to join the Army, enlisting in May 2008.

Sergeant Duffy's father Joe said the U.S. Army had attracted his son because he wanted adventure and needed more of a challenge and he believed

that desire would be fulfilled by serving in the military. His time with the U.S. Army was marked by success; one of his proudest accomplishments was his quick rise to Sergeant, beating the standard time it normally takes to achieve that rank. Sergeant Duffy was assigned to the 3rd Brigade Combat Team, 82nd Airborne Division. While in Iraq, Sergeant Duffy's team was responsible for escort security for high-ranking military leadership.

Sergeant Duffy passed away in eastern Baghdad after an improvised explosive device detonated near the humvee he was driving; three of his fellow soldiers were also wounded in the blast. Sergeant Duffy served his country honorably and made the ultimate sacrifice for his fellow Americans. His life and service represents an example we should all strive to emulate.

SGT Justin Duffy leaves behind his parents Joe and Janet Duffy of Cozad, NE; his grandfather LeRoy Hood of Moline, IL; and two sisters Jenny of Grand Island, NE, and Jackie of Yuma, AZ. He will forever be remembered by his family and friends as the kind of person who was quick to jump in wherever he was needed; some even labeled him a shepherd, as he always looked out for family, friends, and even strangers. I join all Nebraskans today in mourning the loss of Sergeant Duffy and offering our deepest condolences to his family.

SPECIALIST JEREMY R. GULLETT

Mr. BUNNING. Mr. President, I would like to invite my colleagues to join me in recognizing Greenup County, KY, for paying tribute to Army SPC Jeremy R. Gullett.

SPC Jeremy R. Gullett served in the 4th Battalion, 320th Field Artillery Regiment of the 101st Airborne Division based out of Fort Campbell. He lost his life in the line of duty on May 7, 2008, in the Sabari District of Afghanistan.

This evening Greenup County will have a dedication ceremony to name a local bridge after Specialist Gullett, honoring his life and service to our Nation. The bridge will serve as a reminder to all of those who live or travel through Greenup County of the sacrifice Specialist Gullett made for our freedom.

A member of the Greenup County High School Class of 2003, Specialist Gullett participated in his high school's Junior ROTC program and joined our Nation's Armed Forces soon after earning his diploma. In addition to serving under our Nation's armed services, Specialist Gullett was a member of Little Sandy Volunteer Fire Department and Veterans of Foreign Wars, dedicating his life to service domestically and internationally.

Specialist Gullett's sacrifice for our Nation will forever be a reminder that freedom comes at a high cost. We should never take for granted the sacrifice that men and women make daily in all branches of the Armed Forces.

As we commemorate the life and service of SPC Jeremy Gullett, my

thoughts and prayers are with his friends and family. All Kentuckians and Americans are deeply indebted to Specialist Gullett.

DECEPTIVE MARKETING

Mr. LEVIN. Mr. President, last month the Senate passed and the President signed H. R. 627, the Credit CARD Act of 2009. Thanks to the hard work of Senator DODD, Senator SHELBY, Representative MALONEY, many other Members of Congress, and the multitude of fed-up citizens who protested unfair treatment by credit card companies, this landmark bill to protect consumers from abusive credit card practices was passed over the objections of powerful lobbies. Millions of Americans will benefit now that some balance of power is being restored between card holders and card issuers.

Today, I want to thank Senator DODD and Senator SHELBY for including in the Credit CARD Act a provision that I authored and that was cosponsored by Senator COLLINS and Senator MENENDEZ, to stop the deceptive marketing of free credit reports. I would also like to thank Senator PRYOR for working with me to address his concerns about the provision.

Credit reports are a record of an individual's history of receiving and repaying loans, and they frequently contain errors. At the same time, these credit reports are used to calculate the credit scores that have become so central to evaluating a person's creditworthiness. Credit scores are used to determine whether someone will qualify for a credit card, what interest rate they will get, and whether and when that rate will increase. Credit scores perform a similar function for home mortgages, car loans, and consumer lines of credit. Some companies use these scores to screen applicants for apartments, insurance, security clearances, and even jobs. The important role a credit score plays in our everyday lives makes it all the more critical that the reports used to calculate these scores are accurate and accessible to consumers.

In the United States, three large nationwide credit reporting companies, often called “credit bureaus,” compile and maintain credit reports for the vast majority of consumers. Until Congress passed the Fair and Accurate Credit Transactions, FACT, Act of 2003, consumers had to pay a fee in order to access or attempt to correct the information in their credit reports.

The FACT Act gave consumers the right to a free annual report from each of the nationwide consumer reporting companies. The FTC mandated the establishment of a website, AnnualCreditReport.com, to provide consumers access to their federally mandated free credit reports. In these difficult economic times, it is critical that consumers have a clear understanding of their right to get a free annual report, an easy way to obtain

those reports, and the ability to correct any mistakes since mistakes in a credit report could cost someone a loan or a job.

Today, however, television, radio, and the internet are awash in misleading advertisements for free credit reports. A cottage industry has sprung up of unscrupulous marketers who confuse or deceive consumers into buying products or services they may not need or want by tying the purchases to the offer of a so-called “free credit report.” Many of these marketers deliberately obscure the difference between the free reports to which consumers have a right under Federal law—which come with no strings attached—and the “free reports” that marketers condition on purchases of credit monitoring, credit scores, or other products.

Deceptive advertisements direct consumers to contact commercial sources unaffiliated with the government-authorized AnnualCreditReport.com. Consumers who request “free” credit reports from these sources often find they have unwittingly signed up for credit monitoring or other services they must pay for. Some of these offers include notice that they are not affiliated with the federally mandated free report, and that consumers who accept the offer will either have to pay for another product or cancel a “trial membership” within a short time to avoid being charged. These disclaimers, however, are often buried in fine print or appear in places where most consumers won’t see them. They simply are not adequate to correct the overall impression that the offer is for the free, no-strings-attached credit report available under federal law. Deceptive advertisements using free credit reports as bait are particularly destructive, because they take advantage of a consumer’s general knowledge that free credit reports are available under law, and subvert the law’s intent to protect consumers.

The FTC has received hundreds of complaints from consumers who have been confused or deceived into paying for what they thought was their free report provided by law. The Better Business Bureau reports that just one prominent advertiser of free credit reports, FreeCreditReport.com, has been the subject of more than 9,600 complaints over the last 36 months. FreeCreditReport.com requires a potential customer to provide a credit card number in order to establish an account and request a credit report. Many consumers assume this information is necessary for the company to identify the correct credit file, because why else would you have to provide a valid credit card to receive a free report? In fact, buried in the small print it is revealed that customers that request a free credit report must also opt out of a credit monitoring service or else they will be charged \$15 a month, indefinitely.

A 2007 study by Robert Mayer and Tyler Barrick of the University of Utah

for Consumer Reports WebWatch analyzed 24 websites that market free credit reports and scores and revealed them to be rife with deceptive practices. Many of the websites studied had the word “free” in the domain name; others had names similar to the FTC-mandated AnnualCreditReport.com, such as NationalCreditReport.com. Of the 58 sales pitches for credit reports or scores across the 24 websites analyzed, 41 pitches were for “free” reports or scores that in fact required purchase of a product or enrollment in a credit monitoring service. The study concluded that the “enticement of free credit reports and free credit scores is an integral part of marketing credit-related services.” Interestingly, the study also revealed that of the 24 websites analyzed, nine were owned by, or closely connected to, the nationwide bureau TransUnion, and eight were owned by or closely connected to the nationwide credit bureau Experian.

The Federal Trade Commission has sued companies engaged in such misleading practices, but the deceptive advertisements have not stopped. Since 2005, for example, Experian has paid the government more than \$1.2 million in settlements over deceptive marketing of ostensibly free credit reports through the website FreeCreditReport.com. And yet FreeCreditReport.com, through its seemingly ubiquitous advertisements, continues to deceptively peddle its product. At this very moment the Florida Attorney General’s office has an active investigation into FreeCreditReport.com for “Failure to adequately disclose negative option enrollment in credit monitoring with ‘Free’ credit report, deceptive advertising, misleading domain name, and failure to honor cancellations.”

Section 205 of the Credit CARD Act, which contains the Levin-Collins-Menendez provision, will shore up the consumer protection in the FACT Act by requiring simple, honest disclosure in advertisements for “free” credit reports. Mandatory disclosures will help ensure that consumers are given accurate information about how to obtain a free credit report with no strings attached. It is an effort to end the deceptive activities of companies that attempt to trick people into buying something that they are entitled by Federal law to receive for free.

Section 205 directs the Federal Trade Commission to issue a rule by February 2010, to require companies advertising free credit reports to disclose the availability of the government-mandated free credit report in all mediums—internet, television, radio and print. Under the statute, the rulemaking must require that all television and radio ads for free credit reports include the disclaimer that “This is not the free credit report provided for by federal law.” The rulemaking will also require that all internet advertisers of free credit reports prominently display on the advertiser’s

homepage and possibly the advertisement itself that consumers can order the free credit reports provided for by federal law from www.AnnualCreditReport.com.

Section 205 provides for FTC rulemaking to flesh out the disclosure requirements, such as what information should be provided, how it should be formatted, and where it should be displayed. This section will not achieve its purpose unless the mandated disclosure is made in a clear, prominent, and effective manner, a standard that disclosures in many current promotions do not achieve. The cleverly deemphasized disclosure currently on FreeCreditReport.com, for example, would not be sufficient.

The success of a disclosure in alleviating confusion and deception depends critically on the manner in which it is presented. Even seemingly minor differences in language or presentation can make the difference between effective and ineffective disclosures. Section 205 recognizes these challenges and the FTC’s unique ability to meet them by giving the agency the authority to implement this new disclosure requirement by rule. I encourage the FTC to use consumer testing to identify the most effective disclosures and to design separate disclosure requirements for each type of medium: television, radio, internet, and print.

Section 205 (b)(2)(B) states that, “for advertisements on the Internet,” the FTC rulemaking shall determine “whether the disclosure required under section 612(g)(1) of the Fair Credit Reporting Act (as added by this section) shall appear on the advertisement or the website on which the free credit report is made available.” I want to be perfectly clear, as the Senator who authored this provision and ensured its inclusion in the final bill, that this provision is intended to allow the FTC to require disclosure on an internet ad, on the website to which the ad is linked, on the “home” website of the company advertising “free” credit reports, or on any combination of the three. In my view, most forms of internet advertising, such as banner ads and paid search engine links promising free credit reports, should include disclosures. It will be up to the FTC to determine the nature and extent of the disclosure on each form of internet advertising.

The goal of section 205 is to eliminate consumer confusion and deception by preventing commercial promotions from posing as the Federal free annual report program, and by ensuring that consumers know how to get their truly free annual reports. Although this provision does not prohibit the marketing of “free credit reports” per se, nothing in this section is intended to limit the FTC’s authority under Section 5 of the FTC Act to prohibit unfair or deceptive practices in or affecting commerce, or its authority under the FACT Act to promulgate regulations regarding the

centralized source for free credit reports. In fact, I hope the FTC utilizes all of its authority to end the deceptive marketing of free credit reports.

Today, deceptive marketing of “free” credit reports is big business. Ads appear on television, the internet, and other media. One of the leading advertisers of ostensibly free credit reports that are, in fact, linked to paid services is Experian, which vigorously opposed the disclosure requirements in Section 205. Despite its best efforts to sugarcoat its marketing practices, Experian acknowledged that if it were required in its advertising to inform potential customers of their legal right to get a no-strings-attached free credit report, it would have a harder time selling a “free” credit report that also requires consumers to sign up for credit monitoring at \$15 per month.

Experian spends tens of millions of dollars advertising FreeCreditReport.com, dwarfing government efforts to publicize the availability of free credit reports at AnnualCreditReport.com and effectively undermining the intent of the free credit report provision of the FACT Act. So it is no surprise that Experian defended its marketing practices with aggressive lobbying. I am confident that the FTC will stand up to that kind of pressure and issue strong pro-consumer regulations by the February 2010 deadline in the law.

If, however, the FTC has not issued final rules by the statutory deadline, Section 205 requires an interim disclosure, “Free credit reports are available under Federal law at: AnnualCreditReport.com,” to be included in any advertisement for free credit reports in any medium. That interim disclosure is intended to be required in all ads from February 2010, until the FTC rulemaking is finalized.

As chairman of the Permanent Subcommittee on Investigations, I have spent the last 4 years working to expose industry-wide credit card abuses. In 2007, my subcommittee held hearings which brought before the Senate not only consumers victimized by unfair practices, but also the credit card CEOs who approved those practices. In many cases, the card issuers that engaged in these practices relied upon information in a credit report.

Section 205 of the Credit CARD Act will help prevent the subversion of a key consumer protection. Again, I thank my colleagues for enacting Section 205 into law.

REMEMBERING TIANANMEN SQUARE

Mr. GRAHAM. Mr. President, today marks a somber anniversary. Twenty years ago today, months of peaceful protests throughout China culminated with the violent deaths of hundreds, if not thousands, of Chinese citizens advocating for democratic reforms. It is with sadness that we mark this occasion, but it is also an opportunity to

renew our call for political reform in the People’s Republic of China.

One of the first things you see when you walk into my office is a large poster depicting the iconic image of a lone man staring down a line of Chinese tanks. This image has come to symbolize the worldwide struggle for democracy, the rule of law, and the promotion of basic human rights. Unfortunately, a generation of students in China can’t identify the image or tell you about the events leading up to June 3 and 4, 1989. This is because China has failed to acknowledge or account for the actions that led up to this event.

While the intervening years since the tragedy have seen China grow into a rapidly developing country, economically intertwined with the rest of the world, China’s failure to deal with the Tiananmen events prevents the nation from making the political reforms necessary to truly become a respected member of the international community.

In the years following Tiananmen, leaders of the Communist Party of China including Jiang Zemin, declared, “If we had not taken absolute measures at the time, we would not have the stability we enjoy today. A bad thing has turned out to be good.” General Chi Haotian, the General in charge of the People’s Liberation Army’s response to the protest later stated that, “I can tell you in a responsible and serious manner that at that time not a single person lost his life in Tiananmen Square.” Leaders of the military crackdown such as Deng Xiaoping and Li Peng, have never been held accountable for the actions of the People’s Liberation Army and there has never been an official acknowledgement of the number of protesters killed or put in prison. Some accounts have claimed that more than 20,000 people were arbitrarily arrested and held without trial. A number of these people remain in prison today.

Today would have been a landmark occasion for the Chinese government to announce that they were starting an independent and open investigation relating to the events of June 4, 1989. However, other than checkpoints set up in Tiananmen Square and efforts by the Chinese government to prevent international media outlets from filming in the square, there are no signs that today is anything other than an ordinary day in China.

While the events of 20 years ago by the Chinese government launched a coordinated effort to prevent further unrest, it also helped crystallize a movement that continues today. Democracy advocates in China have built upon the legacy of Tiananmen and have led various efforts to force accountability and political reforms. All who watch China applaud the tireless work of Ding Zilin, the leader of Tiananmen Mothers, Liu Xiaobo and the rest of Charter 08, as well as countless others such as Jiang Qisheng who continue to face intimidat-

tion and imprisonment, yet persist with their cause.

They can rest assured that ultimately their efforts will be successful. Today’s world is increasingly interconnected. Communication and travel have gotten easier, and with the development of the internet, despite censorship efforts, information is becoming more readily available to the Chinese people. Every day it becomes more difficult for the Chinese government to keep its people in the dark. They will find out about Tiananmen, they will find out about how the outside world operates, they will demand changes at home.

SRI LANKA

Mr. LEAHY. Mr. President, the recent defeat of Sri Lanka’s Tamil Tigers, otherwise known as the Liberation Tigers of Tamil Eelam, or LTTE, is a very welcome development. Led by a reclusive, cult-like figure who apparently saw no evil in forcibly recruiting and brainwashing young children to become suicide bombers, the LTTE long ago forfeited any legitimate claim to representing the interests of the Tamil population. This resounding victory offers the possibility—after 30 long years of conflict, including ruthless acts of terrorism by the LTTE and other atrocities against civilians by both sides—of lasting peace for all inhabitants of that small island nation.

I first became interested in Sri Lanka when a good friend, James Spain, was the U.S. Ambassador there. He often told me of the beauty of the country and its people, and it has been painful to observe the suffering that has befallen them. That suffering was further exacerbated by the tsunami which crashed ashore in December 2004, causing immense destruction and loss of life. A member of my staff was in Sri Lanka at that time, but far enough inland to escape harm.

I have strongly supported humanitarian aid for Sri Lanka, and 2 years ago, as chairman of the State and Foreign Operations Subcommittee, I included additional funding for economic development in the north eastern region of the island after the LTTE were forced to retreat from that area. I look forward to being able to support additional reconstruction aid, so the northern communities that have been trapped in poverty and devastated by the conflict can recover. But for that to occur, several things need to happen.

The war claimed the lives of tens of thousands of Sri Lankan soldiers, LTTE combatants, and civilians. The tremendous loss and grief suffered by the families of both sides needs to be acknowledged in order for reconciliation to occur.

The government should immediately account for all persons detained in the conflict. It should provide access by international humanitarian organizations and the media to affected areas