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No. 22

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. TAUSCHER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
February 4, 2009.

I hereby appoint the Honorable ELLEN O. TAUSCHER to act as Speaker pro tempore on this day.

NANCY PELOSI,  
*Speaker of the House of Representatives.*

### PRAYER

Chaplain Major Jim Higgins, Reserve Officer Association Chaplain of the Year, Powder Springs, Georgia, offered the following prayer:

Loving Lord, we give You thanks that You are ever present with us, guiding our thoughts and our deliberations. In these difficult times we acknowledge before You that we are unable, in the strength of our own power, to guide this Nation that You have entrusted to us. So we pray for a sense of Your will and of Your presence. Along with the vision of what is right, give us the courage to act accordingly.

As we gather today, Everlasting God, we pray for those whom we have sent into harm's way. Give to them Your divine protection. As the Great Physician, be with those who have been wounded and lay in beds of pain. We give You thanks for the valor of those who have paid the ultimate cost for freedom, and ask that You accept them into Your home, not made with hands, but eternal in the heavens, surrounding their loved ones with Your peace, which passes all understanding. All of this we ask in Your most holy and precious name.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Kansas (Ms. JENKINS) come forward and lead the House in the Pledge of Allegiance.

Ms. JENKINS led the Pledge of Allegiance as follows:

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

### WELCOMING CHAPLAIN MAJOR JIM HIGGINS

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. SCOTT) is recognized for 1 minute.

There was no objection.

Mr. SCOTT of Georgia. We have had the pleasure of having the distinguished guest chaplain for today from my district in Georgia. Each year, the Reserve Officers Association presents a Chaplain of the Year Award, which is selected by the Chief of Chaplains of each military service.

And the award goes to a chaplain—a special chaplain—with special qualities. He is selected for extraordinary contributions to the welfare, the morale, and effectiveness of the Military Reserve Services. This year, the award went to Military Chaplain Major James Boren Higgins, who delivered our wonderful prayer this morning.

Dr. Higgins graduated from Illinois Wesleyan University in 1983. He earned his master of divinity degree in 1986 from Candler School of Theology at Emory University in Atlanta, Georgia. He received his doctor of ministry de-

gree from Columbia Theological Seminary in Decatur, Georgia. And he has received the following outstanding awards. And, America, listen to these rewards.

He is a recipient of the Bronze Star Medal. He is a recipient of the Meritorious Service Medal. Dr. Higgins is a recipient of the Army Commendation Medal. He is also the recipient of the Army Achievement Medal. And he is the recipient of the Global War on Terrorism Service Medal. And for his distinguished duty in Iraq, he received the Iraq Campaign Medal.

What an extraordinary minister. Not just a minister of God, but a minister of the world. A minister to bring peace and comfort to his fellow soldiers at a time of great stress on the battlefields, as well as here at home.

Reverend Higgins currently lives in my district in Powder Springs, Georgia, with his lovely wife Pam and their three children. Reverend Higgins is the senior pastor and chief executive of the 3,200 member McEachern Memorial United States Methodist Church in Powder Springs, Georgia.

We are so proud to have Pastor Major James Boren Higgins as our guest chaplain of the day for the United States Congress. What an extraordinary individual at an extraordinary time, who has given an extraordinary service. We are so proud to have him serve as our guest chaplain of the day.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. GINGREY) is recognized for 1 minute.

There was no objection.

Mr. GINGREY of Georgia. I want to thank my colleague, Representative DAVID SCOTT, for allowing me to say a few words also about Reverend Jim Higgins, as we have the privilege of really sharing him in our two adjoining

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districts. And, as DAVID SCOTT has said, Madam Speaker, Dr. Reverend Major Jim Higgins, as we know, has brought us a very inspiring message as we open business today in the United States House of Representatives as our guest chaplain of the day.

But, as Representative SCOTT said, his service to us and to his constituents in Powder Springs and to our country goes much beyond just the spiritual. When you think about his service as a chaplain in the United States Army and, as DAVID SCOTT was just saying, his service in Vietnam, and his tour of duties, Madam Speaker, of 18 months.

Now, today, the Marines limit rotation to 7 months and the Army to 12 months. But Jim Higgins' rotation in Vietnam—a pretty tough place—was 18 months. Of course, he has this week, as has been said, been recognized as the United States Military Reserve Chaplain of the Year.

So we really are indebted to this great man, not only for his spiritual leadership, Jim, but great service to your country.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 further requests for 1-minute speeches on each side of the aisle.

#### STIMULATE THE ECONOMY

(Mr. JACKSON of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACKSON of Illinois. We need to pass a stimulus conference report that stimulates the economy. We need to combine the best of public oversight and private spending in public-private partnerships to build and, in some cases, rebuild public infrastructure. This stimulative spending should be encouraged by Federal and State stimulus programs and bills.

But here's what we have to look out for. Public-private partnerships are different than private-public partnerships where the private sector tells the public what is in their best interest. Do not confuse the two. It doesn't work.

Do not confuse public-private partnerships with quasi-public-private partnerships. They are not the answer. They lack public accountability and can be rife with corruption. Only by achieving the best in publicly accountable oversight in public works projects, with private capital, can the balance be struck and we create jobs.

Today, the President will limit executive compensation for executives of companies that take advantage of taxpayer bailout funds. This is the right thing to do. However, the relationship between the public sector and the private sector should not be an afterthought, and the private sector cannot demand its own rules while using taxpayer funds.

We are slowly getting to the idea, Madam Speaker, of public-private partnerships as a way of bringing government, business, and labor together. It's time to establish a new American paradigm.

#### STIMULUS AND THE NATIONAL DEBT

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. The national debt will jump by more than \$1 trillion in the 6 months ending in March. \$1 trillion dollars in 6 months. Think about that. The previous record increase in the national debt was less than half this amount, and that was over the course of an entire year, which means we are currently racking up debt at four times the rate of the previous record. And all of this debt doesn't include the so-called stimulus package that the Senate has already porked up to \$900 billion. It's so full of spending unrelated to job creation that we can't even begin to tally the waste.

We must stop and take stock. With hardly a second thought, the Federal Government is careening towards a record \$2 trillion deficit—payable by our children, grandchildren, and great grandchildren. My friends, we cannot borrow and spend our way to prosperity.

#### IMMIGRATION

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Our country is in desperate need of comprehensive immigration reform to ensure the security and the future of America. Our broken immigration policies have failed to secure our borders and have taken on racial profiling tactics.

Our families are being separated and terrorized with unjust border raids, such as the one that was held in my district a couple of weeks ago at a Home Depot parking lot. In the greatest Nation of the world, no one should ever live in fear of being torn apart from their families.

We shall not be a Nation of discrimination when our faces promote diversity. We need a cohesive program such as comprehensive immigration. We cannot stand complacent with our broken immigration policies. We need to take action.

Mr. President, you called for change. You and Madam Speaker need to deliver on that promise. I urge my colleagues to join me in passing comprehensive immigration.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

#### UNIVERSAL HEALTH COVERAGE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Today, February 4, 2009, will go down as a historic milestone in America's long journey towards universal health coverage. In a few hours, with a bipartisan vote, the House will pass an expansion of the Children's Health Insurance Program, extending health insurance to 4 million more American youngsters, keeping a promise that President Obama made to the American people to get this much-needed change accomplished. He did it in 2 weeks' time. I would just say, contrast that with the 2-year rancorous partisan debate that divided this country over the issue.

The new Congress and the new President are delivering on this incredibly important step towards extending health coverage to children—strengthening their dental coverage; strengthening their mental health coverage; locking in for States like Connecticut eligibility so that working families' children will be insured and will be covered.

Building on that success, extending health IT technology to our health care system, which is included in the stimulus package, extending people with unemployment Medicaid coverage, we are going to move forward as a country towards universal health coverage. Today will go down in history as an important step forward to accomplish that much-needed goal.

□ 1015

#### HONORING MARLIN BRISCOE

(Mr. TERRY asked and was given permission to address the House for 1 minute.)

Mr. TERRY. Madam Speaker, I rise today in order to honor a great Nebraskan, Marlin Briscoe.

Marlin was a standout basketball and football player at Omaha South High School. He attended the University of Nebraska at Omaha where he played quarterback, something unique for an African American in the 1960s. He was drafted by the Denver Broncos. He played for them and the Miami Dolphins, and he went on to play several years in the NFL. But he really made his mark when he fell from grace because of his addiction to drugs, and he even spent time in jail.

But Marlin eventually recovered and has since turned his life around and has been a strong advocate for at-risk youth. He is a mentor, a teacher, a role model. He once said that working for the Boys and Girls Club was the most important thing he had ever done in his life.

Marlin, our country, and especially the people of Omaha, Nebraska, are very proud of your contributions and accomplishments.

## PREVENTING FUTURE DISASTERS

(Mr. BARROW asked and was given permission to address the House for 1 minute.)

Mr. BARROW. Madam Speaker, this weekend marks the first anniversary of the combustible dust explosion at the Imperial Sugar Refinery in Savannah, Georgia.

What we learned in my community since this disaster hit is that the experts have known about this problem for decades. The private sector has developed standards that effectively deal with this problem, but the public sector hasn't responded. The trouble is not enough people know about the problem, much less the solutions, and those who do know about the solutions aren't required to adopt them.

The only standards that are mandatory really are not designed with this problem in the first place, and so they aren't working. The result is we have good standards that are not mandatory and inadequate standards that are mandatory. It ought to be the other way around.

Today I am reintroducing legislation we passed in the last Congress, legislation that will take such upside-down policy and flip it right side up.

On the anniversary of this latest disaster, our thoughts and prayers go out to the folks who are still suffering from their losses and injuries. But our work to fix what is broken with our regulatory system should continue until we have done everything that we reasonably can to prevent any such disasters from ever happening again.

## GIVING VOICE TO THE UNBORN

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. BARRETT of South Carolina. Madam Speaker, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness."

We all know this quote, Madam Speaker, and it is no accident that life is mentioned first. It is our most basic right given to us only by our Creator.

Every life is a gift given to us by the grace of God, and there can be no doubt that life begins at the moment of conception. But as I stand before you today, my heart breaks for the faces that are missing because they were never born.

Madam Speaker, I pray for the men and women throughout this country and the world who are expecting a child and they believe they are in an impossible situation. I hope they would understand that with God, all things are possible.

We recently saw thousands descend upon the Supreme Court to stand up for the rights of the unborn. To them, and all those who work every day to give a voice to the unborn, I say thank you and God bless.

## ECONOMIC RECOVERY PACKAGE

(Mr. SIREs asked and was given permission to address the House for 1 minute.)

Mr. SIREs. Madam Speaker, last week American companies announced that they will be laying off more than 102,000 employees in the coming weeks.

The economic situation is clearly getting worse, and Congressional Democrats are taking steps to get people back to work and to save jobs that without action will be lost in the next few months.

Last week, the House passed legislation that will save and create 3 to 4 million jobs. We will create nearly half a million jobs by investing in clean energy. Our economic package also puts nearly 400,000 people to work repairing crumbling roads, bridges and schools.

In another effort to jump start our economy, it also gives 95 percent of Americans an immediate tax cut.

Madam Speaker, economists told us that we needed to act boldly and swiftly to address our Nation's troubled economy. This week, the Senate must pass the economic recovery package so that we can begin the long process of turning this economy around. Failure to act, as some on the other side of the aisle seem to be more happy to do, is simply not an option.

## STIMULUS MUST STIMULATE ECONOMY

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, I believe that there is broad bipartisan consensus in this House that we must act to stimulate our economy. And actually, the vote last week indicated that there is a bipartisan belief that we can do better.

I have talked to my constituents, to local school districts, and local government and business leaders, and the consensus is that we must do better.

Too many programs were included in that bill that will not stimulate our economy. When we are borrowing money from our children and grandchildren, we have a responsibility to make certain that the plan will work, that it will create jobs, and that it will help get our economy moving.

President Obama has reached out his hand asking for bipartisan cooperation, and many of us are ready to answer his call. I believe that we can create a bill along the broad outlines put forward by the President and pass such a bill with strong bipartisan support. All it will take is the majority including good ideas and putting aside other non-stimulative policy goals for another day. We can get this done, and for the sake of our economy and the American people, I hope that we will get it done.

## CHIP PASSAGE DEMONSTRATES CHANGE

(Mrs. HALVORSON asked and was given permission to address the House for 1 minute.)

Mrs. HALVORSON. Madam Speaker, the American people have heard a lot about change these days, but exactly what will that change be and what will it mean to them?

Well, today, real change will come to Washington when this House passes an expansion of the Children's Health Insurance Program. This is legislation that will have a direct impact on children in our country.

When we pass this bill today, an additional 4 million children living without health insurance will soon be able to afford seeing a doctor. Congress has worked hard to pass this legislation twice, sending it to President Bush, and both times he vetoed this bill. But now, change has come to Washington.

Today, the House will pass legislation very similar to what President Bush vetoed twice; only this time, we will reach a total of 11 million children. And President Obama is expected to sign this bill later today.

This is change we can believe in, and that's going to mean a lot to the 4 million children who will now be able to see a doctor when they are sick.

## STIMULATE PRODUCTIVE SECTOR

(Mr. McCLINTOCK asked and was given permission to address the House for 1 minute.)

Mr. McCLINTOCK. Madam Speaker, the mantra that we keep hearing from the left, that we just heard from the gentleman from New Jersey, that government rather than the productive sector needs to create more jobs.

Well, according to our new President and Members of this House, the \$825 billion spending bill is going to create 3 million new jobs. I thought that sounded pretty good in an economy that is hurting like ours until I pulled out a pocket calculator and did the math: 3 million new jobs for \$825 billion, that comes to \$275,000 per job. That's by the President's own numbers, \$275,000 that will have to be paid back, with interest, by average Americans for every job that he himself says will be created.

Madam Speaker, we do not need to stimulate government. Government continues to grow just fine. We need to stimulate the productive sector, and the best way to do that is to get off its back.

## SAVING CHILDREN'S LIVES

(Mr. GRAYSON asked and was given permission to address the House for 1 minute.)

Mr. GRAYSON. Madam Speaker, I have five children, two of them are 3-year-olds who were born prematurely. They were in the hospital for a long time. They were on respirators for a

long time. They were on 24-hour monitoring for a very, very long time.

If a doctor had come to me and said to me, Mr. GRAYSON, we can save your children but it will cost a million dollars, I would have said okay.

If a doctor had said, Mr. GRAYSON, we can save your children, but it is going to cost your right arm, I would have said okay because the life of a child is more important than money. And yet in America we have 25,000 children who die every year without reaching their first birthday.

This bill will cover 4 million children with health care who otherwise won't have it. I turn to the other side of the aisle and I say: Let's save those lives, let's choose life.

#### STOP BAILOUT BONUSES

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Madam Speaker, last week Americans learned of 50,000 new layoffs in just one day. We also heard another startling fact: that the financial industry bailed out by Uncle Sam paid \$18 billion in bonuses. That's just appalling.

The \$18 billion payout in 2008 ranks as the sixth highest in bonus history and compares with 2004, a banner year, on Wall Street.

As a supporter of free enterprise, I back performance-based bonuses for a job well done.

Banks just barely getting by, thanks to taxpayer bailout money, have no business paying bonuses. With our economy sliding deeper into recession, this reckless decision to pay bonuses showcases the disgraceful behavior of greed and arrogance of Wall Street that Americans detest. It is flat irresponsible.

Let's stop the bailout bonus bonanza now.

#### RECKLESS SPENDING

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, the American people understand the need for a stimulus. They understand the need for job creation. What they don't understand is why we are pursuing this reckless path of aimless spending.

Now we have heard it over and over again. Elections have consequences, they won, and we understand that. We also hear the need for bipartisan bills. But I have to ask you, Madam Speaker, doesn't legislation also have consequences?

We often ask ourselves what makes a bill bipartisan? Is it just because we all have a chance to vote one way or the other and for that reason it is a bipartisan effort even if you vote against it or for it.

In reality, a bipartisan bill begins at its inception where the ideas are talked

about among Members and typically amongst their staff. Certainly it involves hearings and markups at the subcommittee level, and certainly it involves hearings and markups at the full committee level. But many of the bills we have before us fail to achieve that lofty goal.

We are about to pass a stimulus bill that will vastly increase Medicaid spending, but at the same time in this great wash of cash, we can do nothing to provide adequate payments to providers. That would have been a bipartisan effort.

#### CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2009

Mr. POLIS of Colorado. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 107 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 107

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chair of the Committee on Energy and Commerce or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Energy and Commerce and the chair and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to adoption without intervening motion.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1 hour.

Mr. POLIS of Colorado. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas and my colleague on the Rules Committee, Mr. SESSIONS. All time yielded during consideration of the rule is for debate only.

##### GENERAL LEAVE

Mr. POLIS of Colorado. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS of Colorado. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, House Resolution 107 provides for consideration of the Senate amendment to H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

I rise in support of House Resolution 107, the Children's Health Insurance Program Reauthorization Act. I again wish to thank Speaker PELOSI who has been an unrelenting champion on this important issue. I also want to thank Chairman RANGEL and Chairman DINGELL for sponsoring bills that were vetoed in the 110th Congress, and Chairman WAXMAN and all of my colleagues for their leadership on this issue in this Congress, and I want to recognize everyone's efforts to bring this bill to where it is today.

Although I began my House service only a few weeks ago, I have received hundreds of letters from constituents who have serious concerns about health care cost and coverage. Too common is the story of hardworking, low-income moms and dads forced to choose between buying groceries and visiting their family doctor. I have heard from those who have either lost their health care coverage or feared that they will lose it because they simply can't afford it.

□ 1030

I have heard from parents who are denied necessary health care by their insurers, and as a result, their children are suffering too. I have heard from caregivers who have been laid off losing not only their health coverage, but that of their children's as well. This is a serious problem that we can no longer afford to ignore.

No longer can we lay the blame at the front door of the White House. With the change in administration, we can ensure that this legislation passes the House today and reaches the President's desk as soon as possible. With our approval, President Obama has indicated he will sign this bill into law today and change the lives of millions of children and families. Delay is simply not an option.

A large majority of Americans of all political persuasions support this important bill. It's a fiscally responsible way to not only extend the number of children in our Nation who will receive health care, but to improve the quality of that care. This bill relieves the burden of taxpayers who currently subsidize millions of costly and inefficient uninsured emergency room visits. By encouraging preventative care for children who lack insurance today, we can actually reduce costs from the system and provide healthier outcomes for young people.

This bill is just common sense, given the Nation's skyrocketing health care costs, coupled with our current economic challenges. It is an investment where the return is a generation of healthy, happy and productive Americans. This legislation will provide health care coverage for more than 11 million children nationally.

Tomorrow morning, 170,000 children in my home State of Colorado wake up without health insurance. That is 170,000 too many. This bill will change that terrible statistic for the better by

giving States the vital tools needed to reach out to uninsured children who are eligible for SCHIP and Medicaid, but not yet enrolled. This is not only critical to Colorado, but to all our States and territories.

Madam Speaker, the epidemic of the uninsured is not just a consequence of our struggling economy, it is a component of it. Under a new administration, with the political will of this new Congress, we have the power to set this particular wrong right. A healthy economy is supported by healthy people. Providing health care insurance for millions of uninsured Americans is an important beginning to keeping our people and our economy healthy. But it is just a beginning.

Protecting the health of our Nation's young children is of paramount importance to society and the security of our Nation. A recent military study reveals that one-third of American teenagers are incapable of passing a basic physical test. This legislation will help give every child a chance at a healthy start.

With rising unemployment, a battered economy and more layoffs coming every day, the plight of the uninsured is likely to only get worse. Next month, Madam Speaker, SCHIP will expire. Our failure today would add millions of children to the rolls of the uninsured. To me, my constituents, and hopefully to my colleagues, as well, this is unacceptable. Today we have an opportunity to protect millions of children across the Nation who don't have a voice and to safeguard their future.

I urge you to vote for this legislation.

I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to this completely closed rule and to the ill-conceived underlying legislation.

Madam Speaker, the gentleman from Colorado, who has extended me the time, well understands, as a freshman, that we have a good number of new Members to this body and who will be making a decision and voting for very important public policy decisions. It's my hope today that I will be able to gather together an argument, not to rebut the gentleman, but to show him and many of his other new colleagues, my new colleagues, why the statement "cost effective and common sense" does not apply to the SCHIP bill that the gentleman brings forth today.

Madam Speaker, 2 weeks ago I questioned my Democrat colleagues about their claim to be the most honest, open and transparent House in history when they tout that that is what the leadership of this body is attempting to accomplish. Once again, I will question that claim, because we're provided with a product and a process that is none of the above.

I know that the gentleman on the Rules Committee had a chance, just last night, to hear a debate in the Rules Committee about this SCHIP bill. And I believe that that hearing

would produce enough evidence to suggest that this bill is neither cost effective nor common sense. Since the beginning of the 111th Congress, my colleagues on the other side of the aisle have had no regard—no regard—for regular order and continue to cram legislation through this body without Republican input.

When I came to the floor last month to oppose the previous version of this legislation, I explained my opposition on the way that it had been brought to the floor without a single legislative markup. So unfortunately, the new Members of this body, unless they serve on the Rules Committee, have not heard the real facts of the case.

The real facts of the case, unfortunately, have not changed. In fact, neither Republican leadership nor Republican members on the Energy and Commerce Committee have had any opportunity to participate in crafting this 280-plus pages piece of legislation. I will repeat that. Republican members or Republican leadership have had no chance to craft any part of this 280-page legislative bill.

On January 12 of this year, my Republican colleagues and myself sent to President Obama and Speaker PELOSI, which I would like included in the RECORD, a letter outlining what Republicans would like to see the majority party, the Democrats, consider before expanding the current SCHIP program. We still, as of this morning, have received no answer, no answer, to a forthright and open letter. In responding to this, we are simply asking today on the floor of the House of Representatives for the opportunity not only to be heard but also to make sure that the newest Members of this body have a chance to know the facts of the case. And in reauthorizing this program, the first priority should be, should be, to make sure that our Nation's poorest uninsured children are covered. The intent of the program is that. And we must first fulfill that goal.

Currently, at least two-thirds of the children who do not have health insurance are already eligible for Federal help through either SCHIP or Medicaid. The second priority is to ensure that SCHIP does not replace or significantly impact those who already have private health insurance and replace it with a government-run program. Speaking of common sense, why would you take someone who has private health insurance and move them to a government-run program?

Madam Speaker, if this legislation passes, we know that there are 2.4 million children who will be moved from private insurance to SCHIP, a program that reimburses physicians 30 to 50 percent less than private health insurance. As a matter of fact, last night in the Rules Committee, there was in the debate that took place an acknowledgment from the Democrat side lead who said, yes, he did understand. They're even having problems getting physicians who will accept the patients be-

cause of the reduction in the reimbursement. Common sense would tell you that alone is not cost effective nor common sense.

More to my point about the newest Members of this body understanding the facts of the case because regular order did not take place, how would we expect them to know what they were going to vote on? Congress should be encouraging superior health care for our Nation's children, not undermining it. That is common sense.

Furthermore, a citizenship verification standard is critical to ensuring that only U.S. citizens and certain legal immigrants are allowed to access taxpayer-funded benefits, not illegal immigrants. The underlying legislation takes out from the law and offers no safeguards to ensure a check that it will be for American children before illegal immigrants. Once again, cost effective, and once again, common sense for the new Members of this body.

The Democrats' proposed \$32.8 billion expansion of a program that has yet to accomplish its original intent is typical of my friends on the other side. My friends, the Democrats, continue to push their government-run health care agenda, "universal coverage" as they call it, even though this legislation moves 2.4 million children currently on private health coverage to an inferior public program with less access. Common sense says you should not be doing that.

So, then, with physicians scaling back on Medicaid and SCHIP due to the extremely low government reimbursement rate, why would we want to subject 4 million more children to this type of care? Once again, the standard of common sense. I don't know that this bill passes that hurdle. Madam Speaker, it seems likely that my Democratic colleagues are putting their agenda first, not our children's health care.

In the days where Congress is faced with a second \$350 billion financial services bailout and a proposed \$1.2 trillion stimulus package, is the Federal Government in any financial shape to be financing health care costs for children who are already receiving priority health insurance? Once again, the test of common sense and cost effectiveness would fail this legislation.

The current legislation before us recklessly increases entitlement spending by at least \$73.3 billion over the next 10 years. That is increasing it due to the new entitlements. That is neither cost effective nor common sense. This expansion will allow SCHIP to grow at an annual rate of 23.7 percent over the next 5 years. Once again, not cost effective and not common sense. Based on the Treasury Department's financial report, the government has \$56 trillion in unfunded liabilities, the majority of which are in the Federal Government's health care program. Why not do something that would be for the Nation's poorest children rather than

trying to push 2.4 million more children, unless you have a political agenda rather than a public policy agenda?

Each year that Congress fails to act on a solution, the long-term problem grows by \$2 to \$3 trillion. Do my friends on the other side of the aisle not see the writing on the wall? Where is common sense?

Madam Speaker, last week, a bipartisan group of Members voted against the Democratic Party's \$1.2 trillion stimulus package. Not only was the Democrat plan full of wasteful government spending that would not stimulate the economy, but my friends on the other side of the aisle shut out Republicans from the process much as they are doing today.

The American people are hurting. And the economy is struggling. Americans know that we cannot borrow and spend our way back to a growing economy. Republicans have a plan for fast-acting tax relief that will release the resources and creativity of the American people to create 6.2 million new jobs. Madam Speaker, I ask my Democrat colleagues, if the American people had the choice between fast-acting tax relief and slow, wasteful government spending, which would they choose? Trust me. A number of Democrats and every single Republican knew the answer on this floor. It is common sense to vote "no."

This so-called "stimulus bill" includes \$524 billion in spending provisions, \$3 billion in prevention and wellness, including \$400 million for STD prevention, sexually transmitted disease prevention, and \$600 million to buy new cars for government workers. That will make sure we don't have to ask for reform out of the Big Three auto makers. We will just buy them at the current rate. The bill includes \$150 million for building repairs for the Smithsonian, \$1 billion for follow-up on the 2010 Census that does not even begin until April 1, 2010, \$1 billion for Amtrak which has not turned a profit in 40 years, \$400 million for global-warming research, and another \$2.2 billion for carbon-capture demonstration projects. The list goes on and on and on.

The American people deserve to know how their hard-earned tax dollars will stimulate the economy, not government spending where Washington gets fatter, but those with good explanations so that the American people have confidence, not only in Congress, but in their own individual Member of Congress who casts that vote.

If expanding SCHIP to families making \$80,000 a year isn't enough, as this bill does, last week my Democrat colleagues voted in favor of making Wall Street millionaires and billionaires, like the former Lehman Brothers CEO, who was reported to have earned nearly half a billion dollars in compensation, eligible for public health subsidies. Approximately \$100 billion of our friends', the Democrats', \$1.2 trillion stimulus is the bailout for the fail-

ing Medicaid program. One such bailout provision is section 3003, which expands Medicaid eligibility to all individuals currently receiving unemployment benefits, regardless of their personal income or financial assets.

□ 1045

Boy, once again that standard of common sense and cost effectiveness that my good friend from Colorado talked about is simply not there.

Madam Speaker, why are our friends, the Democrats, trying to force American taxpayers to pay for free health coverage for the very same executives who helped create the financial crisis in the stimulus package able to get this help?

Adding another trillion dollars to the Federal deficit and swelling the number of persons dependent on subsidized, government-run health care is hazardous to the health of the American economy and an unfair burden to place on our grandchildren.

The American people want more than just welfare. They want freedom. They want jobs. They want a real stimulus package and a real SCHIP bill. That's what this Congress is failing to provide. The American people want more innovation, more efficiency, more accountability, and they want cost effectiveness and common sense. Evidently, this body is in short supply of each of those items under this leadership.

The American people hate waste in government, but our friends, the Democrats, who are the majority party, are spending like never before, delaying even the thought of addressing the underlying programs of the already burdensome Medicaid and SCHIP programs. My friends on the other side of the aisle seem to be playing with money that does not even exist. We are printing it at this time. The printing presses are alive and working 24 hours a day, just simply first to meet the \$700 billion bailout, and then to prepare for the \$1.3 trillion stimulus package that is prepared for the President's signature soon.

So what's next? A \$32.8 billion expansion of SCHIP, and finally, the massive omnibus which is expected this week or next.

We should be demanding more accountability. We should be demanding cost effectiveness, and we should be demanding common sense. That's what the American people want, Madam Speaker.

Madam Speaker, we need a fast-acting tax relief bill that will stimulate the economy and create jobs. We cannot borrow and spend our way out of this crisis. We need to secure the original intent of the current government programs before expanding additional programs.

I came to Congress to protect the American taxpayer, which is why I encourage my colleagues to oppose this rule and the underlying legislation.

WASHINGTON, DC,  
January 12, 2009.

President-elect BARACK OBAMA,  
Presidential Transition Office,  
Washington, DC.  
Hon. NANCY PELOSI,  
Speaker, Capitol,  
Washington, DC.

DEAR PRESIDENT-ELECT OBAMA AND SPEAKER PELOSI: Thank you for expressing your desire to work with us to address the needs of the American people. We recognize that reauthorizing the State Children's Health Insurance Program (SCHIP) is an early legislative priority, and we hope that you will consider this legislation to be one of the first opportunities for bipartisan cooperation.

During the last Congress, significant efforts were made in an attempt to address concerns raised by House Republicans about how the underlying bills would impact uninsured children. Despite the progress that was made, there are still a few outstanding issues that we hope you agree should be addressed when we work to reauthorize the program this year:

#### SERVING ELIGIBLE LOW-INCOME CHILDREN FIRST

SCHIP is intended to serve those that are neediest first. As low-income families continue to face more economic insecurity, providing access to affordable health care coverage, regardless of any job change or displacement, should be our first priority. The legislation should demand success from the states in enrolling poor and low-income children below 200 percent of the federal poverty level, especially those who are currently eligible for Medicaid and/or SCHIP, but are not yet enrolled. Demanding success from the states could be as simple as requiring that states meet a threshold of enrollment before further expansions. Nearly all the states have demonstrated over the past year to the Centers for Medicare and Medicaid Services that meeting this standard is indeed possible.

Furthermore, in the current economic environment, several states have indicated that they will be experiencing shortfalls that could impact their ability to provide Medicaid benefits and services. Asking states to expand their SCHIP program before they are able to finance their existing Medicaid program would be a mistake. Expanding SCHIP to higher income families will only exacerbate the real access to care problem in the Medicaid program.

#### CITIZENSHIP STATUS

We believe that only U.S. citizens and certain legal residents should be permitted to benefit from a program like SCHIP. We also think it is fair to say that both parties believe that our immigration system is broken. That is why it is so important that the legislation include stronger provisions to prevent fraud by including citizenship verification standards to ensure that only eligible U.S. citizens and certain legal residents are enrolled in the program.

#### PROTECTING PRIVATE INSURANCE OPTIONS

We agree that those with private coverage should not be forced into a government-run plan. SCHIP legislation should focus expansion efforts on children who are currently uninsured instead of moving children who have private health insurance options into government-run health insurance. Moving a child from private health insurance to government-run health insurance should not be part of your stated goal of providing SCHIP for 10 million children, a number we assume to be targeted towards low-income uninsured children.

#### STABLE FUNDING SOURCE

In order to guarantee access to the program and long term stability, SCHIP should

be funded through a stable funding source, not budget gimmicks. Further, the legislation should not include extraneous provisions unrelated to SCHIP that limit patient choice or prohibit access to quality medical care. Our nation's Governors need a stable SCHIP program so they may properly budget. Every American faces the crushing burden of a declining economy. This should not be a time Congress raises taxes, especially on the poorest Americans, to finance program expansions as part of the SCHIP reauthorization bill.

We believe these to be critical elements to improve this vital program that if fully incorporated would dramatically increase bipartisan support for the legislation. Thank you for the consideration of this request. We look forward hearing from you and working with you towards a bipartisan agreement.

Sincerely,

Robert B. Aderholt, Steve Austria, Michele Bachmann, Spencer Bachus, J. Gresham Barrett, Roscoe G. Bartlett, Joe Barton, Judy Biggert, Gus M. Bilirakis, Rob Bishop, Marsha Blackburn, Roy Blunt, John A. Boehner, Mary Bono Mack, John Boozman, Charles W. Boustany, Jr., Kevin Brady, Paul C. Broun, Henry E. Brown, Jr., Ginny Brown-Waite, Michael C. Burgess, Dan Burton, Steve Buyer, Ken Calvert, Dave Camp, Eric Cantor, John R. Carter, Bill Cassidy, Jason Chaffetz, Howard Coble,

Mike Coffman, Tom Cole, K. Michael Conaway, Ander Crenshaw, John Abney Culberson, Geoff Davis, Nathan Deal, David Dreier, Mary Fallin, Jeff Flake, John Fleming, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Trent Franks, Rodney P. Frelinghuysen, Phil Gingrey, Louie Gohmert, Bob Goodlatte, Kay Granger, Sam Graves, Ralph M. Hall, Doc Hastings, Dean Heller, Jeb Hensarling, Wally Herger, Peter Hoekstra, Duncan Hunter, Bob Inglis, Darrell E. Issa,

Lynn Jenkins, Sam Johnson, Walter B. Jones, Jim Jordan, Steve King, Jack Kingston, Mark Steven Kirk, John Kline, Doug Lamborn, Christopher John Lee, Jerry Lewis, Blaine Luetkemeyer, Cynthia M. Lummis, Daniel E. Lungren, Donald A. Manzullo, Kevin McCarthy, Thaddeus G. McCotter, Patrick T. McHenry, John M. McHugh, Cathy McMorris Rodgers, Jeff Miller, Sue Wilkins Myrick, Devin Nunes, Pete Olson, Erik Paulsen, Mike Pence, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Bill Posey,

Tom Price, Adam H. Purnam, George Radanovich, Harold Rogers, Mike Rogers (MI), Thomas J. Rooney, Peter J. Roskam, Paul Ryan, Steve Scalise, Jean Schmidt, Aaron Schock, F. James Sensenbrenner, Jr., Pete Sessions, John B. Shadegg, John Shimkus, Bill Shuster, Michael K. Simpson, Adrian Smith, Lamar Smith, Cliff Stearns, John Sullivan, Lee Terry, Glenn Thompson, Patrick J. Tiberi, Fred Upton, Greg Walden, Zach Wamp, Lynn A. Westmoreland, Ed Whitfield, Joe Wilson, Robert J. Wittman.

Madam Speaker, I reserve the balance of my time.

Mr. POLIS of Colorado. Madam Speaker, as you know, children do not control what family they are born into. And an important part of the meritocracy that makes our country great is that every child should have the opportunity to succeed. Establishing healthy habits and a healthy

life early in life, regardless of the parent's station, is an important part of making sure that a child has the opportunity to climb to whatever station they are capable of.

Madam Speaker, I would like to yield 2 minutes to the gentlewoman from Connecticut (Ms. DeLAURO).

Ms. DeLAURO. Madam Speaker, at a time when more and more mothers and fathers are huddled around their kitchen table worried about how to cope with a job loss or pay their most basic expenses, we have an opportunity today, an opportunity to ensure that 11 million children can get affordable health care coverage through the Children's Health Insurance Program.

In my home State of Connecticut, unemployment keeps rising, and people are going from worried to scared. At such a time, it is our most basic economic and moral responsibility to provide health care to the most vulnerable among us. In this country, where 9 million children are uninsured, we cannot let another day go by without passing this legislation.

This is a smart investment in children, in their health and in their success at school and in life. It provides critical dental and mental health care for children, prenatal care to make sure every child has the best chance at a healthy start. It will help to discourage millions of children from smoking, a smart step towards a healthier Nation. We must shore up this vital safety net. We can afford it. It is a simple choice about fulfilling America's promise for our Nation's children and giving a small measure of peace of mind for their families.

I might say to my colleague on the other side of the aisle that, on a bipartisan basis, overwhelmingly, this House voted to pass the children's health insurance bill. The United States Senate overwhelmingly on a bipartisan basis voted to pass the children's health insurance bill. It was the former President of the United States who decided to veto that legislation when a majority of the American public supports health insurance for our children. Today we have an opportunity to right a wrong. Let's pass the children's health insurance bill. Let's get it to the President's desk. Let's get it signed, and let's give relief to the millions of families out there who are struggling.

Members of this body have health insurance, and their children have it. Why shouldn't the children of working and middle class Americans?

Mr. SESSIONS. Madam Speaker, I would like to yield 1½ minutes to the gentleman from Lewisville, Texas, Dr. BURGESS.

Mr. BURGESS. I do urge my colleagues to look long and hard before voting on this rule today, and I urge a "no" vote on the rule.

The fact is, Madam Speaker, that over half of the country has not had an opportunity to participate in this debate. 40 percent of this country is rep-

resented by Republican Members. We have not had input into this bill.

12 percent of this Congress is new. They have had no input into this bill. That leaves over half the country who haven't been part of this debate.

And what does it say about a bipartisan bill when the two principal Republican sponsors in the other body withdrew their support for this bill as it came through the Senate?

Last night in the Rules Committee in one last attempt, I tried to modify the bill to perhaps make it a better product before it came before us on the floor of the House today. I brought amendments that would have required identity, a person to provide proper identification before they signed up for SCHIP; not another step, but just simply another line that needed to be filled out on the form, and that was rejected.

You have to show your ID before you cash a check at the grocery store. Why should we not require someone to show identification before they sign up for this benefit?

I also introduced an amendment, after all, we are, as the Member from Texas said, the gentleman from Texas said we are taking 2½ million children off of private health insurance and putting them on public health insurance. Why should we not at least ensure that we will pay the providers a sufficient amount so that they will participate in the system?

Currently, it is difficult to find providers who will accept Medicaid and SCHIP. I introduced an amendment that would have required 90 percent of the reimbursement from the Federal Blue Cross/Blue Shield program or the States' largest—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I give the gentleman 30 additional seconds.

Mr. BURGESS. Last night in the Rules Committee I introduced an amendment that would have required States to reimburse physicians at 90 percent of the Blue Cross/Blue Shield rate or the largest State HMO rate in that State or the insurance that the State provides for their own employees. That amendment was not even allowed a vote on the floor. This is the type of exclusionary politics that is being practiced in the House of Representatives, and the sooner we get past this point, the President asked for a more open and bipartisan government, the sooner we get past that point, the better for the American people.

Mr. POLIS of Colorado. Madam Speaker, a brief history on the SCHIP legislation and why this is so critical for us to pass here today. This rule before the House would permit the House to concur in the Senate amendment because this legislation has been considered repeatedly and thoroughly in the House in this Congress and the last.

In July of 2007 the House considered H.R. 3162 to reauthorize and amend

SCHIP and the bill passed. In September 2007 the House considered H.R. 976 to reauthorize and amend SCHIP. The bill passed. The Senate also passed the bill and it was presented to President Bush and received a veto. In October of 2007 the House again tried to reauthorize SCHIP. 3963 was the House bill. Passed the House, passed the Senate. The President again vetoed the bill and the House was unable to override the veto.

Ultimately, legislation to merely extend SCHIP as it was enacted into law will expire next month. Children's lives are at stake. That's what's so critical about passing this bill today.

When people lack health care insurance they often don't seek preventative care and are forced to use emergency rooms as their primary care provider. Not only does this cost more, this also provides for worse health outcomes, and conditions that could have been dealt with less expensively and more successfully in the onset are instead deferred, and incur more expense and worse health outcomes.

By passing this bill today, we can ensure that hundreds of thousands of poor children across our country receive adequate health care and are able to succeed and grow in school and be able to succeed in their lives.

Madam Speaker, I would like to reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 1½ minutes to the gentleman from Marietta, Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Madam Speaker, I do rise in strong opposition to this closed rule, as well as the underlying legislation, the Children's Health Insurance Program Reauthorization Act of 2009.

The Democratic majority has once again brought forward a closed rule that only tramples on the rights of the minority. And at no point in the development of this legislation has the majority even entertained the idea of allowing Republicans to work with them in a bipartisan manner to improve the bill.

As a physician Member, I keenly know how important it is that the Federal Government plays a role in providing health care to low-income children. At the same time, we must pass legislation that first reaches those who are most in need of this assistance.

During the initial consideration of H.R. 2 by the House, I offered an amendment that would have addressed a very important problem within current law that H.R. 2 overlooks, the practice of some States using loopholes to allow people to disregard significant portions of their income to make them eligible for CHIP and Medicaid. At the same time, some of these same States, these loophole States, have not provided for the children who demonstrate the most need for these programs.

Madam Speaker, my commonsense amendment would have simply instituted a gross income cap of 250 percent

of the Federal poverty level for both CHIP and Medicaid eligibility, and it would limit any income disregards to a maximum of \$250 a month or \$3,000 per year. This amendment would grandfather in those individuals who are already receiving Medicaid and CHIP so that we do not deprive current beneficiaries.

Therefore, Madam Speaker, I urge all my colleagues oppose the closed rule.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman 15 additional seconds.

Mr. GINGREY of Georgia. I want to just in closing, Madam Speaker, urge all my colleagues, oppose the closed rule and this underlying legislation. Give us a chance, in a bipartisan spirit, to make this good law even better.

Mr. POLIS of Colorado. Madam Speaker, I am proud to back a plan to help improve the health and chance for success of 11 million children. It also reduces the more costly nature of emergency room use, and moves us closer to providing every child in our Nation with affordable, high quality health care.

This bill also extends health care coverage to 4.1 million additional low-income children who are currently uninsured.

A healthy child is better prepared for learning and success. Studies show that early childhood health is indicative and can, in fact, impact the learning processes, the special education needs of the child and indeed, even the IQ of the child as the child matriculates through education. By making sure that children have health care coverage, we can, in fact, prevent a lot of gaps within our education system from arising before they arise, and ensure that children, regardless of their background, have the opportunity to succeed in our country. This is the change that America needs.

Providing health care coverage for children and indeed, all Americans, is one of the reasons that I ran for Congress. Providing health care to 4 million more children will be a clear demonstration that change has come to Washington.

This is legislation that President Bush vetoed twice in the 110th Congress. Today we have the opportunity to send this bill to a new President who has committed to sign it this very afternoon and begin implementing it immediately to help cover 4.1 million additional children in our Nation.

Madam Speaker, I reserve the balance of my time.

□ 1100

Mr. SESSIONS. Madam Speaker, at this time, I would like to yield 2½ minutes to the gentleman from San Dimas, California, the ranking member of the committee, Mr. DREIER.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, in the spirit of comity in debate, I would like

to yield to my good friend from Lafayette, Louisiana (Mr. BOUSTANY). I am always happy to yield to people to engage in debate on the floor.

Mr. BOUSTANY. Madam Speaker, I just want to make a correction here to the gentleman's comments. While providing coverage is one thing, providing real access to care, to a primary care physician, is another, and far too many of these children are receiving care in the emergency room, which is the most expensive and least effective way to provide care.

Mr. DREIER. Let me say, Madam Speaker, that getting the American economy back on track is priority number one for all of us, and ensuring that children who are truly in need have access to the best quality health care is right there as a very high priority. It is obvious that this measure that is before us does not accomplish that.

In his testimony last night before the Rules Committee, Dr. BURGESS was very clear in addressing a number of the concerns that we have been raising consistently on this. Unfortunately, they undermine the opportunity for us to ensure that the dollars get to those who are truly in need.

I find it very, very troubling that we are continuing down a path where potentially people who are in this country illegally will have access to the State Children's Health Insurance Program. We are with the crowd-out actually incentivizing people to move off of private insurance onto government insurance, and we are still creating an opportunity for those who are wealthy and adults to be beneficiaries of this program. No matter what it says in the bill, as Dr. BURGESS has pointed out, those four concerns are very justified.

So, as we seek to get the American economy back on track with an economic stimulus package that will, in fact, grow our economy—not a massive spending program—and as we address this issue of children's health, which is a very, very, very high priority, we need to do it in the most cost-effective way possible.

Unfortunately, this rule is completely shutting out Members, like Dr. BURGESS and others, from having the opportunity to participate, so I urge my colleagues to vote "no" on the rule and, if the rule passes, to defeat the underlying legislation. We can do better for our Nation's children.

Mr. POLIS of Colorado. Madam Speaker, with regard to the delivery of the services, most SCHIP and Medicaid beneficiaries receive service delivery through private doctors and through private management care plans, not through government doctors. So, when we are talking about how the service is delivered, we are talking about an important aspect of what insurance and what coverage allows. Yes, separately, we certainly hope that we will be able to address universal coverage, in rural areas in particular, as an important component of health care in this country.

With regard to income limits, this bill does provide that if a State covers children in families of three with income over \$52,800, which is 300 percent of the poverty rate, then the States get the regular Medicaid match rate. There are, in fact, income provisions in here as well. There is also section 605 of the bill, which prevents payments to individuals not lawfully residing in the United States. So I believe that the issues that have been raised by my colleagues are addressed in the bill.

It does, of course, matter what the bill says. The bill says very clearly that individuals not lawfully residing in the United States will not receive payments, and it also is very clear with regard to the income level. So I think that this bill has been clear.

As I have mentioned, this bill has been voted on a number of times in Congress. The main difference now is we are sending it to a President who has indicated that he is, in fact, willing to sign it and, indeed, is willing to do so on this very afternoon.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from Lafayette, Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, I rise in opposition to the rule and to the underlying bill.

Last week, the Democratic majority rushed a massive bill through the process, laden with wasteful spending of borrowed money that has not been shown or demonstrated to create jobs.

The American people are hurting. They are clearly hurting. We have tough economic times, and we have a responsibility to legislate and to legislate in a responsible way. Too often, children on Medicaid or on SCHIP receive fewer visits with primary care providers than those with private coverage. According to the Center on Budget and Policy Priorities, children on these programs were 2 times more likely to visit hospital emergency rooms multiple times in a given year.

As a physician, I know that government-run programs must achieve better results. My State has the eighth highest ER visit rate. This is unacceptable and we can do better. Now, the GAO has criticized government-run programs, like SCHIP, for disregarding patients' access problems. It warned: "Coverage alone does not guarantee services will be available or that children will receive needed care."

It is disappointing to me that the majority rushed this flawed bill to the floor without permitting any opportunity for improvements. In fact, as proposed, this bill would exacerbate enrolled children's access problems. The CBO warned that a similar bill would force more than 2.4 million children out of private health care plans and onto government rolls.

Working together, I know we can do better. I know we can make SCHIP help children who really need it—those

who really already qualify for it but who are not enrolled. There are far too many of these children out there. This massive expansion fails to help those children most of all. States should measure also and report provider access problems in SCHIP programs to measure their progress. We asked for this, and it was not even entertained in the Rules Committee. I do not understand the closed debate here, the closed opportunity.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 15 seconds.

Mr. BOUSTANY. We also need to limit the crowd-out of private coverage and target the neediest children for enrollment first. We need to help poor children first. I know we can do better.

Oppose this rule. Oppose this bill. Mr. POLIS of Colorado. Madam Speaker, I would also like to discuss that SCHIP provides quality dental care, alleviating the most common childhood disease—tooth decay.

I cannot help but remember a story that was told to me when I was visiting a free dental clinic in Boulder, Colorado that provides services to those who are uninsured. This story is about a young girl who was in the third grade. Due to the lack of dental care and poor dental hygiene practices at home, her teeth had actually rotted out. This is when she was a young girl. She had received no care for that as well. As a result, she was very, very shy, and was constantly in pain. Her diet suffered. She suffered malnutrition because of the condition of her teeth. Fortunately, the community there was able to help her, but there are hundreds of thousands of young people across the country who suffer from no or from poor quality dental care, which has vast ramifications as well.

In addition, this bill gives the option of providing pregnant women critical prenatal care. When we talk about the impact on reducing the need for special education and for increasing one's IQ, these things start in the prenatal stage, and they continue through early childhood. I think that that is a very important aspect in terms of giving States that option as well as covering 4.1 million additional low-income children who currently lack insurance.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, because there were no hearings held on this subject, many, many Republicans are coming down to the floor today to give their feedback and thoughts on this issue. Our next speaker is one of the most thoughtful and caring Members of Congress.

I would like to yield 1½ minutes to the gentlewoman from Fort Worth, Texas (Ms. GRANGER).

Ms. GRANGER. Madam Speaker, I rise in opposition to the rule for the consideration of the SCHIP bill we will be considering later today.

The rule does not allow for the consideration of any amendments, and it bars the Republican motion to recommit. That is not a good way to reauthorize what has been a bipartisan program.

In its original form, the SCHIP program is an excellent program that ensures medical care is available to uninsured children. During my first time in Congress, I voted to help create the SCHIP program, and I believe we need to responsibly reauthorize it. That is why I have introduced a bill to expand the SCHIP program to cover millions of uninsured kids. It is a bill that is paid for without budget gimmicks and without raising taxes.

My bill, the Kids First Act, expands SCHIP by \$19.3 billion over the same 4½-year period as the Democrat bill. According to the Congressional Budget Office, the Kids First Act will cover 3.6 million previously uninsured children. Without raising taxes and without budget gimmicks, the Kids First Act truly puts kids first, eliminating nearly all adults from this program designed for children so that more children can be covered.

I urge my colleagues to oppose this rule as well as the majority's SCHIP bill and, instead, to support the Kids First Act.

Mr. POLIS of Colorado. Madam Speaker, another story from Colorado is about someone who I know firsthand, a student at one of the schools that I was involved in running.

Like many of the students I worked with, this student lacked health care insurance. She was diagnosed with diabetes, and she was not diagnosed early. She had severe symptoms, weakness, et cetera, but because of economic barriers to seeking health care and because of her lack of insurance, she did not seek any form of preventative treatment. When she then went in, she went into the emergency room, and she needed emergency dialysis immediately. So a condition that could have been dealt with through a combination of diet and insulin instead became an acute condition which had to be dealt with at a much greater cost and with a much worse health outcome for the individual.

These are the stories that are taking place across our great Nation. By passing this bill today, we can make a dent in making sure that people have access to preventative care and to health care throughout their childhoods.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, if I could please inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Texas has 5 minutes remaining. The gentleman from Colorado has 16½ minutes remaining.

Mr. SESSIONS. Madam Speaker, due to the time inequity at this point, I would like to reserve my time.

Mr. POLIS of Colorado. Madam Speaker, I am the last speaker for this

side. I would like to reserve my time until the gentleman has closed for his side and has yielded back his time.

Mr. SESSIONS. Madam Speaker, we have had a series of Members who have come to the floor—Republican Members—who have talked, I believe, very adequately about the frailties of this bill. The frailties of this bill are obvious. The gentleman representing the Democratic majority has indicated that there were two tests laid forth—cost-effectiveness and common sense. I believe that the feedback from the Members of Congress on the Republican side have enunciated and have talked about several things that are important.

First of all, no hearings were held. Second of all, no Republican or bipartisan feedback was allowed in this bill. Thirdly, it is a huge expansion that will place this great Nation in terrible financial circumstances for the future. It expands a program that was working well for poor children. Lastly, it will move 2.4 million children from a private-run insurance program to a government-run insurance program. We think that is a failure. We believe the two tests have not passed.

In closing, I want to say that I oppose this closed rule. With the current program not expiring until March 31 of this year, we have seen enough Members question the underlying legislation, and it deserves to be debated, I believe, openly and, I believe, in the committees of jurisdiction before we take a vote to pass on such a large expansion of a government program.

This legislation spends billions of dollars to substitute superior, private health care coverage with an inferior government-run program. It enables illegal aliens to fraudulently enroll in Medicaid and SCHIP. The majority party knows that, and so does every Member of this body. The legislation increases the number of adults on SCHIP, allowing even more resources to be taken away from low-income, uninsured children who need it the most and what this legislation should be about.

Madam Speaker, this legislation moves us closer and closer and closer to not only financial insanity but also to a government-run health care program and further away from access to quality health care, which is what this should be about. It should be about quality health care for poor children. That is not what we are doing here today.

I encourage all of my colleagues to vote “no” on the rule and “no” on the underlying piece of legislation because, today, unlike before today, each of my colleagues has had a chance to hear the facts of the case. The facts of the case are compelling. The test that was established by our Democrat majority colleagues about cost-effectiveness and commonsense simply does not hold water. For these reasons on these issues, I believe that the Republicans have stated the case of why we should

not only vote “no” but why this is a bad deal not just for the taxpayers but for the children it was intended to help.

I yield back the balance of my time.

□ 1115

Mr. POLIS of Colorado. Madam Speaker, SCHIP currently provides for coverage of 7 million children. This bill before us today would also allow for extending the coverage to 4.1 million uninsured children, every single one of them who is currently eligible for but not enrolled in SCHIP and Medicaid.

Polls have shown that more than 8 percent of the American people support this bipartisan legislation, including large majorities of both major political parties. This is not only popular, Madam Speaker; this is the right thing to do for American families.

I urge a “yes” vote on the previous question and on the rule.

Ms. CASTOR of Florida. Madam Speaker, I rise in support of H.R. 2 as amended and this rule. We will finally pass the children's health care bill today, send it to President Obama for his signature, and provide affordable medical care to millions of children across America.

I was in the pediatrician's office last Friday with my daughters. There is nothing like the feeling of knowing that your children are healthy after a checkup or that they are on the road to recovery. I speak for millions of parents who can share that sense of relief because they can take their kids to the doctor's office and do so without breaking the family bank.

What good news for all Americans that one of the first bills President Obama will sign today will be one that improves access to quality affordable health care and reduces the cost of health care for families.

More affordable health care is central to our economic recovery and it is fundamental for families.

I am proud to say that the precursor to SCHIP originated in the 1990s as a novel health care initiative in my home State of Florida where the innovators enrolled kids in a health care plan at the start of the school year. They understood that healthy kids succeed in school at higher rates.

President Clinton and the Congress were so impressed by what Florida was doing in Florida Kidcare, they took the blueprint and fashioned the national SCHIP partnership.

Access to health care for working families in my community and all over America through this innovative partnership between Federal, State and local communities is a winning proposition.

The new law will make it easier for parents and kids to afford the doctor's office visits, and encourage States to cut costly bureaucratic red tape.

Our children's health care initiative ensures that newborn babies receive the medical checkups and immunizations they need, ensures that toddlers and children are taken care of as they grow, and ensures that we all save money through preventative care.

Suffering through President Bush's opposition over the past years has been very costly, and we have lost ground. In Florida alone, over 800,000 children lack health insurance and that's the third highest rate in the U.S. It's

more than the population of some States and it is growing. The lack of affordable health care for these working families is making it more expensive for everyone.

We are on a different path now.

I thank the many members who championed SCHIP as an initiative that works within a broader health care system that leaves many unable to afford health care in America, especially Speaker PELOSI, who never gave up and kept the promise that in the first days of a new Congress with a new President, the health of America's kids and the pocketbooks of hard-working families would be paramount.

Mr. POLIS of Colorado. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. WAXMAN. Madam Speaker, pursuant to House Resolution 107, I call up from the Speaker's table the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes, with the Senate amendment thereto, and I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the title of the bill, designate the Senate amendment, and designate the motion.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the “Children's Health Insurance Program Reauthorization Act of 2009”.

(b) *AMENDMENTS TO SOCIAL SECURITY ACT.*—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(c) *REFERENCES TO CHIP; MEDICAID; SECRETARY.*—In this Act:

(1) *CHIP.*—The term “CHIP” means the State Children's Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.).

(2) *MEDICAID.*—The term “Medicaid” means the program for medical assistance established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(3) *SECRETARY.*—The term “Secretary” means the Secretary of Health and Human Services.

(d) *TABLE OF CONTENTS.*—The table of contents of this Act is as follows:

Sec. 1. Short title; amendments to Social Security Act; references; table of contents.

Sec. 2. Purpose.

Sec. 3. General effective date; exception for State legislation; contingent effective date; reliance on law.

**TITLE I—FINANCING**

*Subtitle A—Funding*

Sec. 101. Extension of CHIP.

Sec. 102. Allotments for States and territories for fiscal years 2009 through 2013.

Sec. 103. Child Enrollment Contingency Fund.

Sec. 104. CHIP performance bonus payment to offset additional enrollment costs resulting from enrollment and retention efforts.

Sec. 105. Two-year initial availability of CHIP allotments.

Sec. 106. Redistribution of unused allotments.

Sec. 107. Option for qualifying States to receive the enhanced portion of the CHIP matching rate for Medicaid coverage of certain children.

Sec. 108. One-time appropriation.

Sec. 109. Improving funding for the territories under CHIP and Medicaid.

Subtitle B—Focus on Low-Income Children and Pregnant Women

Sec. 111. State option to cover low-income pregnant women under CHIP through a State plan amendment.

Sec. 112. Phase-out of coverage for nonpregnant childless adults under CHIP; conditions for coverage of parents.

Sec. 113. Elimination of counting Medicaid child presumptive eligibility costs against title XXI allotment.

Sec. 114. Limitation on matching rate for States that propose to cover children with effective family income that exceeds 300 percent of the poverty line.

Sec. 115. State authority under Medicaid.

#### TITLE II—OUTREACH AND ENROLLMENT

Subtitle A—Outreach and Enrollment Activities

Sec. 201. Grants and enhanced administrative funding for outreach and enrollment.

Sec. 202. Increased outreach and enrollment of Indians.

Sec. 203. State option to rely on findings from an Express Lane agency to conduct simplified eligibility determinations.

Subtitle B—Reducing Barriers to Enrollment

Sec. 211. Verification of declaration of citizenship or nationality for purposes of eligibility for Medicaid and CHIP.

Sec. 212. Reducing administrative barriers to enrollment.

Sec. 213. Model of Interstate coordinated enrollment and coverage process.

Sec. 214. Permitting States to ensure coverage without a 5-year delay of certain children and pregnant women under the Medicaid program and CHIP.

#### TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE

Subtitle A—Additional State Option for Providing Premium Assistance

Sec. 301. Additional State option for providing premium assistance.

Sec. 302. Outreach, education, and enrollment assistance.

Subtitle B—Coordinating Premium Assistance With Private Coverage

Sec. 311. Special enrollment period under group health plans in case of termination of Medicaid or CHIP coverage or eligibility for assistance in purchase of employment-based coverage; coordination of coverage.

#### TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES

Sec. 401. Child health quality improvement activities for children enrolled in Medicaid or CHIP.

Sec. 402. Improved availability of public information regarding enrollment of children in CHIP and Medicaid.

Sec. 403. Application of certain managed care quality safeguards to CHIP.

#### TITLE V—IMPROVING ACCESS TO BENEFITS

Sec. 501. Dental benefits.

Sec. 502. Mental health parity in CHIP plans.

Sec. 503. Application of prospective payment system for services provided by Federally-qualified health centers and rural health clinics.

Sec. 504. Premium grace period.

Sec. 505. Clarification of coverage of services provided through school-based health centers.

Sec. 506. Medicaid and CHIP Payment and Access Commission.

#### TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS

Subtitle A—Program Integrity and Data Collection

Sec. 601. Payment error rate measurement (“PERM”).

Sec. 602. Improving data collection.

Sec. 603. Updated Federal evaluation of CHIP.

Sec. 604. Access to records for IG and GAO audits and evaluations.

Sec. 605. No Federal funding for illegal aliens; disallowance for unauthorized expenditures.

Subtitle B—Miscellaneous Health Provisions

Sec. 611. Deficit Reduction Act technical corrections.

Sec. 612. References to title XXI.

Sec. 613. Prohibiting initiation of new health opportunity account demonstration programs.

Sec. 614. Adjustment in computation of Medicaid FMAP to disregard an extraordinary employer pension contribution.

Sec. 615. Clarification treatment of regional medical center.

Sec. 616. Extension of Medicaid DSH allotments for Tennessee and Hawaii.

Sec. 617. GAO report on Medicaid managed care payment rates.

Subtitle C—Other Provisions

Sec. 621. Outreach regarding health insurance options available to children.

Sec. 622. Sense of the Senate regarding access to affordable and meaningful health insurance coverage.

#### TITLE VII—REVENUE PROVISIONS

Sec. 701. Increase in excise tax rate on tobacco products.

Sec. 702. Administrative improvements.

Sec. 703. Treasury study concerning magnitude of tobacco smuggling in the United States.

Sec. 704. Time for payment of corporate estimated taxes.

#### SEC. 2. PURPOSE.

It is the purpose of this Act to provide dependable and stable funding for children’s health insurance under titles XXI and XIX of the Social Security Act in order to enroll all six million uninsured children who are eligible, but not enrolled, for coverage today through such titles.

#### SEC. 3. GENERAL EFFECTIVE DATE; EXCEPTION FOR STATE LEGISLATION; CONTINGENT EFFECTIVE DATE; RELIANCE ON LAW.

(a) GENERAL EFFECTIVE DATE.—Unless otherwise provided in this Act, subject to subsections (b) through (d), this Act (and the amendments made by this Act) shall take effect on April 1, 2009, and shall apply to child health assistance and medical assistance provided on or after that date.

(b) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX or State child health plan under XXI of the Social Security Act, which the Secretary of Health and Human Services determines requires State legislation in order for the respective plan to meet one or more additional requirements imposed by amendments made by this Act, the respective plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such an additional requirement before the first day of the first cal-

endar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(c) COORDINATION OF CHIP FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11), 2104(k), or 2104(l) of the Social Security Act, as amended by section 201 of Public Law 110–173, to provide allotments to States under CHIP for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before April 1, 2009 are rescinded; and

(2) any amount provided for CHIP allotments to a State under this Act (and the amendments made by this Act) for such fiscal year shall be reduced by the amount of such appropriations so allotted and obligated before such date.

(d) RELIANCE ON LAW.—With respect to amendments made by this Act (other than title VII) that become effective as of a date—

(1) such amendments are effective as of such date whether or not regulations implementing such amendments have been issued; and

(2) Federal financial participation for medical assistance or child health assistance furnished under title XIX or XXI, respectively, of the Social Security Act on or after such date by a State in good faith reliance on such amendments before the date of promulgation of final regulations, if any, to carry out such amendments (or before the date of guidance, if any, regarding the implementation of such amendments) shall not be denied on the basis of the State’s failure to comply with such regulations or guidance.

#### TITLE I—FINANCING

##### Subtitle A—Funding

#### SEC. 101. EXTENSION OF CHIP.

Section 2104(a) (42 U.S.C. 1397dd(a)) is amended—

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

(2) by amending paragraph (11), by striking “each of fiscal years 2008 and 2009” and inserting “fiscal year 2008”; and

(3) by adding at the end the following new paragraphs:

“(12) for fiscal year 2009, \$10,562,000,000;“(13) for fiscal year 2010, \$12,520,000,000;“(14) for fiscal year 2011, \$13,459,000,000;“(15) for fiscal year 2012, \$14,982,000,000; and“(16) for fiscal year 2013, for purposes of making 2 semi-annual allotments—

“(A) \$2,850,000,000 for the period beginning on October 1, 2012, and ending on March 31, 2013, and

“(B) \$2,850,000,000 for the period beginning on April 1, 2013, and ending on September 30, 2013.”.

#### SEC. 102. ALLOTMENTS FOR STATES AND TERRITORIES FOR FISCAL YEARS 2009 THROUGH 2013.

Section 2104 (42 U.S.C. 1397dd) is amended—

(1) in subsection (b)(1), by striking “subsection (d)” and inserting “subsections (d) and (m)”;

(2) in subsection (c)(1), by striking “subsection (d)” and inserting “subsections (d) and (m)(4)”;

and

(3) by adding at the end the following new subsection:

“(m) ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.—

“(1) FOR FISCAL YEAR 2009.—

“(A) FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12), to each of the 50 States and the District of Columbia 110 percent of the highest of the following amounts for such State or District:

“(i) The total Federal payments to the State under this title for fiscal year 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

“(ii) The amount allotted to the State for fiscal year 2008 under subsection (b), multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009.

“(iii) The projected total Federal payments to the State under this title for fiscal year 2009, as determined on the basis of the February 2009 projections certified by the State to the Secretary by not later than March 31, 2009.

“(B) FOR THE COMMONWEALTHS AND TERRITORIES.—Subject to the succeeding provisions of this paragraph and paragraph (4), the Secretary shall allot for fiscal year 2009 from the amount made available under subsection (a)(12) to each of the commonwealths and territories described in subsection (c)(3) an amount equal to the highest amount of Federal payments to the commonwealth or territory under this title for any fiscal year occurring during the period of fiscal years 1999 through 2008, multiplied by the allotment increase factor determined under paragraph (5) for fiscal year 2009, except that subparagraph (B) thereof shall be applied by substituting ‘the United States’ for ‘the State’.

“(C) ADJUSTMENT FOR QUALIFYING STATES.—In the case of a qualifying State described in paragraph (2) of section 2105(g), the Secretary shall permit the State to submit a revised projection described in subparagraph (A)(iii) in order to take into account changes in such projections attributable to the application of paragraph (4) of such section.

“(2) FOR FISCAL YEARS 2010 THROUGH 2012.—

“(A) IN GENERAL.—Subject to paragraphs (4) and (6), from the amount made available under paragraphs (13) through (15) of subsection (a) for each of fiscal years 2010 through 2012, respectively, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for each such fiscal year as follows:

“(i) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2010.—For fiscal year 2010, the allotment of the State is equal to the sum of—

“(I) the amount of the State allotment under paragraph (1) for fiscal year 2009; and

“(II) the amount of any payments made to the State under subsection (k), (l), or (n) for fiscal year 2009,

multiplied by the allotment increase factor under paragraph (5) for fiscal year 2010.

“(ii) REBASING IN FISCAL YEAR 2011.—For fiscal year 2011, the allotment of the State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2010 (including payments made to the State under subsection (n) for fiscal year 2010 as well as amounts redistributed to the State in fiscal year 2010), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2011.

“(iii) GROWTH FACTOR UPDATE FOR FISCAL YEAR 2012.—For fiscal year 2012, the allotment of the State is equal to the sum of—

“(I) the amount of the State allotment under clause (ii) for fiscal year 2011; and

“(II) the amount of any payments made to the State under subsection (n) for fiscal year 2011, multiplied by the allotment increase factor under paragraph (5) for fiscal year 2012.

“(3) FOR FISCAL YEAR 2013.—

“(A) FIRST HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (A) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, increased by the amount of the appropriation for such period under section 108 of the Children’s Health Insurance Program Reauthorization Act of 2009, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual

period in an amount equal to the first half ratio (described in subparagraph (D)) of the amount described in subparagraph (C).

“(B) SECOND HALF.—Subject to paragraphs (4) and (6), from the amount made available under subparagraph (B) of paragraph (16) of subsection (a) for the semi-annual period described in such paragraph, the Secretary shall compute a State allotment for each State (including the District of Columbia and each commonwealth and territory) for such semi-annual period in an amount equal to the amount made available under such subparagraph, multiplied by the ratio of—

“(i) the amount of the allotment to such State under subparagraph (A); to

“(ii) the total of the amount of all of the allotments made available under such subparagraph.

“(C) FULL YEAR AMOUNT BASED ON REBASED AMOUNT.—The amount described in this subparagraph for a State is equal to the Federal payments to the State that are attributable to (and countable towards) the total amount of allotments available under this section to the State in fiscal year 2012 (including payments made to the State under subsection (n) for fiscal year 2012 as well as amounts redistributed to the State in fiscal year 2012), multiplied by the allotment increase factor under paragraph (5) for fiscal year 2013.

“(D) FIRST HALF RATIO.—The first half ratio described in this subparagraph is the ratio of—

“(i) the sum of—

“(I) the amount made available under subsection (a)(16)(A); and

“(II) the amount of the appropriation for such period under section 108 of the Children’s Health Insurance Program Reauthorization Act of 2009; to

“(ii) the sum of the—

“(I) amount described in clause (i); and

“(II) the amount made available under subsection (a)(16)(B).

“(4) PRORATION RULE.—If, after the application of this subsection without regard to this paragraph, the sum of the allotments determined under paragraph (1), (2), or (3) for a fiscal year (or, in the case of fiscal year 2013, for a semi-annual period in such fiscal year) exceeds the amount available under subsection (a) for such fiscal year or period, the Secretary shall reduce each allotment for any State under such paragraph for such fiscal year or period on a proportional basis.

“(5) ALLOTMENT INCREASE FACTOR.—The allotment increase factor under this paragraph for a fiscal year is equal to the product of the following:

“(A) PER CAPITA HEALTH CARE GROWTH FACTOR.—1 plus the percentage increase in the projected per capita amount of National Health Expenditures from the calendar year in which the previous fiscal year ends to the calendar year in which the fiscal year involved ends, as most recently published by the Secretary before the beginning of the fiscal year.

“(B) CHILD POPULATION GROWTH FACTOR.—1 plus the percentage increase (if any) in the population of children in the State from July 1 in the previous fiscal year to July 1 in the fiscal year involved, as determined by the Secretary based on the most recent published estimates of the Bureau of the Census before the beginning of the fiscal year involved, plus 1 percentage point.

“(6) INCREASE IN ALLOTMENT TO ACCOUNT FOR APPROVED PROGRAM EXPANSIONS.—In the case of one of the 50 States or the District of Columbia that—

“(A) has submitted to the Secretary, and has approved by the Secretary, a State plan amendment or waiver request relating to an expansion of eligibility for children or benefits under this title that becomes effective for a fiscal year (beginning with fiscal year 2010 and ending with fiscal year 2013); and

“(B) has submitted to the Secretary, before the August 31 preceding the beginning of the fis-

cal year, a request for an expansion allotment adjustment under this paragraph for such fiscal year that specifies—

“(i) the additional expenditures that are attributable to the eligibility or benefit expansion provided under the amendment or waiver described in subparagraph (A), as certified by the State and submitted to the Secretary by not later than August 31 preceding the beginning of the fiscal year; and

“(ii) the extent to which such additional expenditures are projected to exceed the allotment of the State or District for the year,

subject to paragraph (4), the amount of the allotment of the State or District under this subsection for such fiscal year shall be increased by the excess amount described in subparagraph (B)(i). A State or District may only obtain an increase under this paragraph for an allotment for fiscal year 2010 or fiscal year 2012.

“(7) AVAILABILITY OF AMOUNTS FOR SEMI-ANNUAL PERIODS IN FISCAL YEAR 2013.—Each semi-annual allotment made under paragraph (3) for a period in fiscal year 2013 shall remain available for expenditure under this title for periods after the end of such fiscal year in the same manner as if the allotment had been made available for the entire fiscal year.”.

### SEC. 103. CHILD ENROLLMENT CONTINGENCY FUND.

Section 2104 (42 U.S.C. 1397dd), as amended by section 102, is amended by adding at the end the following new subsection:

“(n) CHILD ENROLLMENT CONTINGENCY FUND.—

“(1) ESTABLISHMENT.—There is hereby established in the Treasury of the United States a fund which shall be known as the ‘Child Enrollment Contingency Fund’ (in this subsection referred to as the ‘Fund’). Amounts in the Fund shall be available without further appropriations for payments under this subsection.

“(2) DEPOSITS INTO FUND.—

“(A) INITIAL AND SUBSEQUENT APPROPRIATIONS.—Subject to subparagraphs (B) and (D), out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Fund—

“(i) for fiscal year 2009, an amount equal to 20 percent of the amount made available under paragraph (12) of subsection (a) for the fiscal year; and

“(ii) for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), such sums as are necessary for making payments to eligible States for such fiscal year or period, but not in excess of the aggregate cap described in subparagraph (B).

“(B) AGGREGATE CAP.—The total amount available for payment from the Fund for each of fiscal years 2010 through 2012 (and for each of the semi-annual allotment periods for fiscal year 2013), taking into account deposits made under subparagraph (C), shall not exceed 20 percent of the amount made available under subsection (a) for the fiscal year or period.

“(C) INVESTMENT OF FUND.—The Secretary of the Treasury shall invest, in interest bearing securities of the United States, such currently available portions of the Fund as are not immediately required for payments from the Fund. The income derived from these investments constitutes a part of the Fund.

“(D) AVAILABILITY OF EXCESS FUNDS FOR PERFORMANCE BONUSES.—Any amounts in excess of the aggregate cap described in subparagraph (B) for a fiscal year or period shall be made available for purposes of carrying out section 2105(a)(3) for any succeeding fiscal year and the Secretary of the Treasury shall reduce the amount in the Fund by the amount so made available.

“(3) CHILD ENROLLMENT CONTINGENCY FUND PAYMENTS.—

“(A) IN GENERAL.—If a State’s expenditures under this title in fiscal year 2009, fiscal year

2010, fiscal year 2011, fiscal year 2012, or a semi-annual allotment period for fiscal year 2013, exceed the total amount of allotments available under this section to the State in the fiscal year or period (determined without regard to any redistribution it receives under subsection (f) that is available for expenditure during such fiscal year or period, but including any carryover from a previous fiscal year) and if the average monthly unduplicated number of children enrolled under the State plan under this title (including children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during such fiscal year or period exceeds its target average number of such enrollees (as determined under subparagraph (B)) for that fiscal year or period, subject to subparagraph (D), the Secretary shall pay to the State from the Fund an amount equal to the product of—

“(i) the amount by which such average monthly caseload exceeds such target number of enrollees; and

“(ii) the projected per capita expenditures under the State child health plan (as determined under subparagraph (C) for the fiscal year), multiplied by the enhanced FMAP (as defined in section 2105(b)) for the State and fiscal year involved (or in which the period occurs).

“(B) TARGET AVERAGE NUMBER OF CHILD ENROLLEES.—In this paragraph, the target average number of child enrollees for a State—

“(i) for fiscal year 2009 is equal to the monthly average unduplicated number of children enrolled in the State child health plan under this title (including such children receiving health care coverage through funds under this title pursuant to a waiver under section 1115) during fiscal year 2008 increased by the population growth for children in that State for the year ending on June 30, 2007 (as estimated by the Bureau of the Census) plus 1 percentage point; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the target average number of child enrollees for the State for the previous fiscal year increased by the child population growth factor described in subsection (m)(5)(B) for the State for the prior fiscal year.

“(C) PROJECTED PER CAPITA EXPENDITURES.—For purposes of subparagraph (A)(ii), the projected per capita expenditures under a State child health plan—

“(i) for fiscal year 2009 is equal to the average per capita expenditures (including both State and Federal financial participation) under such plan for the targeted low-income children counted in the average monthly caseload for purposes of this paragraph during fiscal year 2008, increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for 2009; or

“(ii) for a subsequent fiscal year (or semi-annual period occurring in a fiscal year) is equal to the projected per capita expenditures under such plan for the previous fiscal year (as determined under clause (i) or this clause) increased by the annual percentage increase in the projected per capita amount of National Health Expenditures (as estimated by the Secretary) for the year in which such subsequent fiscal year ends.

“(D) PRORATION RULE.—If the amounts available for payment from the Fund for a fiscal year or period are less than the total amount of payments determined under subparagraph (A) for the fiscal year or period, the amount to be paid under such subparagraph to each eligible State shall be reduced proportionally.

“(E) TIMELY PAYMENT; RECONCILIATION.—Payment under this paragraph for a fiscal year or period shall be made before the end of the fiscal year or period based upon the most recent data for expenditures and enrollment and the provisions of subsection (e) of section 2105 shall apply to payments under this subsection in the same manner as they apply to payments under such section.

“(F) CONTINUED REPORTING.—For purposes of this paragraph and subsection (f), the State shall submit to the Secretary the State's projected Federal expenditures, even if the amount of such expenditures exceeds the total amount of allotments available to the State in such fiscal year or period.

“(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—No payment shall be made under this paragraph to a commonwealth or territory described in subsection (c)(3) until such time as the Secretary determines that there are in effect methods, satisfactory to the Secretary, for the collection and reporting of reliable data regarding the enrollment of children described in subparagraphs (A) and (B) in order to accurately determine the commonwealth's or territory's eligibility for, and amount of payment, under this paragraph.”

**SEC. 104. CHIP PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.**

Section 2105(a) (42 U.S.C. 1397ee(a)) is amended by adding at the end the following new paragraphs:

“(3) PERFORMANCE BONUS PAYMENT TO OFFSET ADDITIONAL MEDICAID AND CHIP CHILD ENROLLMENT COSTS RESULTING FROM ENROLLMENT AND RETENTION EFFORTS.—

“(A) IN GENERAL.—In addition to the payments made under paragraph (1), for each fiscal year (beginning with fiscal year 2009 and ending with fiscal year 2013), the Secretary shall pay from amounts made available under subparagraph (E), to each State that meets the condition under paragraph (4) for the fiscal year, an amount equal to the amount described in subparagraph (B) for the State and fiscal year. The payment under this paragraph shall be made, to a State for a fiscal year, as a single payment not later than the last day of the first calendar quarter of the following fiscal year.

“(B) AMOUNT FOR ABOVE BASELINE MEDICAID CHILD ENROLLMENT COSTS.—Subject to subparagraph (E), the amount described in this subparagraph for a State for a fiscal year is equal to the sum of the following amounts:

“(i) FIRST TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of first tier above baseline child enrollees (as determined under subparagraph (C)(i)) under title XIX for the State and fiscal year, multiplied by 15 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

“(ii) SECOND TIER ABOVE BASELINE MEDICAID ENROLLEES.—An amount equal to the number of second tier above baseline child enrollees (as determined under subparagraph (C)(ii)) under title XIX for the State and fiscal year, multiplied by 62.5 percent of the projected per capita State Medicaid expenditures (as determined under subparagraph (D)) for the State and fiscal year under title XIX.

“(C) NUMBER OF FIRST AND SECOND TIER ABOVE BASELINE CHILD ENROLLEES; BASELINE NUMBER OF CHILD ENROLLEES.—For purposes of this paragraph:

“(i) FIRST TIER ABOVE BASELINE CHILD ENROLLEES.—The number of first tier above baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

“(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under the State plan under title XIX, respectively; exceeds

“(II) the baseline number of enrollees described in clause (iii) for the State and fiscal year under title XIX, respectively; but not to exceed 10 percent of the baseline number of enrollees described in subclause (II).

“(ii) SECOND TIER ABOVE BASELINE CHILD ENROLLEES.—The number of second tier above

baseline child enrollees for a State for a fiscal year under title XIX is equal to the number (if any, as determined by the Secretary) by which—

“(I) the monthly average unduplicated number of qualifying children (as defined in subparagraph (F)) enrolled during the fiscal year under title XIX as described in clause (i)(I); exceeds

“(II) the sum of the baseline number of child enrollees described in clause (iii) for the State and fiscal year under title XIX, as described in clause (i)(II), and the maximum number of first tier above baseline child enrollees for the State and fiscal year under title XIX, as determined under clause (i).

“(iii) BASELINE NUMBER OF CHILD ENROLLEES.—Subject to subparagraph (H), the baseline number of child enrollees for a State under title XIX—

“(I) for fiscal year 2009 is equal to the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX during fiscal year 2007 increased by the population growth for children in that State from 2007 to 2008 (as estimated by the Bureau of the Census) plus 4 percentage points, and further increased by the population growth for children in that State from 2008 to 2009 (as estimated by the Bureau of the Census) plus 4 percentage points;

“(II) for each of fiscal years 2010, 2011, and 2012, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3.5 percentage points;

“(III) for each of fiscal years 2013, 2014, and 2015, is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the respective fiscal year begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 3 percentage points; and

“(IV) for a subsequent fiscal year is equal to the baseline number of child enrollees for the State for the previous fiscal year under title XIX, increased by the population growth for children in that State from the calendar year in which the fiscal year involved begins to the succeeding calendar year (as estimated by the Bureau of the Census) plus 2 percentage points.

“(D) PROJECTED PER CAPITA STATE MEDICAID EXPENDITURES.—For purposes of subparagraph (B), the projected per capita State Medicaid expenditures for a State and fiscal year under title XIX is equal to the average per capita expenditures (including both State and Federal financial participation) for children under the State plan under such title, including under waivers but not including such children eligible for assistance by virtue of the receipt of benefits under title XVI, for the most recent fiscal year for which actual data are available (as determined by the Secretary), increased (for each subsequent fiscal year up to and including the fiscal year involved) by the annual percentage increase in per capita amount of National Health Expenditures (as estimated by the Secretary) for the calendar year in which the respective subsequent fiscal year ends and multiplied by a State matching percentage equal to 100 percent minus the Federal medical assistance percentage (as defined in section 1905(b)) for the fiscal year involved.

“(E) AMOUNTS AVAILABLE FOR PAYMENTS.—

“(i) INITIAL APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there are appropriated \$3,225,000,000 for fiscal year 2009 for making payments under this paragraph, to be available until expended.

“(ii) TRANSFERS.—Notwithstanding any other provision of this title, the following amounts

shall also be available, without fiscal year limitation, for making payments under this paragraph:

“(I) UNOBLIGATED NATIONAL ALLOTMENT.—  
“(aa) FISCAL YEARS 2009 THROUGH 2012.—As of December 31 of fiscal year 2009, and as of December 31 of each succeeding fiscal year through fiscal year 2012, the portion, if any, of the amount appropriated under subsection (a) for such fiscal year that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (a)(3) or (b)(2) of section 2111 for such fiscal year.

“(bb) FIRST HALF OF FISCAL YEAR 2013.—As of December 31 of fiscal year 2013, the portion, if any, of the sum of the amounts appropriated under subsection (a)(16)(A) and under section 108 of the Children’s Health Insurance Reauthorization Act of 2009 for the period beginning on October 1, 2012, and ending on March 31, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

“(cc) SECOND HALF OF FISCAL YEAR 2013.—As of June 30 of fiscal year 2013, the portion, if any, of the amount appropriated under subsection (a)(16)(B) for the period beginning on April 1, 2013, and ending on September 30, 2013, that is unobligated for allotment to a State under subsection (m) for such fiscal year or set aside under subsection (b)(2) of section 2111 for such fiscal year.

“(II) UNEXPENDED ALLOTMENTS NOT USED FOR REDISTRIBUTION.—As of November 15 of each of fiscal years 2010 through 2013, the total amount of allotments made to States under section 2104 for the second preceding fiscal year (third preceding fiscal year in the case of the fiscal year 2006, 2007, and 2008 allotments) that is not expended or redistributed under section 2104(f) during the period in which such allotments are available for obligation.

“(III) EXCESS CHILD ENROLLMENT CONTINGENCY FUNDS.—As of October 1 of each of fiscal years 2010 through 2013, any amount in excess of the aggregate cap applicable to the Child Enrollment Contingency Fund for the fiscal year under section 2104(n).

“(IV) UNEXPENDED TRANSITIONAL COVERAGE BLOCK GRANT FOR NONPREGNANT CHILDLESS ADULTS.—As of October 1, 2011, any amounts set aside under section 2111(a)(3) that are not expended by September 30, 2011.

“(iii) PROPORTIONAL REDUCTION.—If the sum of the amounts otherwise payable under this paragraph for a fiscal year exceeds the amount available for the fiscal year under this subparagraph, the amount to be paid under this paragraph to each State shall be reduced proportionally.

“(F) QUALIFYING CHILDREN DEFINED.—

“(i) IN GENERAL.—For purposes of this subsection, subject to clauses (ii) and (iii), the term ‘qualifying children’ means children who meet the eligibility criteria (including income, categorical eligibility, age, and immigration status criteria) in effect as of July 1, 2008, for enrollment under title XIX, taking into account criteria applied as of such date under title XIX pursuant to a waiver under section 1115.

“(ii) LIMITATION.—A child described in clause (i) who is provided medical assistance during a presumptive eligibility period under section 1920A shall be considered to be a ‘qualifying child’ only if the child is determined to be eligible for medical assistance under title XIX.

“(iii) EXCLUSION.—Such term does not include any children for whom the State has made an election to provide medical assistance under paragraph (4) of section 1903(v).

“(G) APPLICATION TO COMMONWEALTHS AND TERRITORIES.—The provisions of subparagraph (G) of section 2104(n)(3) shall apply with respect to payment under this paragraph in the same manner as such provisions apply to payment under such section.

“(H) APPLICATION TO STATES THAT IMPLEMENT A MEDICAID EXPANSION FOR CHILDREN AFTER

FISCAL YEAR 2008.—In the case of a State that provides coverage under section 115 of the Children’s Health Insurance Program Reauthorization Act of 2009 for any fiscal year after fiscal year 2008—

“(i) any child enrolled in the State plan under title XIX through the application of such an election shall be disregarded from the determination for the State of the monthly average unduplicated number of qualifying children enrolled in such plan during the first 3 fiscal years in which such an election is in effect; and

“(ii) in determining the baseline number of child enrollees for the State for any fiscal year subsequent to such first 3 fiscal years, the baseline number of child enrollees for the State under title XIX for the third of such fiscal years shall be the monthly average unduplicated number of qualifying children enrolled in the State plan under title XIX for such third fiscal year.

“(4) ENROLLMENT AND RETENTION PROVISIONS FOR CHILDREN.—For purposes of paragraph (3)(A), a State meets the condition of this paragraph for a fiscal year if it is implementing at least 5 of the following enrollment and retention provisions (treating each subparagraph as a separate enrollment and retention provision) throughout the entire fiscal year:

“(A) CONTINUOUS ELIGIBILITY.—The State has elected the option of continuous eligibility for a full 12 months for all children described in section 1902(e)(12) under title XIX under 19 years of age, as well as applying such policy under its State child health plan under this title.

“(B) LIBERALIZATION OF ASSET REQUIREMENTS.—The State meets the requirement specified in either of the following clauses:

“(i) ELIMINATION OF ASSET TEST.—The State does not apply any asset or resource test for eligibility for children under title XIX or this title.

“(ii) ADMINISTRATIVE VERIFICATION OF ASSETS.—The State—

“(I) permits a parent or caretaker relative who is applying on behalf of a child for medical assistance under title XIX or child health assistance under this title to declare and certify by signature under penalty of perjury information relating to family assets for purposes of determining and redetermining financial eligibility; and

“(II) takes steps to verify assets through means other than by requiring documentation from parents and applicants except in individual cases of discrepancies or where otherwise justified.

“(C) ELIMINATION OF IN-PERSON INTERVIEW REQUIREMENT.—The State does not require an application of a child for medical assistance under title XIX (or for child health assistance under this title), including an application for renewal of such assistance, to be made in person nor does the State require a face-to-face interview, unless there are discrepancies or individual circumstances justifying an in-person application or face-to-face interview.

“(D) USE OF JOINT APPLICATION FOR MEDICAID AND CHIP.—The application form and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children for medical assistance under title XIX and child health assistance under this title.

“(E) AUTOMATIC RENEWAL (USE OF ADMINISTRATIVE RENEWAL).—

“(i) IN GENERAL.—The State provides, in the case of renewal of a child’s eligibility for medical assistance under title XIX or child health assistance under this title, a pre-printed form completed by the State based on the information available to the State and notice to the parent or caretaker relative of the child that eligibility of the child will be renewed and continued based on such information unless the State is provided other information. Nothing in this clause shall be construed as preventing a State from verifying, through electronic and other means, the information so provided.

“(ii) SATISFACTION THROUGH DEMONSTRATED USE OF EX PARTE PROCESS.—A State shall be

treated as satisfying the requirement of clause (i) if renewal of eligibility of children under title XIX or this title is determined without any requirement for an in-person interview, unless sufficient information is not in the State’s possession and cannot be acquired from other sources (including other State agencies) without the participation of the applicant or the applicant’s parent or caretaker relative.

“(F) PRESUMPTIVE ELIGIBILITY FOR CHILDREN.—The State is implementing section 1920A under title XIX as well as, pursuant to section 2107(e)(1), under this title.

“(G) EXPRESS LANE.—The State is implementing the option described in section 1902(e)(13) under title XIX as well as, pursuant to section 2107(e)(1), under this title.

“(H) PREMIUM ASSISTANCE SUBSIDIES.—The State is implementing the option of providing premium assistance subsidies under section 2105(c)(10) or section 1906A.”.

#### SEC. 105. TWO-YEAR INITIAL AVAILABILITY OF CHIP ALLOTMENTS.

Section 2104(e) (42 U.S.C. 1397dd(e)) is amended to read as follows:

“(e) AVAILABILITY OF AMOUNTS ALLOTTED.—

“(I) IN GENERAL.—Except as provided in paragraph (2), amounts allotted to a State pursuant to this section—

“(A) for each of fiscal years 1998 through 2008, shall remain available for expenditure by the State through the end of the second succeeding fiscal year; and

“(B) for fiscal year 2009 and each fiscal year thereafter, shall remain available for expenditure by the State through the end of the succeeding fiscal year.

“(2) AVAILABILITY OF AMOUNTS REDISTRIBUTED.—Amounts redistributed to a State under subsection (f) shall be available for expenditure by the State through the end of the fiscal year in which they are redistributed.”.

#### SEC. 106. REDISTRIBUTION OF UNUSED ALLOTMENTS.

(a) BEGINNING WITH FISCAL YEAR 2007.—

(I) IN GENERAL.—Section 2104(f) (42 U.S.C. 1397dd(f)) is amended—

(A) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”;

(B) by striking “States that have fully expended the amount of their allotments under this section.” and inserting “States that the Secretary determines with respect to the fiscal year for which unused allotments are available for redistribution under this subsection, are shortfall States described in paragraph (2) for such fiscal year, but not to exceed the amount of the shortfall described in paragraph (2)(A) for each such State (as may be adjusted under paragraph (2)(C)).”; and

(C) by adding at the end the following new paragraph:

“(2) SHORTFALL STATES DESCRIBED.—

“(A) IN GENERAL.—For purposes of paragraph (1), with respect to a fiscal year, a shortfall State described in this subparagraph is a State with a State child health plan approved under this title for which the Secretary estimates on the basis of the most recent data available to the Secretary, that the projected expenditures under such plan for the State for the fiscal year will exceed the sum of—

“(i) the amount of the State’s allotments for any preceding fiscal years that remains available for expenditure and that will not be expended by the end of the immediately preceding fiscal year;

“(ii) the amount (if any) of the child enrollment contingency fund payment under subsection (n); and

“(iii) the amount of the State’s allotment for the fiscal year.

“(B) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) for a fiscal year are less than the total amounts of the estimated shortfalls determined for the year

under subparagraph (A), the amount to be redistributed under such paragraph for each short-fall State shall be reduced proportionally.

“(C) **RETROSPECTIVE ADJUSTMENT.**—The Secretary may adjust the estimates and determinations made under paragraph (1) and this paragraph with respect to a fiscal year as necessary on the basis of the amounts reported by States not later than November 30 of the succeeding fiscal year, as approved by the Secretary.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall apply to redistribution of allotments made for fiscal year 2007 and subsequent fiscal years.

(b) **REDISTRIBUTION OF UNUSED ALLOTMENTS FOR FISCAL YEAR 2006.**—Section 2104(k) (42 U.S.C. 1397dd(k)) is amended—

(1) in the subsection heading, by striking “THE FIRST 2 QUARTERS OF”;

(2) in paragraph (1), by striking “the first 2 quarters of”; and

(3) in paragraph (6)—

(A) by striking “the first 2 quarters of”; and

(B) by striking “March 31” and inserting “September 30”.

**SEC. 107. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN.**

(a) **IN GENERAL.**—Section 2105(g) (42 U.S.C. 1397ee(g)) is amended—

(1) in paragraph (1)(A), as amended by section 201(b)(1) of Public Law 110-173—

(A) by inserting “subject to paragraph (4),” after “Notwithstanding any other provision of law,”; and

(B) by striking “2008, or 2009” and inserting “or 2008”; and

(2) by adding at the end the following new paragraph:

“(4) **OPTION FOR ALLOTMENTS FOR FISCAL YEARS 2009 THROUGH 2013.**—

“(A) **PAYMENT OF ENHANCED PORTION OF MATCHING RATE FOR CERTAIN EXPENDITURES.**—In the case of expenditures described in subparagraph (B), a qualifying State (as defined in paragraph (2)) may elect to be paid from the State’s allotment made under section 2104 for any of fiscal years 2009 through 2013 (insofar as the allotment is available to the State under subsections (e) and (m) of such section) an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to such expenditures if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

“(B) **EXPENDITURES DESCRIBED.**—For purposes of subparagraph (A), the expenditures described in this subparagraph are expenditures made after the date of the enactment of this paragraph and during the period in which funds are available to the qualifying State for use under subparagraph (A), for the provision of medical assistance to individuals residing in the State who are eligible for medical assistance under the State plan under title XIX or under a waiver of such plan and who have not attained age 19 (or, if a State has so elected under the State plan under title XIX, age 20 or 21), and whose family income equals or exceeds 133 percent of the poverty line but does not exceed the Medicaid applicable income level.”.

(b) **REPEAL OF LIMITATION ON AVAILABILITY OF FISCAL YEAR 2009 ALLOTMENTS.**—Paragraph (2) of section 201(b) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (Public Law 110-173) is repealed.

**SEC. 108. ONE-TIME APPROPRIATION.**

There is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, \$11,706,000,000 to accompany the allotment made for the period beginning on October 1, 2012, and ending on March 31, 2013, under section 2104(a)(16)(A) of the Social Security Act (42 U.S.C. 1397dd(a)(16)(A)) (as added by section

101), to remain available until expended. Such amount shall be used to provide allotments to States under paragraph (3) of section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(i)), as added by section 102, for the first 6 months of fiscal year 2013 in the same manner as allotments are provided under subsection (a)(16)(A) of such section 2104 and subject to the same terms and conditions as apply to the allotments provided from such subsection (a)(16)(A).

**SEC. 109. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID.**

Section 1108(g) (42 U.S.C. 1308(g)) is amended by adding at the end the following new paragraph:

“(4) **EXCLUSION OF CERTAIN EXPENDITURES FROM PAYMENT LIMITS.**—With respect to fiscal years beginning with fiscal year 2009, if Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa qualify for a payment under subparagraph (A)(i), (B), or (F) of section 1903(a)(3) for a calendar quarter of such fiscal year, the payment shall not be taken into account in applying subsection (f) (as increased in accordance with paragraphs (1), (2), and (3) of this subsection) to such commonwealth or territory for such fiscal year.”.

**Subtitle B—Focus on Low-Income Children and Pregnant Women**

**SEC. 111. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT.**

(a) **IN GENERAL.**—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 112(a), is amended by adding at the end the following new section:

“**SEC. 2112. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN THROUGH A STATE PLAN AMENDMENT.**

“(a) **IN GENERAL.**—Subject to the succeeding provisions of this section, a State may elect through an amendment to its State child health plan under section 2102 to provide pregnancy-related assistance under such plan for targeted low-income pregnant women.

“(b) **CONDITIONS.**—A State may only elect the option under subsection (a) if the following conditions are satisfied:

“(1) **MINIMUM INCOME ELIGIBILITY LEVELS FOR PREGNANT WOMEN AND CHILDREN.**—The State has established an income eligibility level—

“(A) for pregnant women under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (1)(1)(A) of section 1902 that is at least 185 percent (or such higher percent as the State has in effect with regard to pregnant women under this title) of the poverty line applicable to a family of the size involved, but in no case lower than the percent in effect under any such subsection as of July 1, 2008; and

“(B) for children under 19 years of age under this title (or title XIX) that is at least 200 percent of the poverty line applicable to a family of the size involved.

“(2) **NO CHIP INCOME ELIGIBILITY LEVEL FOR PREGNANT WOMEN LOWER THAN THE STATE’S MEDICAID LEVEL.**—The State does not apply an effective income level for pregnant women under the State plan amendment that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) specified under subsection (a)(10)(A)(i)(III), (a)(10)(A)(i)(IV), or (1)(1)(A) of section 1902, on the date of enactment of this paragraph to be eligible for medical assistance as a pregnant woman.

“(3) **NO COVERAGE FOR HIGHER INCOME PREGNANT WOMEN WITHOUT COVERING LOWER INCOME PREGNANT WOMEN.**—The State does not provide coverage for pregnant women with higher family income without covering pregnant women with a lower family income.

“(4) **APPLICATION OF REQUIREMENTS FOR COVERAGE OF TARGETED LOW-INCOME CHILDREN.**—The State provides pregnancy-related assistance

for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the State provides child health assistance for targeted low-income children under the State child health plan, and in addition to providing child health assistance for such women.

“(5) **NO PREEXISTING CONDITION EXCLUSION OR WAITING PERIOD.**—The State does not apply any exclusion of benefits for pregnancy-related assistance based on any preexisting condition or any waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) for receipt of such assistance.

“(6) **APPLICATION OF COST-SHARING PROTECTION.**—The State provides pregnancy-related assistance to a targeted low-income woman consistent with the cost-sharing protections under section 2103(e) and applies the limitation on total annual aggregate cost sharing imposed under paragraph (3)(B) of such section to the family of such a woman.

“(7) **NO WAITING LIST FOR CHILDREN.**—The State does not impose, with respect to the enrollment under the State child health plan of targeted low-income children during the quarter, any enrollment cap or other numerical limitation on enrollment, any waiting list, any procedures designed to delay the consideration of applications for enrollment, or similar limitation with respect to enrollment.

“(c) **OPTION TO PROVIDE PRESUMPTIVE ELIGIBILITY.**—A State that elects the option under subsection (a) and satisfies the conditions described in subsection (b) may elect to apply section 1920 (relating to presumptive eligibility for pregnant women) to the State child health plan in the same manner as such section applies to the State plan under title XIX.

“(d) **DEFINITIONS.**—For purposes of this section:

“(1) **PREGNANCY-RELATED ASSISTANCE.**—The term ‘pregnancy-related assistance’ has the meaning given the term ‘child health assistance’ in section 2110(a) with respect to an individual during the period described in paragraph (2)(A).

“(2) **TARGETED LOW-INCOME PREGNANT WOMAN.**—The term ‘targeted low-income pregnant woman’ means an individual—

“(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

“(B) whose family income exceeds 185 percent (or, if higher, the percent applied under subsection (b)(1)(A)) of the poverty line applicable to a family of the size involved, but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

“(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b) in the same manner as a child applying for child health assistance would have to satisfy such requirements.

“(e) **AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.**—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child’s birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).

“(f) **STATES PROVIDING ASSISTANCE THROUGH OTHER OPTIONS.**—

“(1) CONTINUATION OF OTHER OPTIONS FOR PROVIDING ASSISTANCE.—The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide—

“(A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations (as in effect after the final rule adopted by the Secretary and set forth at 67 Fed. Reg. 61956–61974 (October 2, 2002)), or

“(B) pregnancy-related services through the application of any waiver authority (as in effect on June 1, 2008).

“(2) CLARIFICATION OF AUTHORITY TO PROVIDE POSTPARTUM SERVICES.—Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as such assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

“(3) NO INFERENCE.—Nothing in this subsection shall be construed—

“(A) to infer congressional intent regarding the legality or illegality of the content of the sections specified in paragraph (1)(A); or

“(B) to modify the authority to provide pregnancy-related services under a waiver specified in paragraph (1)(B).”.

(b) ADDITIONAL CONFORMING AMENDMENTS.—(1) NO COST SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) (42 U.S.C. 1397cc(e)(2)) is amended—

(A) in the heading, by inserting “OR PREGNANCY-RELATED ASSISTANCE” after “PREVENTIVE SERVICES”; and

(B) by inserting before the period at the end the following: “or for pregnancy-related assistance”.

(2) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(A) in clause (i), by striking “, and” at the end and inserting a semicolon;

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

(C) by adding at the end the following new clause:

“(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman provided pregnancy-related assistance under section 2112.”.

**SEC. 112. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS UNDER CHIP; CONDITIONS FOR COVERAGE OF PARENTS.**

(a) PHASE-OUT RULES.—

(1) IN GENERAL.—Title XXI (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

**“SEC. 2111. PHASE-OUT OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS; CONDITIONS FOR COVERAGE OF PARENTS.**

“(a) TERMINATION OF COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS.—

“(1) NO NEW CHIP WAIVERS; AUTOMATIC EXTENSIONS AT STATE OPTION THROUGH 2009.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

“(A) the Secretary shall not on or after the date of the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a nonpregnant childless adult; and

“(B) notwithstanding the terms and conditions of an applicable existing waiver, the provi-

sions of paragraph (2) shall apply for purposes of any period beginning on or after January 1, 2010, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

“(2) TERMINATION OF CHIP COVERAGE UNDER APPLICABLE EXISTING WAIVERS AT THE END OF 2009.—

“(A) IN GENERAL.—No funds shall be available under this title for child health assistance or other health benefits coverage that is provided to a nonpregnant childless adult under an applicable existing waiver after December 31, 2009.

“(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before January 1, 2010, notwithstanding the requirements of subsections (e) and (f) of section 1115, a State may submit, not later than September 30, 2009, a request to the Secretary for an extension of the waiver. The Secretary shall approve a request for an extension of an applicable existing waiver submitted pursuant to this subparagraph, but only through December 31, 2009.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a nonpregnant childless adult during the period beginning on the date of the enactment of this subsection and ending on December 31, 2009.

“(3) STATE OPTION TO APPLY FOR MEDICAID WAIVER TO CONTINUE COVERAGE FOR NON-PREGNANT CHILDLESS ADULTS.—

“(A) IN GENERAL.—Each State for which coverage under an applicable existing waiver is terminated under paragraph (2)(A) may submit, not later than September 30, 2009, an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a nonpregnant childless adult whose coverage is so terminated (in this subsection referred to as a ‘Medicaid nonpregnant childless adults waiver’).

“(B) DEADLINE FOR APPROVAL.—The Secretary shall make a decision to approve or deny an application for a Medicaid nonpregnant childless adults waiver submitted under subparagraph (A) within 90 days of the date of the submission of the application. If no decision has been made by the Secretary as of December 31, 2009, on the application of a State for a Medicaid nonpregnant childless adults waiver that was submitted to the Secretary by September 30, 2009, the application shall be deemed approved.

“(C) STANDARD FOR BUDGET NEUTRALITY.—The budget neutrality requirement applicable with respect to expenditures for medical assistance under a Medicaid nonpregnant childless adults waiver shall—

“(i) in the case of fiscal year 2010, allow expenditures for medical assistance under title XIX for all such adults to not exceed the total amount of payments made to the State under paragraph (2)(B) for fiscal year 2009, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for 2010 over 2009, as most recently published by the Secretary; and

“(ii) in the case of any succeeding fiscal year, allow such expenditures to not exceed the amount in effect under this subparagraph for the preceding fiscal year, increased by the percentage increase (if any) in the projected nominal per capita amount of National Health Expenditures for the calendar year that begins during the year involved over the preceding calendar year, as most recently published by the Secretary.

“(b) RULES AND CONDITIONS FOR COVERAGE OF PARENTS OF TARGETED LOW-INCOME CHILDREN.—

“(1) TWO-YEAR PERIOD; AUTOMATIC EXTENSION AT STATE OPTION THROUGH FISCAL YEAR 2011.—

“(A) NO NEW CHIP WAIVERS.—Notwithstanding section 1115 or any other provision of this title, except as provided in this subsection—

“(i) the Secretary shall not on or after the date of the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009 approve or renew a waiver, experimental, pilot, or demonstration project that would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to a parent of a targeted low-income child; and

“(ii) notwithstanding the terms and conditions of an applicable existing waiver, the provisions of paragraphs (2) and (3) shall apply for purposes of any fiscal year beginning on or after October 1, 2011, in determining the period to which the waiver applies, the individuals eligible to be covered by the waiver, and the amount of the Federal payment under this title.

“(B) EXTENSION UPON STATE REQUEST.—If an applicable existing waiver described in subparagraph (A) would otherwise expire before October 1, 2011, and the State requests an extension of such waiver, the Secretary shall grant such an extension, but only, subject to paragraph (2)(A), through September 30, 2011.

“(C) APPLICATION OF ENHANCED FMAP.—The enhanced FMAP determined under section 2105(b) shall apply to expenditures under an applicable existing waiver for the provision of child health assistance or other health benefits coverage to a parent of a targeted low-income child during the third and fourth quarters of fiscal year 2009 and during fiscal years 2010 and 2011.

“(2) RULES FOR FISCAL YEARS 2012 THROUGH 2013.—

“(A) PAYMENTS FOR COVERAGE LIMITED TO BLOCK GRANT FUNDED FROM STATE ALLOTMENT.—Any State that provides child health assistance or health benefits coverage under an applicable existing waiver for a parent of a targeted low-income child may elect to continue to provide such assistance or coverage through fiscal year 2012 or 2013, subject to the same terms and conditions that applied under the applicable existing waiver, unless otherwise modified in subparagraph (B).

“(B) TERMS AND CONDITIONS.—

“(i) BLOCK GRANT SET ASIDE FROM STATE ALLOTMENT.—If the State makes an election under subparagraph (A), the Secretary shall set aside for the State for each such fiscal year an amount equal to the Federal share of 110 percent of the State’s projected expenditures under the applicable existing waiver for providing child health assistance or health benefits coverage to all parents of targeted low-income children enrolled under such waiver for the fiscal year (as certified by the State and submitted to the Secretary by not later than August 31 of the preceding fiscal year). In the case of fiscal year 2013, the set aside for any State shall be computed separately for each period described in subparagraphs (A) and (B) of section 2104(a)(16) and any reduction in the allotment for either such period under section 2104(m)(4) shall be allocated on a pro rata basis to such set aside.

“(ii) PAYMENTS FROM BLOCK GRANT.—The Secretary shall pay the State from the amount set aside under clause (i) for the fiscal year, an amount for each quarter of such fiscal year equal to the applicable percentage determined under clause (iii) or (iv) for expenditures in the quarter for providing child health assistance or other health benefits coverage to a parent of a targeted low-income child.

“(iii) ENHANCED FMAP ONLY IN FISCAL YEAR 2012 FOR STATES WITH SIGNIFICANT CHILD OUTREACH OR THAT ACHIEVE CHILD COVERAGE BENCHMARKS; FMAP FOR ANY OTHER STATES.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2012 is equal to—

“(I) the enhanced FMAP determined under section 2105(b) in the case of a State that meets the outreach or coverage benchmarks described

in any of subparagraph (A), (B), or (C) of paragraph (3) for fiscal year 2011; or

“(II) the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) in the case of any other State.

“(iv) AMOUNT OF FEDERAL MATCHING PAYMENT IN 2013.—For purposes of clause (ii), the applicable percentage for any quarter of fiscal year 2013 is equal to—

“(I) the REMAP percentage if—

“(aa) the applicable percentage for the State under clause (iii) was the enhanced FMAP for fiscal year 2012; and

“(bb) the State met either of the coverage benchmarks described in subparagraph (B) or (C) of paragraph (3) for fiscal year 2012; or

“(II) the Federal medical assistance percentage (as so determined) in the case of any State to which subclause (I) does not apply.

For purposes of subclause (I), the REMAP percentage is the percentage which is the sum of such Federal medical assistance percentage and a number of percentage points equal to one-half of the difference between such Federal medical assistance percentage and such enhanced FMAP.

“(v) NO FEDERAL PAYMENTS OTHER THAN FROM BLOCK GRANT SET ASIDE.—No payments shall be made to a State for expenditures described in clause (ii) after the total amount set aside under clause (i) for a fiscal year has been paid to the State.

“(vi) NO INCREASE IN INCOME ELIGIBILITY LEVEL FOR PARENTS.—No payments shall be made to a State from the amount set aside under clause (i) for a fiscal year for expenditures for providing child health assistance or health benefits coverage to a parent of a targeted low-income child whose family income exceeds the income eligibility level applied under the applicable existing waiver to parents of targeted low-income children on the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009.

“(3) OUTREACH OR COVERAGE BENCHMARKS.—For purposes of paragraph (2), the outreach or coverage benchmarks described in this paragraph are as follows:

“(A) SIGNIFICANT CHILD OUTREACH CAMPAIGN.—The State—

“(i) was awarded a grant under section 2113 for fiscal year 2011;

“(ii) implemented 1 or more of the enrollment and retention provisions described in section 2105(a)(4) for such fiscal year; or

“(iii) has submitted a specific plan for outreach for such fiscal year.

“(B) HIGH-PERFORMING STATE.—The State, on the basis of the most timely and accurate published estimates of the Bureau of the Census, ranks in the lowest 1/3 of States in terms of the State’s percentage of low-income children without health insurance.

“(C) STATE INCREASING ENROLLMENT OF LOW-INCOME CHILDREN.—The State qualified for a performance bonus payment under section 2105(a)(3)(B) for the most recent fiscal year applicable under such section.

“(4) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed as prohibiting a State from submitting an application to the Secretary for a waiver under section 1115 of the State plan under title XIX to provide medical assistance to a parent of a targeted low-income child that was provided child health assistance or health benefits coverage under an applicable existing waiver.

“(c) APPLICABLE EXISTING WAIVER.—For purposes of this section—

“(1) IN GENERAL.—The term ‘applicable existing waiver’ means a waiver, experimental, pilot, or demonstration project under section 1115, grandfathered under section 6102(c)(3) of the Deficit Reduction Act of 2005, or otherwise conducted under authority that—

“(A) would allow funds made available under this title to be used to provide child health assistance or other health benefits coverage to—

“(i) a parent of a targeted low-income child; “(ii) a nonpregnant childless adult; or

“(iii) individuals described in both clauses (i) and (ii); and

“(B) was in effect during fiscal year 2009.

“(2) DEFINITIONS.—

“(A) PARENT.—The term ‘parent’ includes a caretaker relative (as such term is used in carrying out section 1931) and a legal guardian.

“(B) NONPREGNANT CHILDLESS ADULT.—The term ‘nonpregnant childless adult’ has the meaning given such term by section 2107(f).”

(2) CONFORMING AMENDMENTS.—

(A) Section 2107(f) (42 U.S.C. 1397gg(f)) is amended—

(i) by striking “, the Secretary” and inserting “;

“(1) The Secretary”;

(ii) in the first sentence, by inserting “or a parent (as defined in section 2111(c)(2)(A)), who is not pregnant, of a targeted low-income child” before the period;

(iii) by striking the second sentence; and

(iv) by adding at the end the following new paragraph:

“(2) The Secretary may not approve, extend, renew, or amend a waiver, experimental, pilot, or demonstration project with respect to a State after the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009 that would waive or modify the requirements of section 2111.”

(B) Section 6102(c) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 131) is amended by striking “Nothing” and inserting “Subject to section 2111 of the Social Security Act, as added by section 112 of the Children’s Health Insurance Program Reauthorization Act of 2009, nothing”.

(b) GAO STUDY AND REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of whether—

(A) the coverage of a parent, a caretaker relative (as such term is used in carrying out section 1931), or a legal guardian of a targeted low-income child under a State health plan under title XXI of the Social Security Act increases the enrollment of, or the quality of care for, children, and

(B) such parents, relatives, and legal guardians who enroll in such a plan are more likely to enroll their children in such a plan or in a State plan under title XIX of such Act.

(2) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall report the results of the study to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives, including recommendations (if any) for changes in legislation.

#### SEC. 113. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.

(a) IN GENERAL.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking “(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))”; and

(2) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) [reserved]”.

(b) AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking “so long as the child is a member of the woman’s household and the woman remains (or would remain if pregnant) eligible for such assistance”.

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) (42 U.S.C. 1396r-1(b)) is amended by adding after paragraph (2) the following flush sentence:

“The term ‘qualified provider’ also includes a qualified entity, as defined in section 1920A(b)(3).”

#### SEC. 114. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE.

(a) FMAP APPLIED TO EXPENDITURES.—Section 2105(c) (42 U.S.C. 1397ee(c)) is amended by adding at the end the following new paragraph:

“(8) LIMITATION ON MATCHING RATE FOR EXPENDITURES FOR CHILD HEALTH ASSISTANCE PROVIDED TO CHILDREN WHOSE EFFECTIVE FAMILY INCOME EXCEEDS 300 PERCENT OF THE POVERTY LINE.—

“(A) FMAP APPLIED TO EXPENDITURES.—Except as provided in subparagraph (B), for fiscal years beginning with fiscal year 2009, the Federal medical assistance percentage (as determined under section 1905(b) without regard to clause (4) of such section) shall be substituted for the enhanced FMAP under subsection (a)(1) with respect to any expenditures for providing child health assistance or health benefits coverage for a targeted low-income child whose effective family income would exceed 300 percent of the poverty line but for the application of a general exclusion of a block of income that is not determined by type of expense or type of income.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to any State that, on the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, has an approved State plan amendment or waiver to provide, or has enacted a State law to submit a State plan amendment to provide, expenditures described in such subparagraph under the State child health plan.”

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed as—

(1) changing any income eligibility level for children under title XXI of the Social Security Act; or

(2) changing the flexibility provided States under such title to establish the income eligibility level for targeted low-income children under a State child health plan and the methodologies used by the State to determine income or assets under such plan.

#### SEC. 115. STATE AUTHORITY UNDER MEDICAID.

Notwithstanding any other provision of law, including the fourth sentence of subsection (b) of section 1905 of the Social Security Act (42 U.S.C. 1396d) or subsection (u) of such section, at State option, the Secretary shall provide the State with the Federal medical assistance percentage determined for the State for Medicaid with respect to expenditures described in section 1905(u)(2)(A) of such Act or otherwise made to provide medical assistance under Medicaid to a child who could be covered by the State under CHIP.

#### TITLE II—OUTREACH AND ENROLLMENT

##### Subtitle A—Outreach and Enrollment Activities

#### SEC. 201. GRANTS AND ENHANCED ADMINISTRATIVE FUNDING FOR OUTREACH AND ENROLLMENT.

(a) GRANTS.—Title XXI (42 U.S.C. 1397aa et seq.), as amended by section 111, is amended by adding at the end the following:

##### “SEC. 2113. GRANTS TO IMPROVE OUTREACH AND ENROLLMENT.

“(a) OUTREACH AND ENROLLMENT GRANTS; NATIONAL CAMPAIGN.—

“(1) IN GENERAL.—From the amounts appropriated under subsection (g), subject to paragraph (2), the Secretary shall award grants to eligible entities during the period of fiscal years 2009 through 2013 to conduct outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

“(2) TEN PERCENT SET ASIDE FOR NATIONAL ENROLLMENT CAMPAIGN.—An amount equal to 10

percent of such amounts shall be used by the Secretary for expenditures during such period to carry out a national enrollment campaign in accordance with subsection (h).

“(b) PRIORITY FOR AWARD OF GRANTS.—

“(1) IN GENERAL.—In awarding grants under subsection (a), the Secretary shall give priority to eligible entities that—

“(A) propose to target geographic areas with high rates of—

“(i) eligible but unenrolled children, including such children who reside in rural areas; or

“(ii) racial and ethnic minorities and health disparity populations, including those proposals that address cultural and linguistic barriers to enrollment; and

“(B) submit the most demonstrable evidence required under paragraphs (1) and (2) of subsection (c).

“(2) TEN PERCENT SET ASIDE FOR OUTREACH TO INDIAN CHILDREN.—An amount equal to 10 percent of the funds appropriated under subsection (g) shall be used by the Secretary to award grants to Indian Health Service providers and urban Indian organizations receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.) for outreach to, and enrollment of, children who are Indians.

“(c) APPLICATION.—An eligible entity that desires to receive a grant under subsection (a) shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

“(1) evidence demonstrating that the entity includes members who have access to, and credibility with, ethnic or low-income populations in the communities in which activities funded under the grant are to be conducted;

“(2) evidence demonstrating that the entity has the ability to address barriers to enrollment, such as lack of awareness of eligibility, stigma concerns and punitive fears associated with receipt of benefits, and other cultural barriers to applying for and receiving child health assistance or medical assistance;

“(3) specific quality or outcomes performance measures to evaluate the effectiveness of activities funded by a grant awarded under this section; and

“(4) an assurance that the eligible entity shall—

“(A) conduct an assessment of the effectiveness of such activities against the performance measures;

“(B) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessments; and

“(C) in the case of an eligible entity that is not the State, provide the State with enrollment data and other information as necessary for the State to make necessary projections of eligible children and pregnant women.

“(d) DISSEMINATION OF ENROLLMENT DATA AND INFORMATION DETERMINED FROM EFFECTIVENESS ASSESSMENTS; ANNUAL REPORT.—The Secretary shall—

“(1) make publicly available the enrollment data and information collected and reported in accordance with subsection (c)(4)(B); and

“(2) submit an annual report to Congress on the outreach and enrollment activities conducted with funds appropriated under this section.

“(e) MAINTENANCE OF EFFORT FOR STATES AWARDED GRANTS; NO MATCH REQUIRED FOR ANY ELIGIBLE ENTITY AWARDED A GRANT.—

“(1) STATE MAINTENANCE OF EFFORT.—In the case of a State that is awarded a grant under this section, the State share of funds expended for outreach and enrollment activities under the State child health plan shall not be less than the State share of such funds expended in the fiscal year preceding the first fiscal year for which the grant is awarded.

“(2) NO MATCHING REQUIREMENT.—No eligible entity awarded a grant under subsection (a)

shall be required to provide any matching funds as a condition for receiving the grant.

“(f) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means any of the following:

“(A) A State with an approved child health plan under this title.

“(B) A local government.

“(C) An Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act (25 U.S.C. 1651 et seq.), or an Indian Health Service provider.

“(D) A Federal health safety net organization.

“(E) A national, State, local, or community-based public or nonprofit private organization, including organizations that use community health workers or community-based doula programs.

“(F) A faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with the requirements of section 1955 of the Public Health Service Act (42 U.S.C. 300x-65) relating to a grant award to nongovernmental entities.

“(G) An elementary or secondary school.

“(2) FEDERAL HEALTH SAFETY NET ORGANIZATION.—The term ‘Federal health safety net organization’ means—

“(A) a Federally-qualified health center (as defined in section 1905(l)(2)(B));

“(B) a hospital defined as a disproportionate share hospital for purposes of section 1923;

“(C) a covered entity described in section 340B(a)(4) of the Public Health Service Act (42 U.S.C. 256b(a)(4)); and

“(D) any other entity or consortium that serves children under a federally funded program, including the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), the Head Start and Early Head Start programs under the Head Start Act (42 U.S.C. 9801 et seq.), the school lunch program established under the Richard B. Russell National School Lunch Act, and an elementary or secondary school.

“(3) INDIANS; INDIAN TRIBE; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—The terms ‘Indian’, ‘Indian tribe’, ‘tribal organization’, and ‘urban Indian organization’ have the meanings given such terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(4) COMMUNITY HEALTH WORKER.—The term ‘community health worker’ means an individual who promotes health or nutrition within the community in which the individual resides—

“(A) by serving as a liaison between communities and health care agencies;

“(B) by providing guidance and social assistance to community residents;

“(C) by enhancing community residents’ ability to effectively communicate with health care providers;

“(D) by providing culturally and linguistically appropriate health or nutrition education;

“(E) by advocating for individual and community health or nutrition needs; and

“(F) by providing referral and followup services.

“(g) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000,000 for the period of fiscal years 2009 through 2013, for the purpose of awarding grants under this section. Amounts appropriated and paid under the authority of this section shall be in addition to amounts appropriated under section 2104 and paid to States in accordance with section 2105, including with respect to expenditures for outreach activities in accordance with subsections (a)(1)(D)(iii) and (c)(2)(C) of that section.

“(h) NATIONAL ENROLLMENT CAMPAIGN.—From the amounts made available under subsection (a)(2), the Secretary shall develop and

implement a national enrollment campaign to improve the enrollment of underserved child populations in the programs established under this title and title XIX. Such campaign may include—

“(1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the assistance programs each Secretary administers that often serve the same children;

“(2) the integration of information about the programs established under this title and title XIX in public health awareness campaigns administered by the Secretary;

“(3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all States participate in such hotlines;

“(4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy;

“(5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency; and

“(6) such other outreach initiatives as the Secretary determines would increase public awareness of the programs under this title and title XIX.”

(b) ENHANCED ADMINISTRATIVE FUNDING FOR TRANSLATION OR INTERPRETATION SERVICES UNDER CHIP AND MEDICAID.—

(1) CHIP.—Section 2105(a)(1) (42 U.S.C. 1397ee(a)(1)), as amended by section 113, is amended—

(A) in the matter preceding subparagraph (A), by inserting “(or, in the case of expenditures described in subparagraph (D)(iv), the higher of 75 percent or the sum of the enhanced FMAP plus 5 percentage points)” after “enhanced FMAP”; and

(B) in subparagraph (D)—

(i) in clause (iii), by striking “and” at the end;

(ii) by redesignating clause (iv) as clause (v); and

(iii) by inserting after clause (iii) the following new clause:

“(iv) for translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, individuals for whom English is not their primary language (as found necessary by the Secretary for the proper and efficient administration of the State plan); and”

(2) MEDICAID.—

(A) USE OF MEDICAID FUNDS.—Section 1903(a)(2) (42 U.S.C. 1396b(a)(2)) is amended by adding at the end the following new subparagraph:

“(E) an amount equal to 75 percent of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to translation or interpretation services in connection with the enrollment of, retention of, and use of services under this title by, children of families for whom English is not the primary language; plus”.

(B) USE OF COMMUNITY HEALTH WORKERS FOR OUTREACH ACTIVITIES.—

(i) IN GENERAL.—Section 2102(c)(1) of such Act (42 U.S.C. 1397bb(c)(1)) is amended by inserting “(through community health workers and others)” after “Outreach”.

(ii) IN FEDERAL EVALUATION.—Section 2108(c)(3)(B) of such Act (42 U.S.C. 1397hh(c)(3)(B)) is amended by inserting “(such as through community health workers and others)” after “including practices”.

**SEC. 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS.**

(a) IN GENERAL.—Section 1139 (42 U.S.C. 1320b-9) is amended to read as follows:

**“SEC. 1139. IMPROVED ACCESS TO, AND DELIVERY OF, HEALTH CARE FOR INDIANS UNDER TITLES XIX AND XXI.**

“(a) AGREEMENTS WITH STATES FOR MEDICAID AND CHIP OUTREACH ON OR NEAR RESERVATIONS TO INCREASE THE ENROLLMENT OF INDIANS IN THOSE PROGRAMS.—

“(1) IN GENERAL.—In order to improve the access of Indians residing on or near a reservation to obtain benefits under the Medicaid and State children’s health insurance programs established under titles XIX and XXI, the Secretary shall encourage the State to take steps to provide for enrollment on or near the reservation. Such steps may include outreach efforts such as the outstationing of eligibility workers, entering into agreements with the Indian Health Service, Indian Tribes, Tribal Organizations, and Urban Indian Organizations to provide outreach, education regarding eligibility and benefits, enrollment, and translation services when such services are appropriate.

“(2) CONSTRUCTION.—Nothing in paragraph (1) shall be construed as affecting arrangements entered into between States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations for such Service, Tribes, or Organizations to conduct administrative activities under such titles.

“(b) REQUIREMENT TO FACILITATE COOPERATION.—The Secretary, acting through the Centers for Medicare & Medicaid Services, shall take such steps as are necessary to facilitate cooperation with, and agreements between, States and the Indian Health Service, Indian Tribes, Tribal Organizations, or Urban Indian Organizations with respect to the provision of health care items and services to Indians under the programs established under title XIX or XXI.

“(c) DEFINITION OF INDIAN; INDIAN TRIBE; INDIAN HEALTH PROGRAM; TRIBAL ORGANIZATION; URBAN INDIAN ORGANIZATION.—In this section, the terms ‘Indian’, ‘Indian Tribe’, ‘Indian Health Program’, ‘Tribal Organization’, and ‘Urban Indian Organization’ have the meanings given those terms in section 4 of the Indian Health Care Improvement Act.”.

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2) (42 U.S.C. 1397ee(c)(2)) is amended by adding at the end the following:

“(C) NONAPPLICATION TO CERTAIN EXPENDITURES.—The limitation under subparagraph (A) shall not apply with respect to the following expenditures:

“(i) EXPENDITURES TO INCREASE OUTREACH TO, AND THE ENROLLMENT OF, INDIAN CHILDREN UNDER THIS TITLE AND TITLE XIX.—Expenditures for outreach activities to families of Indian children likely to be eligible for child health assistance under the plan or medical assistance under the State plan under title XIX (or under a waiver of such plan), to inform such families of the availability of, and to assist them in enrolling their children in, such plans, including such activities conducted under grants, contracts, or agreements entered into under section 1139(a).”.

**SEC. 203. STATE OPTION TO RELY ON FINDINGS FROM AN EXPRESS LANE AGENCY TO CONDUCT SIMPLIFIED ELIGIBILITY DETERMINATIONS.**

(a) APPLICATION UNDER MEDICAID AND CHIP PROGRAMS.—

(1) MEDICAID.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by adding at the end the following:

“(13) EXPRESS LANE OPTION.—

“(A) IN GENERAL.—

“(i) OPTION TO USE A FINDING FROM AN EXPRESS LANE AGENCY.—At the option of the State, the State plan may provide that in determining eligibility under this title for a child (as defined in subparagraph (G)), the State may rely on a finding made within a reasonable period (as determined by the State) from an Express Lane agency (as defined in subparagraph (F)) when it determines whether a child satisfies one or

more components of eligibility for medical assistance under this title. The State may rely on a finding from an Express Lane agency notwithstanding sections 1902(a)(46)(B) and 1137(d) or any differences in budget unit, disregard, deeming or other methodology, if the following requirements are met:

“(I) PROHIBITION ON DETERMINING CHILDREN INELIGIBLE FOR COVERAGE.—If a finding from an Express Lane agency would result in a determination that a child does not satisfy an eligibility requirement for medical assistance under this title and for child health assistance under title XXI, the State shall determine eligibility for assistance using its regular procedures.

“(II) NOTICE REQUIREMENT.—For any child who is found eligible for medical assistance under the State plan under this title or child health assistance under title XXI and who is subject to premiums based on an Express Lane agency’s finding of such child’s income level, the State shall provide notice that the child may qualify for lower premium payments if evaluated by the State using its regular policies and of the procedures for requesting such an evaluation.

“(III) COMPLIANCE WITH SCREEN AND ENROLL REQUIREMENT.—The State shall satisfy the requirements under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) before enrolling a child in child health assistance under title XXI. At its option, the State may fulfill such requirements in accordance with either option provided under subparagraph (C) of this paragraph.

“(IV) VERIFICATION OF CITIZENSHIP OR NATIONALITY STATUS.—The State shall satisfy the requirements of section 1902(a)(46)(B) or 2105(c)(9), as applicable for verifications of citizenship or nationality status.

“(V) CODING.—The State meets the requirements of subparagraph (E).

“(ii) OPTION TO APPLY TO RENEWALS AND RE-DETERMINATIONS.—The State may apply the provisions of this paragraph when conducting initial determinations of eligibility, redeterminations of eligibility, or both, as described in the State plan.

“(B) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed—

“(i) to limit or prohibit a State from taking any actions otherwise permitted under this title or title XXI in determining eligibility for or enrolling children into medical assistance under this title or child health assistance under title XXI; or

“(ii) to modify the limitations in section 1902(a)(5) concerning the agencies that may make a determination of eligibility for medical assistance under this title.

“(C) OPTIONS FOR SATISFYING THE SCREEN AND ENROLL REQUIREMENT.—

“(i) IN GENERAL.—With respect to a child whose eligibility for medical assistance under this title or for child health assistance under title XXI has been evaluated by a State agency using an income finding from an Express Lane agency, a State may carry out its duties under subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll) in accordance with either clause (ii) or clause (iii).

“(ii) ESTABLISHING A SCREENING THRESHOLD.—

“(I) IN GENERAL.—Under this clause, the State establishes a screening threshold set as a percentage of the Federal poverty level that exceeds the highest income threshold applicable under this title to the child by a minimum of 30 percentage points or, at State option, a higher number of percentage points that reflects the value (as determined by the State and described in the State plan) of any differences between income methodologies used by the program administered by the Express Lane agency and the methodologies used by the State in determining eligibility for medical assistance under this title.

“(II) CHILDREN WITH INCOME NOT ABOVE THRESHOLD.—If the income of a child does not exceed the screening threshold, the child is

deemed to satisfy the income eligibility criteria for medical assistance under this title regardless of whether such child would otherwise satisfy such criteria.

“(III) CHILDREN WITH INCOME ABOVE THRESHOLD.—If the income of a child exceeds the screening threshold, the child shall be considered to have an income above the Medicaid applicable income level described in section 2110(b)(4) and to satisfy the requirement under section 2110(b)(1)(C) (relating to the requirement that CHIP matching funds be used only for children not eligible for Medicaid). If such a child is enrolled in child health assistance under title XXI, the State shall provide the parent, guardian, or custodial relative with the following:

“(aa) Notice that the child may be eligible to receive medical assistance under the State plan under this title if evaluated for such assistance under the State’s regular procedures and notice of the process through which a parent, guardian, or custodial relative can request that the State evaluate the child’s eligibility for medical assistance under this title using such regular procedures.

“(bb) A description of differences between the medical assistance provided under this title and child health assistance under title XXI, including differences in cost-sharing requirements and covered benefits.

“(iii) TEMPORARY ENROLLMENT IN CHIP PENDING SCREEN AND ENROLL.—

“(I) IN GENERAL.—Under this clause, a State enrolls a child in child health assistance under title XXI for a temporary period if the child appears eligible for such assistance based on an income finding by an Express Lane agency.

“(II) DETERMINATION OF ELIGIBILITY.—During such temporary enrollment period, the State shall determine the child’s eligibility for child health assistance under title XXI or for medical assistance under this title in accordance with this clause.

“(III) PROMPT FOLLOW UP.—In making such a determination, the State shall take prompt action to determine whether the child should be enrolled in medical assistance under this title or child health assistance under title XXI pursuant to subparagraphs (A) and (B) of section 2102(b)(3) (relating to screen and enroll).

“(IV) REQUIREMENT FOR SIMPLIFIED DETERMINATION.—In making such a determination, the State shall use procedures that, to the maximum feasible extent, reduce the burden imposed on the individual of such determination. Such procedures may not require the child’s parent, guardian, or custodial relative to provide or verify information that already has been provided to the State agency by an Express Lane agency or another source of information unless the State agency has reason to believe the information is erroneous.

“(V) AVAILABILITY OF CHIP MATCHING FUNDS DURING TEMPORARY ENROLLMENT PERIOD.—Medical assistance for items and services that are provided to a child enrolled in title XXI during a temporary enrollment period under this clause shall be treated as child health assistance under such title.

“(D) OPTION FOR AUTOMATIC ENROLLMENT.—

“(i) IN GENERAL.—The State may initiate and determine eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan without a program application from, or on behalf of, the child based on data obtained from sources other than the child (or the child’s family), but a child can only be automatically enrolled in the State Medicaid plan or the State CHIP plan if the child or the family affirmatively consents to being enrolled through affirmation in writing, by telephone, orally, through electronic signature, or through any other means specified by the Secretary or by signature on an Express Lane agency application, if the requirement of clause (ii) is met.

“(ii) INFORMATION REQUIREMENT.—The requirement of this clause is that the State informs the parent, guardian, or custodial relative

of the child of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations (under section 1912(a)) created by enrollment (if applicable), and the actions the parent, guardian, or relative must take to maintain enrollment and renew coverage.

“(E) CODING; APPLICATION TO ENROLLMENT ERROR RATES.—

“(i) IN GENERAL.—For purposes of subparagraph (A)(iv), the requirement of this subparagraph for a State is that the State agrees to—

“(I) assign such codes as the Secretary shall require to the children who are enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency for the duration of the State’s election under this paragraph;

“(II) annually provide the Secretary with a statistically valid sample (that is approved by Secretary) of the children enrolled in such plans through reliance on such a finding by conducting a full Medicaid eligibility review of the children identified for such sample for purposes of determining an eligibility error rate (as described in clause (iv)) with respect to the enrollment of such children (and shall not include such children in any data or samples used for purposes of complying with a Medicaid Eligibility Quality Control (MEQC) review or a payment error rate measurement (PERM) requirement);

“(III) submit the error rate determined under subclause (II) to the Secretary;

“(IV) if such error rate exceeds 3 percent for either of the first 2 fiscal years in which the State elects to apply this paragraph, demonstrate to the satisfaction of the Secretary the specific corrective actions implemented by the State to improve upon such error rate; and

“(V) if such error rate exceeds 3 percent for any fiscal year in which the State elects to apply this paragraph, a reduction in the amount otherwise payable to the State under section 1903(a) for quarters for that fiscal year, equal to the total amount of erroneous excess payments determined for the fiscal year only with respect to the children included in the sample for the fiscal year that are in excess of a 3 percent error rate with respect to such children.

“(ii) NO PUNITIVE ACTION BASED ON ERROR RATE.—The Secretary shall not apply the error rate derived from the sample under clause (i) to the entire population of children enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency, or to the population of children enrolled in such plans on the basis of the State’s regular procedures for determining eligibility, or penalize the State on the basis of such error rate in any manner other than the reduction of payments provided for under clause (i)(V).

“(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as relieving a State that elects to apply this paragraph from being subject to a penalty under section 1903(u), for payments made under the State Medicaid plan with respect to ineligible individuals and families that are determined to exceed the error rate permitted under that section (as determined without regard to the error rate determined under clause (i)(II)).

“(iv) ERROR RATE DEFINED.—In this subparagraph, the term ‘error rate’ means the rate of erroneous excess payments for medical assistance (as defined in section 1903(u)(1)(D)) for the period involved, except that such payments shall be limited to individuals for which eligibility determinations are made under this paragraph and except that in applying this paragraph under title XXI, there shall be substituted for references to provisions of this title corresponding provisions within title XXI.

“(F) EXPRESS LANE AGENCY.—

“(i) IN GENERAL.—In this paragraph, the term ‘Express Lane agency’ means a public agency that—

“(I) is determined by the State Medicaid agency or the State CHIP agency (as applicable) to be capable of making the determinations of one or more eligibility requirements described in subparagraph (A)(i);

“(II) is identified in the State Medicaid plan or the State CHIP plan; and

“(III) notifies the child’s family—

“(aa) of the information which shall be disclosed in accordance with this paragraph;

“(bb) that the information disclosed will be used solely for purposes of determining eligibility for medical assistance under the State Medicaid plan or for child health assistance under the State CHIP plan; and

“(cc) that the family may elect to not have the information disclosed for such purposes; and

“(IV) enters into, or is subject to, an interagency agreement to limit the disclosure and use of the information disclosed.

“(ii) INCLUSION OF SPECIFIC PUBLIC AGENCIES.—Such term includes the following:

“(I) A public agency that determines eligibility for assistance under any of the following:

“(aa) The temporary assistance for needy families program funded under part A of title IV.

“(bb) A State program funded under part D of title IV.

“(cc) The State Medicaid plan.

“(dd) The State CHIP plan.

“(ee) The Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

“(ff) The Head Start Act (42 U.S.C. 9801 et seq.).

“(gg) The Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

“(hh) The Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

“(ii) The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.).

“(jj) The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.).

“(kk) The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

“(ll) The Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.).

“(II) A State-specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings relied on by the State.

“(III) A public agency that is subject to an interagency agreement limiting the disclosure and use of the information disclosed for purposes of determining eligibility under the State Medicaid plan or the State CHIP plan.

“(iii) EXCLUSIONS.—Such term does not include an agency that determines eligibility for a program established under the Social Services Block Grant established under title XX or a private, for-profit organization.

“(iv) RULES OF CONSTRUCTION.—Nothing in this paragraph shall be construed as—

“(I) exempting a State Medicaid agency from complying with the requirements of section 1902(a)(4) relating to merit-based personnel standards for employees of the State Medicaid agency and safeguards against conflicts of interest; or

“(II) authorizing a State Medicaid agency that elects to use Express Lane agencies under this subparagraph to use the Express Lane option to avoid complying with such requirements for purposes of making eligibility determinations under the State Medicaid plan.

“(v) ADDITIONAL DEFINITIONS.—In this paragraph:

“(I) STATE.—The term ‘State’ means 1 of the 50 States or the District of Columbia.

“(II) STATE CHIP AGENCY.—The term ‘State CHIP agency’ means the State agency responsible for administering the State CHIP plan.

“(III) STATE CHIP PLAN.—The term ‘State CHIP plan’ means the State child health plan established under title XXI and includes any waiver of such plan.

“(IV) STATE MEDICAID AGENCY.—The term ‘State Medicaid agency’ means the State agency

responsible for administering the State Medicaid plan.

“(V) STATE MEDICAID PLAN.—The term ‘State Medicaid plan’ means the State plan established under title XIX and includes any waiver of such plan.

“(G) CHILD DEFINED.—For purposes of this paragraph, the term ‘child’ means an individual under 19 years of age, or, at the option of a State, such higher age, not to exceed 21 years of age, as the State may elect.

“(H) STATE OPTION TO RELY ON STATE INCOME TAX DATA OR RETURN.—At the option of the State, a finding from an Express Lane agency may include gross income or adjusted gross income shown by State income tax records or returns.

“(I) APPLICATION.—This paragraph shall not apply with respect to eligibility determinations made after September 30, 2013.”

(2) CHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

“(B) Section 1902(e)(13) (relating to the State option to rely on findings from an Express Lane agency to help evaluate a child’s eligibility for medical assistance).”

(b) EVALUATION AND REPORT.—

(1) EVALUATION.—The Secretary shall conduct, by grant, contract, or interagency agreement, a comprehensive, independent evaluation of the option provided under the amendments made by subsection (a). Such evaluation shall include an analysis of the effectiveness of the option, and shall include—

(A) obtaining a statistically valid sample of the children who were enrolled in the State Medicaid plan or the State CHIP plan through reliance on a finding made by an Express Lane agency and determining the percentage of children who were erroneously enrolled in such plans;

(B) determining whether enrolling children in such plans through reliance on a finding made by an Express Lane agency improves the ability of a State to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans;

(C) evaluating the administrative costs or savings related to identifying and enrolling children in such plans through reliance on such findings, and the extent to which such costs differ from the costs that the State otherwise would have incurred to identify and enroll low-income, uninsured children who are eligible but not enrolled in such plans; and

(D) any recommendations for legislative or administrative changes that would improve the effectiveness of enrolling children in such plans through reliance on such findings.

(2) REPORT TO CONGRESS.—Not later than September 30, 2012, the Secretary shall submit a report to Congress on the results of the evaluation under paragraph (1).

(3) FUNDING.—

(A) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary to carry out the evaluation under this subsection \$5,000,000 for the period of fiscal years 2009 through 2012.

(B) BUDGET AUTHORITY.—Subparagraph (A) constitutes budget authority in advance of appropriations Act and represents the obligation of the Federal Government to provide for the payment of such amount to conduct the evaluation under this subsection.

(c) ELECTRONIC TRANSMISSION OF INFORMATION.—Section 1902 (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(dd) ELECTRONIC TRANSMISSION OF INFORMATION.—If the State agency determining eligibility for medical assistance under this title or child health assistance under title XXI verifies an element of eligibility based on information

from an Express Lane Agency (as defined in subsection (e)(13)(F)), or from another public agency, then the applicant's signature under penalty of perjury shall not be required as to such element. Any signature requirement for an application for medical assistance may be satisfied through an electronic signature, as defined in section 1710(1) of the Government Paperwork Elimination Act (44 U.S.C. 3504 note). The requirements of subparagraphs (A) and (B) of section 1137(d)(2) may be met through evidence in digital or electronic form."

(d) **AUTHORIZATION OF INFORMATION DISCLOSURE.**—

(1) **IN GENERAL.**—Title XIX is amended by adding at the end the following new section:

**"SEC. 1942. AUTHORIZATION TO RECEIVE RELEVANT INFORMATION.**

**"(a) IN GENERAL.**—Notwithstanding any other provision of law, a Federal or State agency or private entity in possession of the sources of data directly relevant to eligibility determinations under this title (including eligibility files maintained by Express Lane agencies described in section 1902(e)(13)(F), information described in paragraph (2) or (3) of section 1137(a), vital records information about births in any State, and information described in sections 453(i) and 1902(a)(25)(I)) is authorized to convey such data or information to the State agency administering the State plan under this title, to the extent such conveyance meets the requirements of subsection (b).

**"(b) REQUIREMENTS FOR CONVEYANCE.**—Data or information may be conveyed pursuant to subsection (a) only if the following requirements are met:

**"(1) The individual whose circumstances are described in the data or information (or such individual's parent, guardian, caretaker relative, or authorized representative) has either provided advance consent to disclosure or has not objected to disclosure after receiving advance notice of disclosure and a reasonable opportunity to object.**

**"(2) Such data or information are used solely for the purposes of—**

**"(A) identifying individuals who are eligible or potentially eligible for medical assistance under this title and enrolling or attempting to enroll such individuals in the State plan; and**

**"(B) verifying the eligibility of individuals for medical assistance under the State plan.**

**"(3) An interagency or other agreement, consistent with standards developed by the Secretary—**

**"(A) prevents the unauthorized use, disclosure, or modification of such data and otherwise meets applicable Federal requirements safeguarding privacy and data security; and**

**"(B) requires the State agency administering the State plan to use the data and information obtained under this section to seek to enroll individuals in the plan.**

**"(c) PENALTIES FOR IMPROPER DISCLOSURE.**—

**"(1) CIVIL MONEY PENALTY.**—A private entity described in the subsection (a) that publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section is subject to a civil money penalty in an amount equal to \$10,000 for each such unauthorized publication or disclosure. The provisions of section 1128A (other than subsections (a) and (b) and the second sentence of subsection (f)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

**"(2) CRIMINAL PENALTY.**—A private entity described in the subsection (a) that willfully publishes, discloses, or makes known in any manner, or to any extent not authorized by Federal law, any information obtained under this section shall be fined not more than \$10,000 or imprisoned not more than 1 year, or both, for each such unauthorized publication or disclosure.

**"(d) RULE OF CONSTRUCTION.**—The limitations and requirements that apply to disclosure pur-

suant to this section shall not be construed to prohibit the conveyance or disclosure of data or information otherwise permitted under Federal law (without regard to this section)."

(2) **CONFORMING AMENDMENT TO TITLE XXI.**—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by subsection (a)(2), is amended by adding at the end the following new subparagraph:

**"(F) Section 1942 (relating to authorization to receive data directly relevant to eligibility determinations)."**

(3) **CONFORMING AMENDMENT TO PROVIDE ACCESS TO DATA ABOUT ENROLLMENT IN INSURANCE FOR PURPOSES OF EVALUATING APPLICATIONS AND FOR CHIP.**—Section 1902(a)(25)(I)(i) (42 U.S.C. 1396a(a)(25)(I)(i)) is amended—

(A) by inserting "(and, at State option, individuals who apply or whose eligibility for medical assistance is being evaluated in accordance with section 1902(e)(13)(D))" after "with respect to individuals who are eligible"; and

(B) by inserting "under this title (and, at State option, child health assistance under title XXI)" after "the State plan".

(e) **AUTHORIZATION FOR STATES ELECTING EXPRESS LANE OPTION TO RECEIVE CERTAIN DATA DIRECTLY RELEVANT TO DETERMINING ELIGIBILITY AND CORRECT AMOUNT OF ASSISTANCE.**—The Secretary shall enter into such agreements as are necessary to permit a State that elects the Express Lane option under section 1902(e)(13) of the Social Security Act to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under a State child health plan under CHIP or a State plan under Medicaid from the following:

(1) The National Directory of New Hires established under section 453(i) of the Social Security Act (42 U.S.C. 653(i)).

(2) Data regarding enrollment in insurance that may help to facilitate outreach and enrollment under the State Medicaid plan, the State CHIP plan, and such other programs as the Secretary may specify.

(f) **EFFECTIVE DATE.**—The amendments made by this section are effective on the date of the enactment of this Act.

#### **Subtitle B—Reducing Barriers to Enrollment**

### **SEC. 211. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP.**

(a) **ALTERNATIVE STATE PROCESS FOR VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID.**—

(1) **ALTERNATIVE TO DOCUMENTATION REQUIREMENT.**—

(A) **IN GENERAL.**—Section 1902 (42 U.S.C. 1396a), as amended by section 203(c), is amended—

(i) in subsection (a)(46)—

(I) by inserting "(A)" after "(46)";

(II) by adding "and" after the semicolon; and

(III) by adding at the end the following new subparagraph:

**"(B) provide, with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, that the State shall satisfy the requirements of—**

**"(i) section 1903(x); or**

**"(ii) subsection (ee);"; and**

**(ii) by adding at the end the following new subsection:**

**"(ee)(1) For purposes of subsection (a)(46)(B)(ii), the requirements of this subsection with respect to an individual declaring to be a citizen or national of the United States for purposes of establishing eligibility under this title, are, in lieu of requiring the individual to present satisfactory documentary evidence of citizenship or nationality under section 1903(x) (if the individual is not described in paragraph (2) of that section), as follows:**

**"(A) The State submits the name and social security number of the individual to the Com-**

missioner of Social Security as part of the program established under paragraph (2).

**"(B) If the State receives notice from the Commissioner of Social Security that the name or social security number, or the declaration of citizenship or nationality, of the individual is inconsistent with information in the records maintained by the Commissioner—**

**"(i) the State makes a reasonable effort to identify and address the causes of such inconsistency, including through typographical or other clerical errors, by contacting the individual to confirm the accuracy of the name or social security number submitted or declaration of citizenship or nationality and by taking such additional actions as the Secretary, through regulation or other guidance, or the State may identify, and continues to provide the individual with medical assistance while making such effort; and**

**"(ii) in the case such inconsistency is not resolved under clause (i), the State—**

**"(I) notifies the individual of such fact;**

**"(II) provides the individual with a period of 90 days from the date on which the notice required under subclause (I) is received by the individual to either present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) or resolve the inconsistency with the Commissioner of Social Security (and continues to provide the individual with medical assistance during such 90-day period); and**

**"(III) disenrolls the individual from the State plan under this title within 30 days after the end of such 90-day period if no such documentary evidence is presented or if such inconsistency is not resolved.**

**"(2)(A) Each State electing to satisfy the requirements of this subsection for purposes of section 1902(a)(46)(B) shall establish a program under which the State submits at least monthly to the Commissioner of Social Security for comparison of the name and social security number, of each individual newly enrolled in the State plan under this title that month who is not described in section 1903(x)(2) and who declares to be a United States citizen or national, with information in records maintained by the Commissioner.**

**"(B) In establishing the State program under this paragraph, the State may enter into an agreement with the Commissioner of Social Security—**

**"(i) to provide, through an on-line system or otherwise, for the electronic submission of, and response to, the information submitted under subparagraph (A) for an individual enrolled in the State plan under this title who declares to be citizen or national on at least a monthly basis; or**

**"(ii) to provide for a determination of the consistency of the information submitted with the information maintained in the records of the Commissioner through such other method as agreed to by the State and the Commissioner and approved by the Secretary, provided that such method is no more burdensome for individuals to comply with than any burdens that may apply under a method described in clause (i).**

**"(C) The program established under this paragraph shall provide that, in the case of any individual who is required to submit a social security number to the State under subparagraph (A) and who is unable to provide the State with such number, shall be provided with at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality (as defined in section 1903(x)(3)) as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submittal to the State of evidence indicating a satisfactory immigration status.**

**"(3)(A) The State agency implementing the plan approved under this title shall, at such times and in such form as the Secretary may specify, provide information on the percentage each month that the inconsistent submissions**

bears to the total submissions made for comparison for such month. For purposes of this subparagraph, a name, social security number, or declaration of citizenship or nationality of an individual shall be treated as inconsistent and included in the determination of such percentage only if—

“(i) the information submitted by the individual is not consistent with information in records maintained by the Commissioner of Social Security;

“(ii) the inconsistency is not resolved by the State;

“(iii) the individual was provided with a reasonable period of time to resolve the inconsistency with the Commissioner of Social Security or provide satisfactory documentation of citizenship status and did not successfully resolve such inconsistency; and

“(iv) payment has been made for an item or service furnished to the individual under this title.

“(B) If, for any fiscal year, the average monthly percentage determined under subparagraph (A) is greater than 3 percent—

“(i) the State shall develop and adopt a corrective plan to review its procedures for verifying the identities of individuals seeking to enroll in the State plan under this title and to identify and implement changes in such procedures to improve their accuracy; and

“(ii) pay to the Secretary an amount equal to the amount which bears the same ratio to the total payments under the State plan for the fiscal year for providing medical assistance to individuals who provided inconsistent information as the number of individuals with inconsistent information in excess of 3 percent of such total submitted bears to the total number of individuals with inconsistent information.

“(C) The Secretary may waive, in certain limited cases, all or part of the payment under subparagraph (B)(ii) if the State is unable to reach the allowable error rate despite a good faith effort by such State.

“(D) Subparagraphs (A) and (B) shall not apply to a State for a fiscal year if there is an agreement described in paragraph (2)(B) in effect as of the close of the fiscal year that provides for the submission on a real-time basis of the information described in such paragraph.

“(4) Nothing in this subsection shall affect the rights of any individual under this title to appeal any disenrollment from a State plan.”

(B) COSTS OF IMPLEMENTING AND MAINTAINING SYSTEM.—Section 1903(a)(3) (42 U.S.C. 1396b(a)(3)) is amended—

(i) by striking “plus” at the end of subparagraph (E) and inserting “and”, and

(ii) by adding at the end the following new subparagraph:

“(F)(i) 90 percent of the sums expended during the quarter as are attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement section 1902(ee) (including a system described in paragraph (2)(B) thereof), and

“(ii) 75 percent of the sums expended during the quarter as are attributable to the operation of systems to which clause (i) applies, plus”.

(2) LIMITATION ON WAIVER AUTHORITY.—Notwithstanding any provision of section 1115 of the Social Security Act (42 U.S.C. 1315), or any other provision of law, the Secretary may not waive the requirements of section 1902(a)(46)(B) of such Act (42 U.S.C. 1396a(a)(46)(B)) with respect to a State.

(3) CONFORMING AMENDMENTS.—Section 1903 (42 U.S.C. 1396b) is amended—

(A) in subsection (i)(22), by striking “subsection (x)” and inserting “section 1902(a)(46)(B)”; and

(B) in subsection (x)(1), by striking “subsection (i)(22)” and inserting “section 1902(a)(46)(B)(i)”.

(4) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise ap-

propriated, there are appropriated to the Commissioner of Social Security \$5,000,000 to remain available until expended to carry out the Commissioner’s responsibilities under section 1902(ee) of the Social Security Act, as added by subsection (a).

(b) CLARIFICATION OF REQUIREMENTS RELATING TO PRESENTATION OF SATISFACTORY DOCUMENTARY EVIDENCE OF CITIZENSHIP OR NATIONALITY.—

(1) ACCEPTANCE OF DOCUMENTARY EVIDENCE ISSUED BY A FEDERALLY RECOGNIZED INDIAN TRIBE.—Section 1903(x)(3)(B) (42 U.S.C. 1396b(x)(3)(B)) is amended—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting after clause (iv), the following new clause:

“(v)(I) Except as provided in subclause (II), a document issued by a federally recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe (such as a tribal enrollment card or certificate of degree of Indian blood).

“(II) With respect to those federally recognized Indian tribes located within States having an international border whose membership includes individuals who are not citizens of the United States, the Secretary shall, after consulting with such tribes, issue regulations authorizing the presentation of such other forms of documentation (including tribal documentation, if appropriate) that the Secretary determines to be satisfactory documentary evidence of citizenship or nationality for purposes of satisfying the requirement of this subsection.”

(2) REQUIREMENT TO PROVIDE REASONABLE OPPORTUNITY TO PRESENT SATISFACTORY DOCUMENTARY EVIDENCE.—Section 1903(x) (42 U.S.C. 1396b(x)) is amended by adding at the end the following new paragraph:

“(4) In the case of an individual declaring to be a citizen or national of the United States with respect to whom a State requires the presentation of satisfactory documentary evidence of citizenship or nationality under section 1902(a)(46)(B)(i), the individual shall be provided at least the reasonable opportunity to present satisfactory documentary evidence of citizenship or nationality under this subsection as is provided under clauses (i) and (ii) of section 1137(d)(4)(A) to an individual for the submission to the State of evidence indicating a satisfactory immigration status.”

(3) CHILDREN BORN IN THE UNITED STATES TO MOTHERS ELIGIBLE FOR MEDICAID.—

(A) CLARIFICATION OF RULES.—Section 1903(x) (42 U.S.C. 1396b(x)), as amended by paragraph (2), is amended—

(i) in paragraph (2)—

(I) in subparagraph (C), by striking “or” at the end;

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

(III) by inserting after subparagraph (C) the following new subparagraph:

“(D) pursuant to the application of section 1902(e)(4) (and, in the case of an individual who is eligible for medical assistance on such basis, the individual shall be deemed to have provided satisfactory documentary evidence of citizenship or nationality and shall not be required to provide further documentary evidence on any date that occurs during or after the period in which the individual is eligible for medical assistance on such basis); or”; and

(ii) by adding at the end the following new paragraph:

“(5) Nothing in subparagraph (A) or (B) of section 1902(a)(46), the preceding paragraphs of this subsection, or the Deficit Reduction Act of 2005, including section 6036 of such Act, shall be construed as changing the requirement of section 1902(e)(4) that a child born in the United States to an alien mother for whom medical assistance for the delivery of such child is available as treatment of an emergency medical condition pursuant to subsection (v) shall be

deemed eligible for medical assistance during the first year of such child’s life.”

(B) STATE REQUIREMENT TO ISSUE SEPARATE IDENTIFICATION NUMBER.—Section 1902(e)(4) (42 U.S.C. 1396a(e)(4)) is amended by adding at the end the following new sentence: “Notwithstanding the preceding sentence, in the case of a child who is born in the United States to an alien mother for whom medical assistance for the delivery of the child is made available pursuant to section 1903(v), the State immediately shall issue a separate identification number for the child upon notification by the facility at which such delivery occurred of the child’s birth.”

(4) TECHNICAL AMENDMENTS.—Section 1903(x)(2) (42 U.S.C. 1396b(x)) is amended—

(A) in subparagraph (B)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left; and

(B) in subparagraph (C)—

(i) by realigning the left margin of the matter preceding clause (i) 2 ems to the left; and

(ii) by realigning the left margins of clauses (i) and (ii), respectively, 2 ems to the left.

(c) APPLICATION OF DOCUMENTATION SYSTEM TO CHIP.—

(1) IN GENERAL.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 114(a), is amended by adding at the end the following new paragraph:

“(9) CITIZENSHIP DOCUMENTATION REQUIREMENTS.—

“(A) IN GENERAL.—No payment may be made under this section with respect to an individual who has, or is, declared to be a citizen or national of the United States for purposes of establishing eligibility under this title unless the State meets the requirements of section 1902(a)(46)(B) with respect to the individual.

“(B) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures described in clause (i) or (ii) of section 1903(a)(3)(F) necessary to comply with subparagraph (A) shall in no event be less than 90 percent and 75 percent, respectively.”

(2) NONAPPLICATION OF ADMINISTRATIVE EXPENDITURES CAP.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 202(b), is amended by adding at the end the following:

“(ii) EXPENDITURES TO COMPLY WITH CITIZENSHIP OR NATIONALITY VERIFICATION REQUIREMENTS.—Expenditures necessary for the State to comply with paragraph (9)(A).”

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this section shall take effect on January 1, 2010.

(B) TECHNICAL AMENDMENTS.—The amendments made by—

(i) paragraphs (1), (2), and (3) of subsection (b) shall take effect as if included in the enactment of section 6036 of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 80); and

(ii) paragraph (4) of subsection (b) shall take effect as if included in the enactment of section 405 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432; 120 Stat. 2996).

(2) RESTORATION OF ELIGIBILITY.—In the case of an individual who, during the period that began on July 1, 2006, and ends on October 1, 2009, was determined to be ineligible for medical assistance under a State Medicaid plan, including any waiver of such plan, solely as a result of the application of subsections (i)(22) and (x) of section 1903 of the Social Security Act (as in effect during such period), but who would have been determined eligible for such assistance if such subsections, as amended by subsection (b), had applied to the individual, a State may deem the individual to be eligible for such assistance as of the date that the individual was determined to be ineligible for such medical assistance on such basis.

(3) **SPECIAL TRANSITION RULE FOR INDIANS.**—During the period that begins on July 1, 2006, and ends on the effective date of final regulations issued under subclause (II) of section 1903(x)(3)(B)(v) of the Social Security Act (42 U.S.C. 1396b(x)(3)(B)(v)) (as added by subsection (b)(1)(B)), an individual who is a member of a federally-recognized Indian tribe described in subclause (II) of that section who presents a document described in subclause (I) of such section that is issued by such Indian tribe, shall be deemed to have presented satisfactory evidence of citizenship or nationality for purposes of satisfying the requirement of subsection (x) of section 1903 of such Act.

**SEC. 212. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT.**

Section 2102(b) (42 U.S.C. 1397bb(b)) is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

**“(4) REDUCTION OF ADMINISTRATIVE BARRIERS TO ENROLLMENT.**—

**“(A) IN GENERAL.**—Subject to subparagraph (B), the plan shall include a description of the procedures used to reduce administrative barriers to the enrollment of children and pregnant women who are eligible for medical assistance under title XIX or for child health assistance or health benefits coverage under this title. Such procedures shall be established and revised as often as the State determines appropriate to take into account the most recent information available to the State identifying such barriers.

**“(B) DEEMED COMPLIANCE IF JOINT APPLICATION AND RENEWAL PROCESS THAT PERMITS APPLICATION OTHER THAN IN PERSON.**—A State shall be deemed to comply with subparagraph (A) if the State’s application and renewal forms and supplemental forms (if any) and information verification process is the same for purposes of establishing and renewing eligibility for children and pregnant women for medical assistance under title XIX and child health assistance under this title, and such process does not require an application to be made in person or a face-to-face interview.”

**SEC. 213. MODEL OF INTERSTATE COORDINATED ENROLLMENT AND COVERAGE PROCESS.**

(a) **IN GENERAL.**—In order to assure continuity of coverage of low-income children under the Medicaid program and the State Children’s Health Insurance Program (CHIP), not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with State Medicaid and CHIP directors and organizations representing program beneficiaries, shall develop a model process for the coordination of the enrollment, retention, and coverage under such programs of children who, because of migration of families, emergency evacuations, natural or other disasters, public health emergencies, educational needs, or otherwise, frequently change their State of residency or otherwise are temporarily located outside of the State of their residency.

(b) **REPORT TO CONGRESS.**—After development of such model process, the Secretary of Health and Human Services shall submit to Congress a report describing additional steps or authority needed to make further improvements to coordinate the enrollment, retention, and coverage under CHIP and Medicaid of children described in subsection (a).

**SEC. 214. PERMITTING STATES TO ENSURE COVERAGE WITHOUT A 5-YEAR DELAY OF CERTAIN CHILDREN AND PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND CHIP.**

(a) **MEDICAID PROGRAM.**—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking “paragraph (2)” and inserting “paragraphs (2) and (4)”; and

(2) by adding at the end the following new paragraph:

**“(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to children and pregnant women who are lawfully residing in the United States (including battered individuals described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:**

**“(i) PREGNANT WOMEN.**—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

**“(ii) CHILDREN.**—Individuals under 21 years of age, including optional targeted low-income children described in section 1905(u)(2)(B).

**“(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.**

**“(C) As part of the State’s ongoing eligibility redetermination requirements and procedures for an individual provided medical assistance as a result of an election by the State under subparagraph (A), a State shall verify that the individual continues to lawfully reside in the United States using the documentation presented to the State by the individual on initial enrollment. If the State cannot successfully verify that the individual is lawfully residing in the United States in this manner, it shall require that the individual provide the State with further documentation or other evidence to verify that the individual is lawfully residing in the United States.”**

(b) **CHIP.**—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by sections 203(a)(2) and 203(d)(2), is amended by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively and by inserting after subparagraph (D) the following new subparagraph:

**“(E) Paragraph (4) of section 1903(v) (relating to optional coverage of categories of lawfully residing immigrant children or pregnant women), but only if the State has elected to apply such paragraph with respect to such category of children or pregnant women under title XIX.”**

**TITLE III—REDUCING BARRIERS TO PROVIDING PREMIUM ASSISTANCE**

**Subtitle A—Additional State Option for Providing Premium Assistance**

**SEC. 301. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.**

(a) **CHIP.**—

(1) **IN GENERAL.**—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by sections 114(a) and 211(c), is amended by adding at the end the following:

**“(10) STATE OPTION TO OFFER PREMIUM ASSISTANCE.**—

**“(A) IN GENERAL.**—A State may elect to offer a premium assistance subsidy (as defined in subparagraph (C)) for qualified employer-sponsored coverage (as defined in subparagraph (B)) to all targeted low-income children who are eligible for child health assistance under the plan and have access to such coverage in accordance with the requirements of this paragraph. No subsidy shall be provided to a targeted low-income child under this paragraph unless the child (or the child’s parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of child health assistance.

**“(B) QUALIFIED EMPLOYER-SPONSORED COVERAGE.**—

**“(i) IN GENERAL.**—Subject to clause (ii), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

**“(I) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;**

**“(II) for which the employer contribution toward any premium for such coverage is at least 40 percent; and**

**“(III) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).**

**“(ii) EXCEPTION.**—Such term does not include coverage consisting of—

**“(I) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or**

**“(II) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).**

**“(C) PREMIUM ASSISTANCE SUBSIDY.**—

**“(i) IN GENERAL.**—In this paragraph, the term ‘premium assistance subsidy’ means, with respect to a targeted low-income child, the amount equal to the difference between the employee contribution required for enrollment only of the employee under qualified employer-sponsored coverage and the employee contribution required for enrollment of the employee and the child in such coverage, less any applicable premium cost-sharing applied under the State child health plan (subject to the limitations imposed under section 2103(e), including the requirement to count the total amount of the employee contribution required for enrollment of the employee and the child in such coverage toward the annual aggregate cost-sharing limit applied under paragraph (3)(B) of such section).

**“(ii) STATE PAYMENT OPTION.**—A State may provide a premium assistance subsidy either as reimbursement to an employee for out-of-pocket expenditures or, subject to clause (iii), directly to the employee’s employer.

**“(iii) EMPLOYER OPT-OUT.**—An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such a notification, an employer shall withhold the total amount of the employee contribution required for enrollment of the employee and the child in the qualified employer-sponsored coverage and the State shall pay the premium assistance subsidy directly to the employee.

**“(iv) TREATMENT AS CHILD HEALTH ASSISTANCE.**—Expenditures for the provision of premium assistance subsidies shall be considered child health assistance described in paragraph (1)(C) of subsection (a) for purposes of making payments under that subsection.

**“(D) APPLICATION OF SECONDARY PAYOR RULES.**—The State shall be a secondary payor for any items or services provided under the qualified employer-sponsored coverage for which the State provides child health assistance under the State child health plan.

**“(E) REQUIREMENT TO PROVIDE SUPPLEMENTAL COVERAGE FOR BENEFITS AND COST-SHARING PROTECTION PROVIDED UNDER THE STATE CHILD HEALTH PLAN.**—

**“(i) IN GENERAL.**—Notwithstanding section 2110(b)(1)(C), the State shall provide for each targeted low-income child enrolled in qualified employer-sponsored coverage, supplemental coverage consisting of—

**“(I) items or services that are not covered, or are only partially covered, under the qualified employer-sponsored coverage; and**

**“(II) cost-sharing protection consistent with section 2103(e).**

**“(ii) RECORD KEEPING REQUIREMENTS.**—For purposes of carrying out clause (i), a State may elect to directly pay out-of-pocket expenditures

for cost-sharing imposed under the qualified employer-sponsored coverage and collect or not collect all or any portion of such expenditures from the parent of the child.

“(F) APPLICATION OF WAITING PERIOD IMPOSED UNDER THE STATE.—Any waiting period imposed under the State child health plan prior to the provision of child health assistance to a targeted low-income child under the State plan shall apply to the same extent to the provision of a premium assistance subsidy for the child under this paragraph.

“(G) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of a targeted low-income child receiving a premium assistance subsidy to disenroll the child from the qualified employer-sponsored coverage and enroll the child in, and receive child health assistance under, the State child health plan, effective on the first day of any month for which the child is eligible for such assistance and in a manner that ensures continuity of coverage for the child.

“(H) APPLICATION TO PARENTS.—If a State provides child health assistance or health benefits coverage to parents of a targeted low-income child in accordance with section 2111(b), the State may elect to offer a premium assistance subsidy to a parent of a targeted low-income child who is eligible for such a subsidy under this paragraph in the same manner as the State offers such a subsidy for the enrollment of the child in qualified employer-sponsored coverage, except that—

“(i) the amount of the premium assistance subsidy shall be increased to take into account the cost of the enrollment of the parent in the qualified employer-sponsored coverage or, at the option of the State if the State determines it cost-effective, the cost of the enrollment of the child's family in such coverage; and

“(ii) any reference in this paragraph to a child is deemed to include a reference to the parent or, if applicable under clause (i), the family of the child.

“(I) ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE.—

“(i) IN GENERAL.—A State may establish an employer-family premium assistance purchasing pool for employers with less than 250 employees who have at least 1 employee who is a pregnant woman eligible for assistance under the State child health plan (including through the application of an option described in section 2112(f)) or a member of a family with at least 1 targeted low-income child and to provide a premium assistance subsidy under this paragraph for enrollment in coverage made available through such pool.

“(ii) ACCESS TO CHOICE OF COVERAGE.—A State that elects the option under clause (i) shall identify and offer access to not less than 2 private health plans that are health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2) for employees described in clause (i).

“(iii) CLARIFICATION OF PAYMENT FOR ADMINISTRATIVE EXPENDITURES.—Nothing in this subparagraph shall be construed as permitting payment under this section for administrative expenditures attributable to the establishment or operation of such pool, except to the extent that such payment would otherwise be permitted under this title.

“(J) NO EFFECT ON PREMIUM ASSISTANCE WAIVER PROGRAMS.—Nothing in this paragraph shall be construed as limiting the authority of a State to offer premium assistance under section 1906 or 1906A, a waiver described in paragraph (2)(B) or (3), a waiver approved under section 1115, or other authority in effect prior to the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009.

“(K) NOTICE OF AVAILABILITY.—If a State elects to provide premium assistance subsidies in accordance with this paragraph, the State shall—

“(i) include on any application or enrollment form for child health assistance a notice of the availability of premium assistance subsidies for the enrollment of targeted low-income children in qualified employer-sponsored coverage;

“(ii) provide, as part of the application and enrollment process under the State child health plan, information describing the availability of such subsidies and how to elect to obtain such a subsidy; and

“(iii) establish such other procedures as the State determines necessary to ensure that parents are fully informed of the choices for receiving child health assistance under the State child health plan or through the receipt of premium assistance subsidies.

“(L) APPLICATION TO QUALIFIED EMPLOYER-SPONSORED BENCHMARK COVERAGE.—If a group health plan or health insurance coverage offered through an employer is certified by an actuary as health benefits coverage that is equivalent to the benefits coverage in a benchmark benefit package described in section 2103(b) or benchmark-equivalent coverage that meets the requirements of section 2103(a)(2), the State may provide premium assistance subsidies for enrollment of targeted low-income children in such group health plan or health insurance coverage in the same manner as such subsidies are provided under this paragraph for enrollment in qualified employer-sponsored coverage, but without regard to the requirement to provide supplemental coverage for benefits and cost-sharing protection provided under the State child health plan under subparagraph (E).

“(M) SATISFACTION OF COST-EFFECTIVENESS TEST.—Premium assistance subsidies for qualified employer-sponsored coverage offered under this paragraph shall be deemed to meet the requirement of subparagraph (A) of paragraph (3).

“(N) COORDINATION WITH MEDICAID.—In the case of a targeted low-income child who receives child health assistance through a State plan under title XIX and who voluntarily elects to receive a premium assistance subsidy under this section, the provisions of section 1906A shall apply and shall supersede any other provisions of this paragraph that are inconsistent with such section.”.

(2) DETERMINATION OF COST-EFFECTIVENESS FOR PREMIUM ASSISTANCE OR PURCHASE OF FAMILY COVERAGE.—

(A) IN GENERAL.—Section 2105(c)(3)(A) (42 U.S.C. 1397ee(c)(3)(A)) is amended by striking “relative to” and all that follows through the comma and inserting “relative to

“(i) the amount of expenditures under the State child health plan, including administrative expenditures, that the State would have made to provide comparable coverage of the targeted low-income child involved or the family involved (as applicable); or

“(ii) the aggregate amount of expenditures that the State would have made under the State child health plan, including administrative expenditures, for providing coverage under such plan for all such children or families.”.

(B) NONAPPLICATION TO PREVIOUSLY APPROVED COVERAGE.—The amendment made by subparagraph (A) shall not apply to coverage the purchase of which has been approved by the Secretary under section 2105(c)(3) of the Social Security Act prior to the date of enactment of this Act.

(b) MEDICAID.—Title XIX is amended by inserting after section 1906 the following new section:

“PREMIUM ASSISTANCE OPTION FOR CHILDREN

“SEC. 1906A. (a) IN GENERAL.—A State may elect to offer a premium assistance subsidy (as defined in subsection (c)) for qualified employer-sponsored coverage (as defined in subsection (b)) to all individuals under age 19 who are entitled to medical assistance under this title (and to the parent of such an individual) who have access to such coverage if the State meets the requirements of this section.

“(b) QUALIFIED EMPLOYER-SPONSORED COVERAGE.—

“(1) IN GENERAL.—Subject to paragraph (2)), in this paragraph, the term ‘qualified employer-sponsored coverage’ means a group health plan or health insurance coverage offered through an employer—

“(A) that qualifies as creditable coverage as a group health plan under section 2701(c)(1) of the Public Health Service Act;

“(B) for which the employer contribution toward any premium for such coverage is at least 40 percent; and

“(C) that is offered to all individuals in a manner that would be considered a nondiscriminatory eligibility classification for purposes of paragraph (3)(A)(ii) of section 105(h) of the Internal Revenue Code of 1986 (but determined without regard to clause (i) of subparagraph (B) of such paragraph).

“(2) EXCEPTION.—Such term does not include coverage consisting of—

“(A) benefits provided under a health flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

“(B) a high deductible health plan (as defined in section 223(c)(2) of such Code), without regard to whether the plan is purchased in conjunction with a health savings account (as defined under section 223(d) of such Code).

“(3) TREATMENT AS THIRD PARTY LIABILITY.—The State shall treat the coverage provided under qualified employer-sponsored coverage as a third party liability under section 1902(a)(25).

“(c) PREMIUM ASSISTANCE SUBSIDY.—In this section, the term ‘premium assistance subsidy’ means the amount of the employee contribution for enrollment in the qualified employer-sponsored coverage by the individual under age 19 or by the individual's family. Premium assistance subsidies under this section shall be considered, for purposes of section 1903(a), to be a payment for medical assistance.

“(d) VOLUNTARY PARTICIPATION.—

“(1) EMPLOYERS.—Participation by an employer in a premium assistance subsidy offered by a State under this section shall be voluntary. An employer may notify a State that it elects to opt-out of being directly paid a premium assistance subsidy on behalf of an employee.

“(2) BENEFICIARIES.—No subsidy shall be provided to an individual under age 19 under this section unless the individual (or the individual's parent) voluntarily elects to receive such a subsidy. A State may not require such an election as a condition of receipt of medical assistance. State may not require, as a condition of an individual under age 19 (or the individual's parent) being or remaining eligible for medical assistance under this title, apply for enrollment in qualified employer-sponsored coverage under this section.

“(3) OPT-OUT PERMITTED FOR ANY MONTH.—A State shall establish a process for permitting the parent of an individual under age 19 receiving a premium assistance subsidy to disenroll the individual from the qualified employer-sponsored coverage.

“(e) REQUIREMENT TO PAY PREMIUMS AND COST-SHARING AND PROVIDE SUPPLEMENTAL COVERAGE.—In the case of the participation of an individual under age 19 (or the individual's parent) in a premium assistance subsidy under this section for qualified employer-sponsored coverage, the State shall provide for payment of all enrollee premiums for enrollment in such coverage and all deductibles, coinsurance, and other cost-sharing obligations for items and services otherwise covered under the State plan under this title (exceeding the amount otherwise permitted under section 1916 or, if applicable, section 1916A). The fact that an individual under age 19 (or a parent) elects to enroll in qualified employer-sponsored coverage under this section shall not change the individual's (or parent's) eligibility for medical assistance under the State plan, except insofar as section

1902(a)(25) provides that payments for such assistance shall first be made under such coverage.”

(c) GAO STUDY AND REPORT.—Not later than January 1, 2010, the Comptroller General of the United States shall study cost and coverage issues relating to any State premium assistance programs for which Federal matching payments are made under title XIX or XXI of the Social Security Act, including under waiver authority, and shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the results of such study.

**SEC. 302. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE.**

(a) REQUIREMENT TO INCLUDE DESCRIPTION OF OUTREACH, EDUCATION, AND ENROLLMENT EFFORTS RELATED TO PREMIUM ASSISTANCE SUBSIDIES IN STATE CHILD HEALTH PLAN.—Section 2102(c) (42 U.S.C. 1397bb(c)) is amended by adding at the end the following new paragraph:

“(3) PREMIUM ASSISTANCE SUBSIDIES.—In the case of a State that provides for premium assistance subsidies under the State child health plan in accordance with paragraph (2)(B), (3), or (10) of section 2105(c), or a waiver approved under section 1115, outreach, education, and enrollment assistance for families of children likely to be eligible for such subsidies, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and for employers likely to provide coverage that is eligible for such subsidies, including the specific, significant resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the State child health plan.”

(b) NONAPPLICATION OF 10 PERCENT LIMIT ON OUTREACH AND CERTAIN OTHER EXPENDITURES.—Section 2105(c)(2)(C) (42 U.S.C. 1397ee(c)(2)(C)), as amended by section 211(c)(2), is amended by adding at the end the following new clause:

“(iii) EXPENDITURES FOR OUTREACH TO INCREASE THE ENROLLMENT OF CHILDREN UNDER THIS TITLE AND TITLE XXI THROUGH PREMIUM ASSISTANCE SUBSIDIES.—Expenditures for outreach activities to families of children likely to be eligible for premium assistance subsidies in accordance with paragraph (2)(B), (3), or (10), or a waiver approved under section 1115, to inform such families of the availability of, and to assist them in enrolling their children in, such subsidies, and to employers likely to provide qualified employer-sponsored coverage (as defined in subparagraph (B) of such paragraph), but not to exceed an amount equal to 1.25 percent of the maximum amount permitted to be expended under subparagraph (A) for items described in subsection (a)(1)(D).”

**Subtitle B—Coordinating Premium Assistance With Private Coverage**

**SEC. 311. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE; COORDINATION OF COVERAGE.**

(a) AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.—Section 9801(f) of the Internal Revenue Code of 1986 (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES RELATING TO MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the

Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) EMPLOYEE OUTREACH AND DISCLOSURE.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee’s dependents. For purposes of compliance with this clause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

“(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024).

“(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children’s Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority.”

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT.—

(A) IN GENERAL.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following new paragraph:

“(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

“(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

“(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

“(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

“(B) COORDINATION WITH MEDICAID AND CHIP.—

“(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

“(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee’s dependents.

“(II) MODEL NOTICE.—Not later than 1 year after the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, the Secretary and the Secretary of Health and Human Services, in consultation with Directors of State Medicaid agencies under title XIX of the Social Security Act and Directors of State CHIP agencies under title XXI of such Act, shall jointly develop national and State-specific model notices for purposes of subparagraph (A). The Secretary shall provide employers with such model notices so as to enable employers to timely comply with the requirements of subparagraph (A). Such model notices shall include information regarding how an employee may contact the State in which the employee resides for additional information regarding potential opportunities for such premium assistance, including how to apply for such assistance.

“(III) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b).

“(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND CHIP ELIGIBLE INDIVIDUALS.—In the case of a participant

or beneficiary of a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Program Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority."

(B) CONFORMING AMENDMENT.—Section 102(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1022(b)) is amended—

(i) by striking "and the remedies" and inserting "the remedies"; and

(ii) by inserting before the period the following: "and if the employer so elects for purposes of complying with section 701(f)(3)(B)(i), the model notice applicable to the State in which the participants and beneficiaries reside";

(C) WORKING GROUP TO DEVELOP MODEL COVERAGE COORDINATION DISCLOSURE FORM.—

(i) MEDICAID, CHIP, AND EMPLOYER-SPONSORED COVERAGE COORDINATION WORKING GROUP.—

(I) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group (in this subparagraph referred to as the "Working Group"). The purpose of the Working Group shall be to develop the model coverage coordination disclosure form described in subclause (II) and to identify the impediments to the effective coordination of coverage available to families that include employees of employers that maintain group health plans and members who are eligible for medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(II) MODEL COVERAGE COORDINATION DISCLOSURE FORM DESCRIBED.—The model form described in this subclause is a form for plan administrators of group health plans to complete for purposes of permitting a State to determine the availability and cost-effectiveness of the coverage available under such plans to employees who have family members who are eligible for premium assistance offered under a State plan under title XIX or XXI of such Act and to allow for coordination of coverage for enrollees of such plans. Such form shall provide the following information in addition to such other information as the Working Group determines appropriate:

(aa) A determination of whether the employee is eligible for coverage under the group health plan.

(bb) The name and contract information of the plan administrator of the group health plan.

(cc) The benefits offered under the plan.

(dd) The premiums and cost-sharing required under the plan.

(ee) Any other information relevant to coverage under the plan.

(ii) MEMBERSHIP.—The Working Group shall consist of not more than 30 members and shall be composed of representatives of—

(I) the Department of Labor;

(II) the Department of Health and Human Services;

(III) State directors of the Medicaid program under title XIX of the Social Security Act;

(IV) State directors of the State Children's Health Insurance Program under title XXI of the Social Security Act;

(V) employers, including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals;

(VI) plan administrators and plan sponsors of group health plans (as defined in section 607(1) of the Employee Retirement Income Security Act of 1974);

(VII) health insurance issuers; and

(VIII) children and other beneficiaries of medical assistance under title XIX of the Social Security Act or child health assistance or other health benefits coverage under title XXI of such Act.

(iii) COMPENSATION.—The members of the Working Group shall serve without compensation.

(iv) ADMINISTRATIVE SUPPORT.—The Department of Health and Human Services and the Department of Labor shall jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group may use the services and facilities of either such Department, with or without reimbursement, as jointly determined by such Departments.

(v) REPORT.—

(I) REPORT BY WORKING GROUP TO THE SECRETARIES.—Not later than 18 months after the date of the enactment of this Act, the Working Group shall submit to the Secretary of Labor and the Secretary of Health and Human Services the model form described in clause (i)(II) along with a report containing recommendations for appropriate measures to address the impediments to the effective coordination of coverage between group health plans and the State plans under titles XIX and XXI of the Social Security Act.

(II) REPORT BY SECRETARIES TO THE CONGRESS.—Not later than 2 months after receipt of the report pursuant to subclause (I), the Secretaries shall jointly submit a report to each House of the Congress regarding the recommendations contained in the report under such subclause.

(vi) TERMINATION.—The Working Group shall terminate 30 days after the date of the issuance of its report under clause (v).

(D) EFFECTIVE DATES.—The Secretary of Labor and the Secretary of Health and Human Services shall develop the initial model notices under section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974, and the Secretary of Labor shall provide such notices to employers, not later than the date that is 1 year after the date of enactment of this Act, and each employer shall provide the initial annual notices to such employer's employees beginning with the first plan year that begins after the date on which such initial model notices are first issued. The model coverage coordination disclosure form developed under subparagraph (C) shall apply with respect to requests made by States beginning with the first plan year that begins after the date on which such model coverage coordination disclosure form is first issued.

(E) ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(i) in subsection (a)(6), by striking "or (8)" and inserting "(8), or (9)"; and

(ii) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following:

"(9)(A) The Secretary may assess a civil penalty against any employer of up to \$100 a day from the date of the employer's failure to meet the notice requirement of section 701(f)(3)(B)(i)(I). For purposes of this subparagraph, each violation with respect to any single employee shall be treated as a separate violation.

"(B) The Secretary may assess a civil penalty against any plan administrator of up to \$100 a

day from the date of the plan administrator's failure to timely provide to any State the information required to be disclosed under section 701(f)(3)(B)(ii). For purposes of this subparagraph, each violation with respect to any single participant or beneficiary shall be treated as a separate violation."

(2) AMENDMENTS TO PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULES FOR APPLICATION IN CASE OF MEDICAID AND CHIP.—

"(A) IN GENERAL.—A group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if either of the following conditions is met:

"(i) TERMINATION OF MEDICAID OR CHIP COVERAGE.—The employee or dependent is covered under a Medicaid plan under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act and coverage of the employee or dependent under such a plan is terminated as a result of loss of eligibility for such coverage and the employee requests coverage under the group health plan (or health insurance coverage) not later than 60 days after the date of termination of such coverage.

"(ii) ELIGIBILITY FOR EMPLOYMENT ASSISTANCE UNDER MEDICAID OR CHIP.—The employee or dependent becomes eligible for assistance, with respect to coverage under the group health plan or health insurance coverage, under such Medicaid plan or State child health plan (including under any waiver or demonstration project conducted under or in relation to such a plan), if the employee requests coverage under the group health plan or health insurance coverage not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

"(B) COORDINATION WITH MEDICAID AND CHIP.—

"(i) OUTREACH TO EMPLOYEES REGARDING AVAILABILITY OF MEDICAID AND CHIP COVERAGE.—

"(I) IN GENERAL.—Each employer that maintains a group health plan in a State that provides medical assistance under a State Medicaid plan under title XIX of the Social Security Act, or child health assistance under a State child health plan under title XXI of such Act, in the form of premium assistance for the purchase of coverage under a group health plan, shall provide to each employee a written notice informing the employee of potential opportunities then currently available in the State in which the employee resides for premium assistance under such plans for health coverage of the employee or the employee's dependents. For purposes of compliance with this subclause, the employer may use any State-specific model notice developed in accordance with section 701(f)(3)(B)(i)(II) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)(3)(B)(i)(II)).

"(II) OPTION TO PROVIDE CONCURRENT WITH PROVISION OF PLAN MATERIALS TO EMPLOYEE.—An employer may provide the model notice applicable to the State in which an employee resides concurrent with the furnishing of materials notifying the employee of health plan eligibility, concurrent with materials provided to the employee in connection with an open season or election process conducted under the plan, or concurrent with the furnishing of the summary plan description as provided in section 104(b) of the Employee Retirement Income Security Act of 1974.

"(ii) DISCLOSURE ABOUT GROUP HEALTH PLAN BENEFITS TO STATES FOR MEDICAID AND

CHIP ELIGIBLE INDIVIDUALS.—*In the case of an enrollee in a group health plan who is covered under a Medicaid plan of a State under title XIX of the Social Security Act or under a State child health plan under title XXI of such Act, the plan administrator of the group health plan shall disclose to the State, upon request, information about the benefits available under the group health plan in sufficient specificity, as determined under regulations of the Secretary of Health and Human Services in consultation with the Secretary that require use of the model coverage coordination disclosure form developed under section 311(b)(1)(C) of the Children's Health Insurance Reauthorization Act of 2009, so as to permit the State to make a determination (under paragraph (2)(B), (3), or (10) of section 2105(c) of the Social Security Act or otherwise) concerning the cost-effectiveness of the State providing medical or child health assistance through premium assistance for the purchase of coverage under such group health plan and in order for the State to provide supplemental benefits required under paragraph (10)(E) of such section or other authority."*

**TITLE IV—STRENGTHENING QUALITY OF CARE AND HEALTH OUTCOMES**

**SEC. 401. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.**

(a) DEVELOPMENT OF CHILD HEALTH QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—Title XI (42 U.S.C. 1301 et seq.) is amended by inserting after section 1139 the following new section:

**"SEC. 1139A. CHILD HEALTH QUALITY MEASURES.**

(a) DEVELOPMENT OF AN INITIAL CORE SET OF HEALTH CARE QUALITY MEASURES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall identify and publish for general comment an initial, recommended core set of child health quality measures for use by State programs administered under titles XIX and XXI, health insurance issuers and managed care entities that enter into contracts with such programs, and providers of items and services under such programs.

"(2) IDENTIFICATION OF INITIAL CORE MEASURES.—In consultation with the individuals and entities described in subsection (b)(3), the Secretary shall identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time.

"(3) RECOMMENDATIONS AND DISSEMINATION.—Based on such existing and identified measures, the Secretary shall publish an initial core set of child health quality measures that includes (but is not limited to) the following:

"(A) The duration of children's health insurance coverage over a 12-month time period.

"(B) The availability and effectiveness of a full range of—

"(i) preventive services, treatments, and services for acute conditions, including services to promote healthy birth, prevent and treat premature birth, and detect the presence or risk of physical or mental conditions that could adversely affect growth and development; and

"(ii) treatments to correct or ameliorate the effects of physical and mental conditions, including chronic conditions, in infants, young children, school-age children, and adolescents.

"(C) The availability of care in a range of ambulatory and inpatient health care settings in which such care is furnished.

"(D) The types of measures that, taken together, can be used to estimate the overall national quality of health care for children, including children with special needs, and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

"(4) ENCOURAGE VOLUNTARY AND STANDARDIZED REPORTING.—Not later than 2 years after the date of enactment of the Children's Health Insurance Program Reauthorization Act of 2009, the Secretary, in consultation with States, shall develop a standardized format for reporting information and procedures and approaches that encourage States to use the initial core measurement set to voluntarily report information regarding the quality of pediatric health care under titles XIX and XXI.

"(5) ADOPTION OF BEST PRACTICES IN IMPLEMENTING QUALITY PROGRAMS.—The Secretary shall disseminate information to States regarding best practices among States with respect to measuring and reporting on the quality of health care for children, and shall facilitate the adoption of such best practices. In developing best practices approaches, the Secretary shall give particular attention to State measurement techniques that ensure the timeliness and accuracy of provider reporting, encourage provider reporting compliance, encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

"(6) REPORTS TO CONGRESS.—Not later than January 1, 2011, and every 3 years thereafter, the Secretary shall report to Congress on—

"(A) the status of the Secretary's efforts to improve—

"(i) quality related to the duration and stability of health insurance coverage for children under titles XIX and XXI;

"(ii) the quality of children's health care under such titles, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions and to aid in growth and development of infants, young children, school-age children, and adolescents with special health care needs; and

"(iii) the quality of children's health care under such titles across the domains of quality, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care;

"(B) the status of voluntary reporting by States under titles XIX and XXI, utilizing the initial core quality measurement set; and

"(C) any recommendations for legislative changes needed to improve the quality of care provided to children under titles XIX and XXI, including recommendations for quality reporting by States.

"(7) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States to assist them in adopting and utilizing core child health quality measures in administering the State plans under titles XIX and XXI.

"(8) DEFINITION OF CORE SET.—In this section, the term 'core set' means a group of valid, reliable, and evidence-based quality measures that, taken together—

"(A) provide information regarding the quality of health coverage and health care for children;

"(B) address the needs of children throughout the developmental age span; and

"(C) allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services whose purpose is to correct or ameliorate physical, mental, or developmental conditions that could, if untreated or poorly treated, become chronic.

"(b) ADVANCING AND IMPROVING PEDIATRIC QUALITY MEASURES.—

"(1) ESTABLISHMENT OF PEDIATRIC QUALITY MEASURES PROGRAM.—Not later than January 1, 2011, the Secretary shall establish a pediatric quality measures program to—

"(A) improve and strengthen the initial core child health care quality measures established by the Secretary under subsection (a);

"(B) expand on existing pediatric quality measures used by public and private health care purchasers and advance the development of such new and emerging quality measures; and

"(C) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchasers of children's health care services, providers, and consumers.

"(2) EVIDENCE-BASED MEASURES.—The measures developed under the pediatric quality measures program shall, at a minimum, be—

"(A) evidence-based and, where appropriate, risk adjusted;

"(B) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care;

"(C) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparison of quality and data at a State, plan, and provider level;

"(D) periodically updated; and

"(E) responsive to the child health needs, services, and domains of health care quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A).

"(3) PROCESS FOR PEDIATRIC QUALITY MEASURES PROGRAM.—In identifying gaps in existing pediatric quality measures and establishing priorities for development and advancement of such measures, the Secretary shall consult with—

"(A) States;

"(B) pediatricians, children's hospitals, and other primary and specialized pediatric health care professionals (including members of the allied health professions) who specialize in the care and treatment of children, particularly children with special physical, mental, and developmental health care needs;

"(C) dental professionals, including pediatric dental professionals;

"(D) health care providers that furnish primary health care to children and families who live in urban and rural medically underserved communities or who are members of distinct population sub-groups at heightened risk for poor health outcomes;

"(E) national organizations representing children, including children with disabilities and children with chronic conditions;

"(F) national organizations representing consumers and purchasers of children's health care;

"(G) national organizations and individuals with expertise in pediatric health quality measurement; and

"(H) voluntary consensus standards setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

"(4) DEVELOPING, VALIDATING, AND TESTING A PORTFOLIO OF PEDIATRIC QUALITY MEASURES.—As part of the program to advance pediatric quality measures, the Secretary shall—

"(A) award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality described in clauses (i), (ii), and (iii) of subsection (a)(6)(A); and

"(B) award grants and contracts for—

"(i) the development of consensus on evidence-based measures for children's health care services;

"(ii) the dissemination of such measures to public and private purchasers of health care for children; and

"(iii) the updating of such measures as necessary.

"(5) REVISING, STRENGTHENING, AND IMPROVING INITIAL CORE MEASURES.—Beginning no later than January 1, 2013, and annually thereafter, the Secretary shall publish recommended

changes to the core measures described in subsection (a) that shall reflect the testing, validation, and consensus process for the development of pediatric quality measures described in subsection paragraphs (1) through (4).

“(6) DEFINITION OF PEDIATRIC QUALITY MEASURE.—In this subsection, the term ‘pediatric quality measure’ means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess 1 or more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

“(7) CONSTRUCTION.—Nothing in this section shall be construed as supporting the restriction of coverage, under title XIX or XXI or otherwise, to only those services that are evidence-based.

“(C) ANNUAL STATE REPORTS REGARDING STATE-SPECIFIC QUALITY OF CARE MEASURES APPLIED UNDER MEDICAID OR CHIP.—

“(1) ANNUAL STATE REPORTS.—Each State with a State plan approved under title XIX or a State child health plan approved under title XXI shall annually report to the Secretary on the—

“(A) State-specific child health quality measures applied by the States under such plans, including measures described in subparagraphs (A) and (B) of subsection (a)(6); and

“(B) State-specific information on the quality of health care furnished to children under such plans, including information collected through external quality reviews of managed care organizations under section 1932 of the Social Security Act (42 U.S.C. 1396u-4) and benchmark plans under sections 1937 and 2103 of such Act (42 U.S.C. 1396u-7, 1397cc).

“(2) PUBLICATION.—Not later than September 30, 2010, and annually thereafter, the Secretary shall collect, analyze, and make publicly available the information reported by States under paragraph (1).

“(d) DEMONSTRATION PROJECTS FOR IMPROVING THE QUALITY OF CHILDREN’S HEALTH CARE AND THE USE OF HEALTH INFORMATION TECHNOLOGY.—

“(1) IN GENERAL.—During the period of fiscal years 2009 through 2013, the Secretary shall award not more than 10 grants to States and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children’s health care provided under title XIX or XXI, including projects to—

“(A) experiment with, and evaluate the use of, new measures of the quality of children’s health care under such titles (including testing the validity and suitability for reporting of such measures);

“(B) promote the use of health information technology in care delivery for children under such titles;

“(C) evaluate provider-based models which improve the delivery of children’s health care services under such titles, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety, and efficiency of health care services for children; or

“(D) demonstrate the impact of the model electronic health record format for children developed and disseminated under subsection (f) on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

“(2) REQUIREMENTS.—In awarding grants under this subsection, the Secretary shall ensure that—

“(A) only 1 demonstration project funded under a grant awarded under this subsection shall be conducted in a State; and

“(B) demonstration projects funded under grants awarded under this subsection shall be

conducted evenly between States with large urban areas and States with large rural areas.

“(3) AUTHORITY FOR MULTISTATE PROJECTS.—A demonstration project conducted with a grant awarded under this subsection may be conducted on a multistate basis, as needed.

“(4) FUNDING.—\$20,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(e) CHILDHOOD OBESITY DEMONSTRATION PROJECT.—

“(1) AUTHORITY TO CONDUCT DEMONSTRATION.—The Secretary, in consultation with the Administrator of the Centers for Medicare & Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such project. Such model shall—

“(A) identify, through self-assessment, behavioral risk factors for obesity among children;

“(B) identify, through self-assessment, needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors;

“(C) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and

“(D) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under title XIX or child health assistance is available under title XXI among such target individuals.

“(2) ELIGIBILITY ENTITIES.—For purposes of this subsection, an eligible entity is any of the following:

“(A) A city, county, or Indian tribe.

“(B) A local or tribal educational agency.

“(C) An accredited university, college, or community college.

“(D) A Federally-qualified health center.

“(E) A local health department.

“(F) A health care provider.

“(G) A community-based organization.

“(H) Any other entity determined appropriate by the Secretary, including a consortia or partnership of entities described in any of subparagraphs (A) through (G).

“(3) USE OF FUNDS.—An eligible entity awarded a grant under this subsection shall use the funds made available under the grant to—

“(A) carry out community-based activities related to reducing childhood obesity, including by—

“(i) forming partnerships with entities, including schools and other facilities providing recreational services, to establish programs for after school and weekend community activities that are designed to reduce childhood obesity;

“(ii) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

“(iii) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

“(B) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, including by—

“(i) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

“(I) after hours physical activity programs; and

“(II) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

“(ii) providing education and training to educational professionals regarding how to promote

a healthy lifestyle and a healthy school environment for children;

“(iii) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

“(iv) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity for children;

“(C) carry out educational, counseling, promotional, and training activities through the local health care delivery systems including by—

“(i) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

“(ii) providing patient education and counseling to increase physical activity and promote healthy eating behaviors;

“(iii) training health professionals on how to identify and treat obese and overweight individuals which may include nutrition and physical activity counseling; and

“(iv) providing community education by a health professional on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; and

“(D) provide, through qualified health professionals, training and supervision for community health workers to—

“(i) educate families regarding the relationship between nutrition, eating habits, physical activity, and obesity;

“(ii) educate families about effective strategies to improve nutrition, establish healthy eating patterns, and establish appropriate levels of physical activity; and

“(iii) educate and guide parents regarding the ability to model and communicate positive health behaviors.

“(4) PRIORITY.—In awarding grants under paragraph (1), the Secretary shall give priority to awarding grants to eligible entities—

“(A) that demonstrate that they have previously applied successfully for funds to carry out activities that seek to promote individual and community health and to prevent the incidence of chronic disease and that can cite published and peer-reviewed research demonstrating that the activities that the entities propose to carry out with funds made available under the grant are effective;

“(B) that will carry out programs or activities that seek to accomplish a goal or goals set by the State in the Healthy People 2010 plan of the State;

“(C) that provide non-Federal contributions, either in cash or in-kind, to the costs of funding activities under the grants;

“(D) that develop comprehensive plans that include a strategy for extending program activities developed under grants in the years following the fiscal years for which they receive grants under this subsection;

“(E) located in communities that are medically underserved, as determined by the Secretary;

“(F) located in areas in which the average poverty rate is at least 150 percent or higher of the average poverty rate in the State involved, as determined by the Secretary; and

“(G) that submit plans that exhibit multisectoral, cooperative conduct that includes the involvement of a broad range of stakeholders, including—

“(i) community-based organizations;

“(ii) local governments;

“(iii) local educational agencies;

“(iv) the private sector;

“(v) State or local departments of health;

“(vi) accredited colleges, universities, and community colleges;

“(vii) health care providers;

“(viii) State and local departments of transportation and city planning; and

“(ix) other entities determined appropriate by the Secretary.

“(5) PROGRAM DESIGN.—

“(A) INITIAL DESIGN.—Not later than 1 year after the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, the Secretary shall design the demonstration project. The demonstration should draw upon promising, innovative models and incentives to reduce behavioral risk factors. The Administrator of the Centers for Medicare & Medicaid Services shall consult with the Director of the Centers for Disease Control and Prevention, the Director of the Office of Minority Health, the heads of other agencies in the Department of Health and Human Services, and such professional organizations, as the Secretary determines to be appropriate, on the design, conduct, and evaluation of the demonstration.

“(B) NUMBER AND PROJECT AREAS.—Not later than 2 years after the date of enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, the Secretary shall award 1 grant that is specifically designed to determine whether programs similar to programs to be conducted by other grantees under this subsection should be implemented with respect to the general population of children who are eligible for child health assistance under State child health plans under title XXI in order to reduce the incidence of childhood obesity among such population.

“(6) REPORT TO CONGRESS.—Not later than 3 years after the date the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates the beneficiary satisfaction under the project, and includes any such other information as the Secretary determines to be appropriate.

“(7) DEFINITIONS.—In this subsection:

“(A) FEDERALLY-QUALIFIED HEALTH CENTER.—The term ‘Federally-qualified health center’ has the meaning given that term in section 1905(l)(2)(B).

“(B) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

“(C) SELF-ASSESSMENT.—The term ‘self-assessment’ means a form that—

“(i) includes questions regarding—

“(I) behavioral risk factors;

“(II) needed preventive and screening services; and

“(III) target individuals’ preferences for receiving follow-up information;

“(ii) is assessed using such computer generated assessment programs; and

“(iii) allows for the provision of such ongoing support to the individual as the Secretary determines appropriate.

“(D) ONGOING SUPPORT.—The term ‘ongoing support’ means—

“(i) to provide any target individual with information, feedback, health coaching, and recommendations regarding—

“(I) the results of a self-assessment given to the individual;

“(II) behavior modification based on the self-assessment; and

“(III) any need for clinical preventive and screening services or treatment including medical nutrition therapy;

“(ii) to provide any target individual with referrals to community resources and programs available to assist the target individual in reducing health risks; and

“(iii) to provide the information described in clause (i) to a health care provider, if designated by the target individual to receive such information.

“(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, \$25,000,000 for the period of fiscal years 2009 through 2013.

“(f) DEVELOPMENT OF MODEL ELECTRONIC HEALTH RECORD FORMAT FOR CHILDREN ENROLLED IN MEDICAID OR CHIP.—

“(1) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled in the State plan under title XIX or the State child health plan under title XXI that is—

“(A) subject to State laws, accessible to parents, caregivers, and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, such as appropriate immunizations or physicals;

“(B) designed to allow interoperable exchanges that conform with Federal and State privacy and security requirements;

“(C) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality; and

“(D) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records.

“(2) FUNDING.—\$5,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(g) STUDY OF PEDIATRIC HEALTH AND HEALTH CARE QUALITY MEASURES.—

“(1) IN GENERAL.—Not later than July 1, 2010, the Institute of Medicine shall study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments aimed at ameliorating or correcting physical, mental, and developmental conditions in children. In conducting such study and preparing such report, the Institute of Medicine shall—

“(A) consider all of the major national population-based reporting systems sponsored by the Federal Government that are currently in place, including reporting requirements under Federal grant programs and national population surveys and estimates conducted directly by the Federal Government;

“(B) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information so generated is made widely available through publication;

“(C) identify gaps in knowledge related to children’s health status, health disparities among subgroups of children, the effects of social conditions on children’s health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children’s school readiness and educational achievement and attainment; and

“(D) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care quality.

“(2) FUNDING.—Up to \$1,000,000 of the amount appropriated under subsection (i) for a fiscal year shall be used to carry out this subsection.

“(h) RULE OF CONSTRUCTION.—Notwithstanding any other provision in this section, no evidence based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving medical assistance under title XIX or child health assistance under title XXI.

“(i) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated for each of fiscal years 2009 through 2013, \$45,000,000 for the purpose of carrying out this section (other than subsection

(e)). Funds appropriated under this subsection shall remain available until expended.”.

(b) INCREASED MATCHING RATE FOR COLLECTING AND REPORTING ON CHILD HEALTH MEASURES.—Section 1903(a)(3)(A) (42 U.S.C. 1396b(a)(3)(A)), is amended—

(1) by striking “and” at the end of clause (i); and

(2) by adding at the end the following new clause:

“(iii) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of so much of the sums expended during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to such developments or modifications of systems of the type described in clause (i) as are necessary for the efficient collection and reporting on child health measures; and”.

**SEC. 402. IMPROVED AVAILABILITY OF PUBLIC INFORMATION REGARDING ENROLLMENT OF CHILDREN IN CHIP AND MEDICAID.**

(a) INCLUSION OF PROCESS AND ACCESS MEASURES IN ANNUAL STATE REPORTS.—Section 2108 (42 U.S.C. 1397hh) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “The State” and inserting “Subject to subsection (e), the State”; and

(2) by adding at the end the following new subsection:

“(e) INFORMATION REQUIRED FOR INCLUSION IN STATE ANNUAL REPORT.—The State shall include the following information in the annual report required under subsection (a):

“(1) Eligibility criteria, enrollment, and retention data (including data with respect to continuity of coverage or duration of benefits).

“(2) Data regarding the extent to which the State uses process measures with respect to determining the eligibility of children under the State child health plan, including measures such as 12-month continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility.

“(3) Data regarding denials of eligibility and redeterminations of eligibility.

“(4) Data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the State child health plan, using quality care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey.

“(5) If the State provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for child health assistance under the State child health plan, the range of the monthly amount of such assistance provided on behalf of a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the State child health plan to supplement the coverage purchased with such premium assistance, the effective strategies the State engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage provided under the State child health plan from substituting for coverage provided under employer-sponsored health insurance offered in the State.

“(6) To the extent applicable, a description of any State activities that are designed to reduce the number of uncovered children in the State, including through a State health insurance connector program or support for innovative private health coverage initiatives.”.

(b) **STANDARDIZED REPORTING FORMAT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall specify a standardized format for States to use for reporting the information required under section 2108(e) of the Social Security Act, as added by subsection (a)(2).

(2) **TRANSITION PERIOD FOR STATES.**—Each State that is required to submit a report under subsection (a) of section 2108 of the Social Security Act that includes the information required under subsection (e) of such section may use up to 3 reporting periods to transition to the reporting of such information in accordance with the standardized format specified by the Secretary under paragraph (1).

(c) **ADDITIONAL FUNDING FOR THE SECRETARY TO IMPROVE TIMELINESS OF DATA REPORTING AND ANALYSIS FOR PURPOSES OF DETERMINING ENROLLMENT INCREASES UNDER MEDICAID AND CHIP.**—

(1) **APPROPRIATION.**—There is appropriated, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to the Secretary for fiscal year 2009 for the purpose of improving the timeliness of the data reported and analyzed from the Medicaid Statistical Information System (MSIS) for purposes of providing more timely data on enrollment and eligibility of children under Medicaid and CHIP and to provide guidance to States with respect to any new reporting requirements related to such improvements. Amounts appropriated under this paragraph shall remain available until expended.

(2) **REQUIREMENTS.**—The improvements made by the Secretary under paragraph (1) shall be designed and implemented (including with respect to any necessary guidance for States to report such information in a complete and expeditious manner) so that, beginning no later than October 1, 2009, data regarding the enrollment of low-income children (as defined in section 2110(c)(4) of the Social Security Act (42 U.S.C. 1397j(c)(4)) of a State enrolled in the State plan under Medicaid or the State child health plan under CHIP with respect to a fiscal year shall be collected and analyzed by the Secretary within 6 months of submission.

(d) **GAO STUDY AND REPORT ON ACCESS TO PRIMARY AND SPECIALTY SERVICES.**—

(1) **IN GENERAL.**—The Comptroller General of the United States shall conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including—

(A) the extent to which providers are willing to treat children eligible for such programs;

(B) information on such children's access to networks of care;

(C) geographic availability of primary and specialty services under such programs;

(D) the extent to which care coordination is provided for children's care under Medicaid and CHIP; and

(E) as appropriate, information on the degree of availability of services for children under such programs.

(2) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives on the study conducted under paragraph (1) that includes recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

**SEC. 403. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP.**

(a) **IN GENERAL.**—Section 2103(f) of Social Security Act (42 U.S.C. 1397bb(f)) is amended by adding at the end the following new paragraph:

“(3) **COMPLIANCE WITH MANAGED CARE REQUIREMENTS.**—The State child health plan shall provide for the application of subsections (a)(4), (a)(5), (b), (c), (d), and (e) of section 1932 (relat-

ing to requirements for managed care) to coverage, State agencies, enrollment brokers, managed care entities, and managed care organizations under this title in the same manner as such subsections apply to coverage and such entities and organizations under title XIX.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to contract years for health plans beginning on or after July 1, 2009.

#### TITLE V—IMPROVING ACCESS TO BENEFITS

##### SEC. 501. DENTAL BENEFITS.

(a) **COVERAGE.**—

(1) **IN GENERAL.**—Section 2103 (42 U.S.C. 1397cc) is amended—

(A) in subsection (a)—

(i) in the matter before paragraph (1), by striking “subsection (c)(5)” and inserting “paragraphs (5) and (7) of subsection (c)”; and

(ii) in paragraph (1), by inserting “at least” after “that is”; and

(B) in subsection (c)—

(i) by redesignating paragraph (5) as paragraph (7); and

(ii) by inserting after paragraph (4), the following:

“(5) **DENTAL BENEFITS.**—

“(A) **IN GENERAL.**—The child health assistance provided to a targeted low-income child shall include coverage of dental services necessary to prevent disease and promote oral health, restore oral structures to health and function, and treat emergency conditions.

“(B) **PERMITTING USE OF DENTAL BENCHMARK PLANS BY CERTAIN STATES.**—A State may elect to meet the requirement of subparagraph (A) through dental coverage that is equivalent to a benchmark dental benefit package described in subparagraph (C).

“(C) **BENCHMARK DENTAL BENEFIT PACKAGES.**—The benchmark dental benefit packages are as follows:

“(i) **FEHBP CHILDREN'S DENTAL COVERAGE.**—A dental benefits plan under chapter 89A of title 5, United States Code, that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

“(ii) **STATE EMPLOYEE DEPENDENT DENTAL COVERAGE.**—A dental benefits plan that is offered and generally available to State employees in the State involved and that has been selected most frequently by employees seeking dependent coverage, among such plans that provide such dependent coverage, in either of the previous 2 plan years.

“(iii) **COVERAGE OFFERED THROUGH COMMERCIAL DENTAL PLAN.**—A dental benefits plan that has the largest insured commercial, non-Medicaid enrollment of dependent covered lives of such plans that is offered in the State involved.”.

(2) **ASSURING ACCESS TO CARE.**—Section 2102(a)(7)(B) (42 U.S.C. 1397bb(c)(2)) is amended by inserting “and services described in section 2103(c)(5)” after “emergency services”.

(3) **EFFECTIVE DATE.**—The amendments made by paragraphs (1) and (2) shall apply to coverage of items and services furnished on or after October 1, 2009.

(b) **STATE OPTION TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.**—

(1) **IN GENERAL.**—Section 2110(b) (42 U.S.C. 1397jj(b)) is amended—

(A) in paragraph (1)(C), by inserting “, subject to paragraph (5),” after “under title XIX or”; and

(B) by adding at the end the following new paragraph:

“(5) **OPTION FOR STATES WITH A SEPARATE CHIP PROGRAM TO PROVIDE DENTAL-ONLY SUPPLEMENTAL COVERAGE.**—

“(A) **IN GENERAL.**—Subject to subparagraphs (B) and (C), in the case of any child who is enrolled in a group health plan or health insur-

ance coverage offered through an employer who would, but for the application of paragraph (1)(C), satisfy the requirements for being a targeted low-income child under a State child health plan that is implemented under this title, a State may waive the application of such paragraph to the child in order to provide—

“(i) dental coverage consistent with the requirements of subsection (c)(5) of section 2103; or

“(ii) cost-sharing protection for dental coverage consistent with such requirements and the requirements of subsection (e)(3)(B) of such section.

“(B) **LIMITATION.**—A State may limit the application of a waiver of paragraph (1)(C) to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.

“(C) **CONDITIONS.**—A State may not offer dental-only supplemental coverage under this paragraph unless the State satisfies the following conditions:

“(i) **INCOME ELIGIBILITY.**—The State child health plan under this title—

“(I) has the highest income eligibility standard permitted under this title (or a waiver) as of January 1, 2009;

“(II) does not limit the acceptance of applications for children or impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan; and

“(III) provides benefits to all children in the State who apply for and meet eligibility standards.

“(ii) **NO MORE FAVORABLE TREATMENT.**—The State child health plan may not provide more favorable dental coverage or cost-sharing protection for dental coverage to children provided dental-only supplemental coverage under this paragraph than the dental coverage and cost-sharing protection for dental coverage provided to targeted low-income children who are eligible for the full range of child health assistance provided under the State child health plan.”.

(2) **STATE OPTION TO WAIVE WAITING PERIOD.**—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 111(b)(2), is amended—

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

(B) in clause (iii), by striking the period and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iv) at State option, may not apply a waiting period in the case of a child provided dental-only supplemental coverage under section 2110(b)(5).”.

(c) **DENTAL EDUCATION FOR PARENTS OF NEWBORNS.**—The Secretary shall develop and implement, through entities that fund or provide perinatal care services to targeted low-income children under a State child health plan under title XXI of the Social Security Act, a program to deliver oral health educational materials that inform new parents about risks for, and prevention of, early childhood caries and the need for a dental visit within their newborn's first year of life.

(d) **PROVISION OF DENTAL SERVICES THROUGH FQHCs.**—

(1) **MEDICAID.**—Section 1902(a) (42 U.S.C. 1396a(a)) is amended—

(A) by striking “and” at the end of paragraph (70);

(B) by striking the period at the end of paragraph (71) and inserting “; and”; and

(C) by inserting after paragraph (71) the following new paragraph:

“(72) provide that the State will not prevent a Federally-qualified health center from entering into contractual relationships with private practice dental providers in the provision of Federally-qualified health center services.”.

(2) **CHIP.**—Section 2107(e)(1) (42 U.S.C. 1397g(e)(1)), as amended by subsections (a)(2)

and (d)(2) of section 203, is amended by inserting after subparagraph (B) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

“(C) Section 1902(a)(72) (relating to limiting FQHC contracting for provision of dental services).”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2009.

(e) REPORTING INFORMATION ON DENTAL HEALTH.—

(1) MEDICAID.—Section 1902(a)(43)(D)(iii) (42 U.S.C. 1396a(a)(43)(D)(iii)) is amended by inserting “and other information relating to the provision of dental services to such children described in section 2108(e)” after “receiving dental services.”.

(2) CHIP.—Section 2108 (42 U.S.C. 1397hh) is amended by adding at the end the following new subsection:

“(e) INFORMATION ON DENTAL CARE FOR CHILDREN.—

“(1) IN GENERAL.—Each annual report under subsection (a) shall include the following information with respect to care and services described in section 1905(r)(3) provided to targeted low-income children enrolled in the State child health plan under this title at any time during the year involved:

“(A) The number of enrolled children by age grouping used for reporting purposes under section 1902(a)(43).

“(B) For children within each such age grouping, information of the type contained in questions 12(a)–(c) of CMS Form 416 (that consists of the number of enrolled targeted low-income children who receive any, preventive, or restorative dental care under the State plan).

“(C) For the age grouping that includes children 8 years of age, the number of such children who have received a protective sealant on at least one permanent molar tooth.

“(2) INCLUSION OF INFORMATION ON ENROLLEES IN MANAGED CARE PLANS.—The information under paragraph (1) shall include information on children who are enrolled in managed care plans and other private health plans and contracts with such plans under this title shall provide for the reporting of such information by such plans to the State.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall be effective for annual reports submitted for years beginning after date of enactment.

(f) IMPROVED ACCESSIBILITY OF DENTAL PROVIDER INFORMATION TO ENROLLEES UNDER MEDICAID AND CHIP.—The Secretary shall—

(1) work with States, pediatric dentists, and other dental providers (including providers that are, or are affiliated with, a school of dentistry) to include, not later than 6 months after the date of the enactment of this Act, on the Insure Kids Now website (<http://www.insurekidsnow.gov>) and hotline (1-877-KIDS-NOW) (or on any successor websites or hotlines) a current and accurate list of all such dentists and providers within each State that provide dental services to children enrolled in the State plan (or waiver) under Medicaid or the State child health plan (or waiver) under CHIP, and shall ensure that such list is updated at least quarterly; and

(2) work with States to include, not later than 6 months after the date of the enactment of this Act, a description of the dental services provided under each State plan (or waiver) under Medicaid and each State child health plan (or waiver) under CHIP on such Insure Kids Now website, and shall ensure that such list is updated at least annually.

(g) INCLUSION OF STATUS OF EFFORTS TO IMPROVE DENTAL CARE IN REPORTS ON THE QUALITY OF CHILDREN'S HEALTH CARE UNDER MEDICAID AND CHIP.—Section 1139A(a), as added by section 401(a), is amended—

(1) in paragraph (3)(B)(ii), by inserting “and, with respect to dental care, conditions requiring

the restoration of teeth, relief of pain and infection, and maintenance of dental health” after “chronic conditions”; and

(2) in paragraph (6)(A)(ii), by inserting “dental care,” after “preventive health services.”.

(h) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall provide for a study that examines—

(A) access to dental services by children in underserved areas;

(B) children's access to oral health care, including preventive and restorative services, under Medicaid and CHIP, including—

(i) the extent to which dental providers are willing to treat children eligible for such programs;

(ii) information on such children's access to networks of care, including such networks that serve special needs children; and

(iii) geographic availability of oral health care, including preventive and restorative services, under such programs; and

(C) the feasibility and appropriateness of using qualified mid-level dental health providers, in coordination with dentists, to improve access for children to oral health services and public health overall.

(2) REPORT.—Not later than 18 months year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the study conducted under paragraph (1). The report shall include recommendations for such Federal and State legislative and administrative changes as the Comptroller General determines are necessary to address any barriers to access to oral health care, including preventive and restorative services, under Medicaid and CHIP that may exist.

#### SEC. 502. MENTAL HEALTH PARITY IN CHIP PLANS.

(a) ASSURANCE OF PARITY.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by inserting after paragraph (5), the following:

“(6) MENTAL HEALTH SERVICES PARITY.—

“(A) IN GENERAL.—In the case of a State child health plan that provides both medical and surgical benefits and mental health or substance use disorder benefits, such plan shall ensure that the financial requirements and treatment limitations applicable to such mental health or substance use disorder benefits comply with the requirements of section 2705(a) of the Public Health Service Act in the same manner as such requirements apply to a group health plan.

“(B) DEEMED COMPLIANCE.—To the extent that a State child health plan includes coverage with respect to an individual described in section 1905(a)(4)(B) and covered under the State plan under section 1902(a)(10)(A) of the services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with section 1902(a)(43), such plan shall be deemed to satisfy the requirements of subparagraph (A).”.

(b) CONFORMING AMENDMENTS.—Section 2103 (42 U.S.C. 1397cc) is amended—

(1) in subsection (a), as amended by section 501(a)(1)(A)(i), in the matter preceding paragraph (1), by inserting “, (6),” after “(5)”; and

(2) in subsection (c)(2), by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

#### SEC. 503. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) APPLICATION OF PROSPECTIVE PAYMENT SYSTEM.—

(1) IN GENERAL.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)), as amended by section 501(c)(2) is amended by inserting after subparagraph (C) the following new subparagraph (and redesignating the succeeding subparagraphs accordingly):

“(D) Section 1902(bb) (relating to payment for services provided by Federally-qualified health centers and rural health clinics).”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to services provided on or after October 1, 2009.

(b) TRANSITION GRANTS.—

(1) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for fiscal year 2009, \$5,000,000, to remain available until expended, for the purpose of awarding grants to States with State child health plans under CHIP that are operated separately from the State Medicaid plan under title XIX of the Social Security Act (including any waiver of such plan), or in combination with the State Medicaid plan, for expenditures related to transitioning to compliance with the requirement of section 2107(e)(1)(D) of the Social Security Act (as added by subsection (a)) to apply the prospective payment system established under section 1902(bb) of the such Act (42 U.S.C. 1396a(bb)) to services provided by Federally-qualified health centers and rural health clinics.

(2) MONITORING AND REPORT.—The Secretary shall monitor the impact of the application of such prospective payment system on the States described in paragraph (1) and, not later than October 1, 2011, shall report to Congress on any effect on access to benefits, provider payment rates, or scope of benefits offered by such States as a result of the application of such payment system.

#### SEC. 504. PREMIUM GRACE PERIOD.

(a) IN GENERAL.—Section 2103(e)(3) (42 U.S.C. 1397cc(e)(3)) is amended by adding at the end the following new subparagraph:

“(C) PREMIUM GRACE PERIOD.—The State child health plan—

“(i) shall afford individuals enrolled under the plan a grace period of at least 30 days from the beginning of a new coverage period to make premium payments before the individual's coverage under the plan may be terminated; and

“(ii) shall provide to such an individual, not later than 7 days after the first day of such grace period, notice—

“(I) that failure to make a premium payment within the grace period will result in termination of coverage under the State child health plan; and

“(II) of the individual's right to challenge the proposed termination pursuant to the applicable Federal regulations.

For purposes of clause (i), the term ‘new coverage period’ means the month immediately following the last month for which the premium has been paid.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to new coverage periods beginning on or after the date of the enactment of this Act.

#### SEC. 505. CLARIFICATION OF COVERAGE OF SERVICES PROVIDED THROUGH SCHOOL-BASED HEALTH CENTERS.

(a) IN GENERAL.—Section 2103(c) (42 U.S.C. 1397cc(c)), as amended by section 501(a)(1)(B), is amended by adding at the end the following new paragraph:

“(B) AVAILABILITY OF COVERAGE FOR ITEMS AND SERVICES FURNISHED THROUGH SCHOOL-BASED HEALTH CENTERS.—Nothing in this title shall be construed as limiting a State's ability to provide child health assistance for covered items and services that are furnished through school-based health centers (as defined in section 2110(c)(9)).”.

(b) DEFINITION.—Section 2110(c) (42 U.S.C. 1397jj) is amended by adding at the end the following:

“(9) SCHOOL-BASED HEALTH CENTER.—

“(A) IN GENERAL.—The term ‘school-based health center’ means a health clinic that—

“(i) is located in or near a school facility of a school district or board or of an Indian tribe or tribal organization;

“(ii) is organized through school, community, and health provider relationships;

“(iii) is administered by a sponsoring facility;

“(iv) provides through health professionals primary health services to children in accordance with State and local law, including laws relating to licensure and certification; and

“(v) satisfies such other requirements as a State may establish for the operation of such a clinic.

“(B) SPONSORING FACILITY.—For purposes of subparagraph (A)(iii), the term ‘sponsoring facility’ includes any of the following:

“(i) A hospital.

“(ii) A public health department.

“(iii) A community health center.

“(iv) A nonprofit health care agency.

“(v) A school or school system.

“(vi) A program administered by the Indian Health Service or the Bureau of Indian Affairs or operated by an Indian tribe or a tribal organization.”

**SEC. 506. MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION.**

(a) IN GENERAL.—Title XIX (42 U.S.C. 1396 et seq.) is amended by inserting before section 1901 the following new section:

**“MEDICAID AND CHIP PAYMENT AND ACCESS COMMISSION**

“SEC. 1900. (a) ESTABLISHMENT.—There is hereby established the Medicaid and CHIP Payment and Access Commission (in this section referred to as ‘MACPAC’).

“(b) DUTIES.—

“(1) REVIEW OF ACCESS POLICIES AND ANNUAL REPORTS.—MACPAC shall—

“(A) review policies of the Medicaid program established under this title (in this section referred to as ‘Medicaid’) and the State Children’s Health Insurance Program established under title XXI (in this section referred to as ‘CHIP’) affecting children’s access to covered items and services, including topics described in paragraph (2);

“(B) make recommendations to Congress concerning such access policies;

“(C) by not later than March 1 of each year (beginning with 2010), submit a report to Congress containing the results of such reviews and MACPAC’s recommendations concerning such policies; and

“(D) by not later than June 1 of each year (beginning with 2010), submit a report to Congress containing an examination of issues affecting Medicaid and CHIP, including the implications of changes in health care delivery in the United States and in the market for health care services on such programs.

“(2) SPECIFIC TOPICS TO BE REVIEWED.—Specifically, MACPAC shall review and assess the following:

“(A) MEDICAID AND CHIP PAYMENT POLICIES.—Payment policies under Medicaid and CHIP, including—

“(i) the factors affecting expenditures for items and services in different sectors, including the process for updating hospital, skilled nursing facility, physician, Federally-qualified health center, rural health center, and other fees;

“(ii) payment methodologies; and

“(iii) the relationship of such factors and methodologies to access and quality of care for Medicaid and CHIP beneficiaries.

“(B) INTERACTION OF MEDICAID AND CHIP PAYMENT POLICIES WITH HEALTH CARE DELIVERY GENERALLY.—The effect of Medicaid and CHIP payment policies on access to items and services for children and other Medicaid and CHIP populations other than under this title or title XXI and the implications of changes in health care delivery in the United States and in the general market for health care items and services on Medicaid and CHIP.

“(C) OTHER ACCESS POLICIES.—The effect of other Medicaid and CHIP policies on access to covered items and services, including policies relating to transportation and language barriers.

“(3) CREATION OF EARLY-WARNING SYSTEM.—MACPAC shall create an early-warning system to identify provider shortage areas or any other problems that threaten access to care or the health care status of Medicaid and CHIP beneficiaries.

“(4) COMMENTS ON CERTAIN SECRETARIAL REPORTS.—If the Secretary submits to Congress (or a committee of Congress) a report that is required by law and that relates to access policies, including with respect to payment policies, under Medicaid or CHIP, the Secretary shall transmit a copy of the report to MACPAC. MACPAC shall review the report and, not later than 6 months after the date of submittal of the Secretary’s report to Congress, shall submit to the appropriate committees of Congress written comments on such report. Such comments may include such recommendations as MACPAC deems appropriate.

“(5) AGENDA AND ADDITIONAL REVIEWS.—MACPAC shall consult periodically with the chairmen and ranking minority members of the appropriate committees of Congress regarding MACPAC’s agenda and progress towards achieving the agenda. MACPAC may conduct additional reviews, and submit additional reports to the appropriate committees of Congress, from time to time on such topics relating to the program under this title or title XXI as may be requested by such chairmen and members and as MACPAC deems appropriate.

“(6) AVAILABILITY OF REPORTS.—MACPAC shall transmit to the Secretary a copy of each report submitted under this subsection and shall make such reports available to the public.

“(7) APPROPRIATE COMMITTEE OF CONGRESS.—For purposes of this section, the term ‘appropriate committees of Congress’ means the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate.

“(8) VOTING AND REPORTING REQUIREMENTS.—With respect to each recommendation contained in a report submitted under paragraph (1), each member of MACPAC shall vote on the recommendation, and MACPAC shall include, by member, the results of that vote in the report containing the recommendation.

“(9) EXAMINATION OF BUDGET CONSEQUENCES.—Before making any recommendations, MACPAC shall examine the budget consequences of such recommendations, directly or through consultation with appropriate expert entities.

“(c) MEMBERSHIP.—

“(1) NUMBER AND APPOINTMENT.—MACPAC shall be composed of 17 members appointed by the Comptroller General of the United States.

“(2) QUALIFICATIONS.—

“(A) IN GENERAL.—The membership of MACPAC shall include individuals who have had direct experience as enrollees or parents of enrollees in Medicaid or CHIP and individuals with national recognition for their expertise in Federal safety net health programs, health finance and economics, actuarial science, health facility management, health plans and integrated delivery systems, reimbursement of health facilities, health information technology, pediatric physicians, dentists, and other providers of health services, and other related fields, who provide a mix of different professionals, broad geographic representation, and a balance between urban and rural representatives.

“(B) INCLUSION.—The membership of MACPAC shall include (but not be limited to) physicians and other health professionals, employers, third-party payers, and individuals with expertise in the delivery of health services. Such membership shall also include consumers representing children, pregnant women, the elderly, and individuals with disabilities, current or former representatives of State agencies responsible for administering Medicaid, and current or former representatives of State agencies responsible for administering CHIP.

“(C) MAJORITY NONPROVIDERS.—Individuals who are directly involved in the provision, or

management of the delivery, of items and services covered under Medicaid or CHIP shall not constitute a majority of the membership of MACPAC.

“(D) ETHICAL DISCLOSURE.—The Comptroller General of the United States shall establish a system for public disclosure by members of MACPAC of financial and other potential conflicts of interest relating to such members. Members of MACPAC shall be treated as employees of Congress for purposes of applying title I of the Ethics in Government Act of 1978 (Public Law 95-521).

“(3) TERMS.—

“(A) IN GENERAL.—The terms of members of MACPAC shall be for 3 years except that the Comptroller General of the United States shall designate staggered terms for the members first appointed.

“(B) VACANCIES.—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office. A vacancy in MACPAC shall be filled in the manner in which the original appointment was made.

“(4) COMPENSATION.—While serving on the business of MACPAC (including travel time), a member of MACPAC shall be entitled to compensation at the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code; and while so serving away from home and the member’s regular place of business, a member may be allowed travel expenses, as authorized by the Chairman of MACPAC. Physicians serving as personnel of MACPAC may be provided a physician comparability allowance by MACPAC in the same manner as Government physicians may be provided such an allowance by an agency under section 5948 of title 5, United States Code, and for such purpose subsection (i) of such section shall apply to MACPAC in the same manner as it applies to the Tennessee Valley Authority. For purposes of pay (other than pay of members of MACPAC) and employment benefits, rights, and privileges, all personnel of MACPAC shall be treated as if they were employees of the United States Senate.

“(5) CHAIRMAN; VICE CHAIRMAN.—The Comptroller General of the United States shall designate a member of MACPAC, at the time of appointment of the member as Chairman and a member as Vice Chairman for that term of appointment, except that in the case of vacancy of the Chairmanship or Vice Chairmanship, the Comptroller General of the United States may designate another member for the remainder of that member’s term.

“(6) MEETINGS.—MACPAC shall meet at the call of the Chairman.

“(d) DIRECTOR AND STAFF; EXPERTS AND CONSULTANTS.—Subject to such review as the Comptroller General of the United States deems necessary to assure the efficient administration of MACPAC, MACPAC may—

“(1) employ and fix the compensation of an Executive Director (subject to the approval of the Comptroller General of the United States) and such other personnel as may be necessary to carry out its duties (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service);

“(2) seek such assistance and support as may be required in the performance of its duties from appropriate Federal departments and agencies;

“(3) enter into contracts or make other arrangements, as may be necessary for the conduct of the work of MACPAC (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5));

“(4) make advance, progress, and other payments which relate to the work of MACPAC;

“(5) provide transportation and subsistence for persons serving without compensation; and

“(6) prescribe such rules and regulations as it deems necessary with respect to the internal organization and operation of MACPAC.

“(e) POWERS.—

“(1) OBTAINING OFFICIAL DATA.—MACPAC may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of that department or agency shall furnish that information to MACPAC on an agreed upon schedule.

“(2) DATA COLLECTION.—In order to carry out its functions, MACPAC shall—

“(A) utilize existing information, both published and unpublished, where possible, collected and assessed either by its own staff or under other arrangements made in accordance with this section;

“(B) carry out, or award grants or contracts for, original research and experimentation, where existing information is inadequate; and

“(C) adopt procedures allowing any interested party to submit information for MACPAC's use in making reports and recommendations.

“(3) ACCESS OF GAO TO INFORMATION.—The Comptroller General of the United States shall have unrestricted access to all deliberations, records, and nonproprietary data of MACPAC, immediately upon request.

“(4) PERIODIC AUDIT.—MACPAC shall be subject to periodic audit by the Comptroller General of the United States.

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) REQUEST FOR APPROPRIATIONS.—MACPAC shall submit requests for appropriations in the same manner as the Comptroller General of the United States submits requests for appropriations, but amounts appropriated for MACPAC shall be separate from amounts appropriated for the Comptroller General of the United States.

“(2) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.”

(b) DEADLINE FOR INITIAL APPOINTMENTS.—Not later than January 1, 2010, the Comptroller General of the United States shall appoint the initial members of the Medicaid and CHIP Payment and Access Commission established under section 1900 of the Social Security Act (as added by subsection (a)).

(c) ANNUAL REPORT ON MEDICAID.—Not later than January 1, 2010, and annually thereafter, the Secretary, in consultation with the Secretary of the Treasury, the Secretary of Labor, and the States (as defined for purposes of Medicaid), shall submit an annual report to Congress on the financial status of, enrollment in, and spending trends for, Medicaid for the fiscal year ending on September 30 of the preceding year.

**TITLE VI—PROGRAM INTEGRITY AND OTHER MISCELLANEOUS PROVISIONS**

**Subtitle A—Program Integrity and Data Collection**

**SEC. 601. PAYMENT ERROR RATE MEASUREMENT (“PERM”).**

(a) EXPENDITURES RELATED TO COMPLIANCE WITH REQUIREMENTS.—

(1) ENHANCED PAYMENTS.—Section 2105(c) (42 U.S.C. 1397ee(c)), as amended by section 301(a), is amended by adding at the end the following new paragraph:

“(11) ENHANCED PAYMENTS.—Notwithstanding subsection (b), the enhanced FMAP with respect to payments under subsection (a) for expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations) shall in no event be less than 90 percent.”

(2) EXCLUSION OF FROM CAP ON ADMINISTRATIVE EXPENDITURES.—Section 2105(c)(2)(C) (42

U.S.C. 1397ee(c)(2)(C)), as amended by section 302(b)), is amended by adding at the end the following:

“(iv) PAYMENT ERROR RATE MEASUREMENT (PERM) EXPENDITURES.—Expenditures related to the administration of the payment error rate measurement (PERM) requirements applicable to the State child health plan in accordance with the Improper Payments Information Act of 2002 and parts 431 and 457 of title 42, Code of Federal Regulations (or any related or successor guidance or regulations).”

(b) FINAL RULE REQUIRED TO BE IN EFFECT FOR ALL STATES.—Notwithstanding parts 431 and 457 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this Act), the Secretary shall not calculate or publish any national or State-specific error rate based on the application of the payment error rate measurement (in this section referred to as “PERM”) requirements to CHIP until after the date that is 6 months after the date on which a new final rule (in this section referred to as the “new final rule”) promulgated after the date of the enactment of this Act and implementing such requirements in accordance with the requirements of subsection (c) is in effect for all States. Any calculation of a national error rate or a State specific error rate after such new final rule in effect for all States may only be inclusive of errors, as defined in such new final rule or in guidance issued within a reasonable time frame after the effective date for such new final rule that includes detailed guidance for the specific methodology for error determinations.

(c) REQUIREMENTS FOR NEW FINAL RULE.—For purposes of subsection (b), the requirements of this subsection are that the new final rule implementing the PERM requirements shall—

(1) include—

(A) clearly defined criteria for errors for both States and providers;

(B) a clearly defined process for appealing error determinations by—

(i) review contractors; or

(ii) the agency and personnel described in section 431.974(a)(2) of title 42, Code of Federal Regulations, as in effect on September 1, 2007, responsible for the development, direction, implementation, and evaluation of eligibility reviews and associated activities; and

(C) clearly defined responsibilities and deadlines for States in implementing any corrective action plans; and

(2) provide that the payment error rate determined for a State shall not take into account payment errors resulting from the State's verification of an applicant's self-declaration or self-certification of eligibility for, and the correct amount of, medical assistance or child health assistance, if the State process for verifying an applicant's self-declaration or self-certification satisfies the requirements for such process applicable under regulations promulgated by the Secretary or otherwise approved by the Secretary.

(d) OPTION FOR APPLICATION OF DATA FOR STATES IN FIRST APPLICATION CYCLE UNDER THE INTERIM FINAL RULE.—After the new final rule implementing the PERM requirements in accordance with the requirements of subsection (c) is in effect for all States, a State for which the PERM requirements were first in effect under an interim final rule for fiscal year 2007 or under a final rule for fiscal year 2008 may elect to accept any payment error rate determined in whole or in part for the State on the basis of data for that fiscal year or may elect to not have any payment error rate determined on the basis of such data and, instead, shall be treated as if fiscal year 2010 or fiscal year 2011 were the first fiscal year for which the PERM requirements apply to the State.

(e) HARMONIZATION OF MEQC AND PERM.—

(1) REDUCTION OF REDUNDANCIES.—The Secretary shall review the Medicaid Eligibility Quality Control (in this subsection referred to as

the “MEQC”) requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies.

(2) STATE OPTION TO APPLY PERM DATA.—A State may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the State for a fiscal year under section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) to substitute data resulting from the application of the PERM requirements to the State after the new final rule implementing such requirements is in effect for all States for data obtained from the application of the MEQC requirements to the State with respect to a fiscal year.

(3) STATE OPTION TO APPLY MEQC DATA.—For purposes of satisfying the requirements of subpart Q of part 431 of title 42, Code of Federal Regulations, relating to Medicaid eligibility reviews, a State may elect to substitute data obtained through MEQC reviews conducted in accordance with section 1903(u) of the Social Security Act (42 U.S.C. 1396b(u)) for data required for purposes of PERM requirements, but only if the State MEQC reviews are based on a broad, representative sample of Medicaid applicants or enrollees in the States.

(f) IDENTIFICATION OF IMPROVED STATE-SPECIFIC SAMPLE SIZES.—The Secretary shall establish State-specific sample sizes for application of the PERM requirements with respect to State child health plans for fiscal years beginning with the first fiscal year that begins on or after the date on which the new final rule is in effect for all States, on the basis of such information as the Secretary determines appropriate. In establishing such sample sizes, the Secretary shall, to the greatest extent practicable—

(1) minimize the administrative cost burden on States under Medicaid and CHIP; and

(2) maintain State flexibility to manage such programs.

(g) TIME FOR PROMULGATION OF FINAL RULE.—The final rule implementing the PERM requirements under subsection (b) shall be promulgated not later than 6 months after the date of enactment of this Act.

**SEC. 602. IMPROVING DATA COLLECTION.**

(a) INCREASED APPROPRIATION.—Section 2109(b)(2) (42 U.S.C. 1397i(b)(2)) is amended by striking “\$10,000,000 for fiscal year 2009” and inserting “\$20,000,000 for fiscal year 2009”.

(b) USE OF ADDITIONAL FUNDS.—Section 2109(b) (42 U.S.C. 1397i(b)), as amended by subsection (a), is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1), the following new paragraphs:

“(2) ADDITIONAL REQUIREMENTS.—In addition to making the adjustments required to produce the data described in paragraph (1), with respect to data collection occurring for fiscal years beginning with fiscal year 2009, in appropriate consultation with the Secretary of Health and Human Services, the Secretary of Commerce shall do the following:

“(A) Make appropriate adjustments to the Current Population Survey to develop more accurate State-specific estimates of the number of children enrolled in health coverage under title XIX or this title.

“(B) Make appropriate adjustments to the Current Population Survey to improve the survey estimates used to determine the child population growth factor under section 2104(m)(5)(B) and any other data necessary for carrying out this title.

“(C) Include health insurance survey information in the American Community Survey related to children.

“(D) Assess whether American Community Survey estimates, once such survey data are first available, produce more reliable estimates than the Current Population Survey with respect to the purposes described in subparagraph (B).

“(E) On the basis of the assessment required under subparagraph (D), recommend to the Secretary of Health and Human Services whether American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in subparagraph (B).

“(F) Continue making the adjustments described in the last sentence of paragraph (1) with respect to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

“(3) **AUTHORITY FOR THE SECRETARY OF HEALTH AND HUMAN SERVICES TO TRANSITION TO THE USE OF ALL, OR SOME COMBINATION OF, ACS ESTIMATES UPON RECOMMENDATION OF THE SECRETARY OF COMMERCE.**—If, on the basis of the assessment required under paragraph (2)(D), the Secretary of Commerce recommends to the Secretary of Health and Human Services that American Community Survey estimates should be used in lieu of, or in some combination with, Current Population Survey estimates for the purposes described in paragraph (2)(B), the Secretary of Health and Human Services, in consultation with the States, may provide for a period during which the Secretary may transition from carrying out such purposes through the use of Current Population Survey estimates to the use of American Community Survey estimates (in lieu of, or in combination with the Current Population Survey estimates, as recommended), provided that any such transition is implemented in a manner that is designed to avoid adverse impacts upon States with approved State child health plans under this title.”.

**SEC. 603. UPDATED FEDERAL EVALUATION OF CHIP.**

Section 2108(c) (42 U.S.C. 1397hh(c)) is amended by striking paragraph (5) and inserting the following:

“(5) **SUBSEQUENT EVALUATION USING UPDATED INFORMATION.**—

“(A) **IN GENERAL.**—The Secretary, directly or through contracts or interagency agreements, shall conduct an independent subsequent evaluation of 10 States with approved child health plans.

“(B) **SELECTION OF STATES AND MATTERS INCLUDED.**—Paragraphs (2) and (3) shall apply to such subsequent evaluation in the same manner as such provisions apply to the evaluation conducted under paragraph (1).

“(C) **SUBMISSION TO CONGRESS.**—Not later than December 31, 2011, the Secretary shall submit to Congress the results of the evaluation conducted under this paragraph.

“(D) **FUNDING.**—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated \$10,000,000 for fiscal year 2010 for the purpose of conducting the evaluation authorized under this paragraph. Amounts appropriated under this subparagraph shall remain available for expenditure through fiscal year 2012.”.

**SEC. 604. ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.**

Section 2108(d) (42 U.S.C. 1397hh(d)) is amended to read as follows:

“(d) **ACCESS TO RECORDS FOR IG AND GAO AUDITS AND EVALUATIONS.**—For the purpose of evaluating and auditing the program established under this title, or title XIX, the Secretary, the Office of Inspector General, and the Comptroller General shall have access to any books, accounts, records, correspondence, and other documents that are related to the expenditure of Federal funds under this title and that are in the possession, custody, or control of States receiving Federal funds under this title or political subdivisions thereof, or any grantee or contractor of such States or political subdivisions.”.

**SEC. 605. NO FEDERAL FUNDING FOR ILLEGAL ALIENS; DISALLOWANCE FOR UNAUTHORIZED EXPENDITURES.**

Nothing in this Act allows Federal payment for individuals who are not legal residents. Titles XI, XIX, and XXI of the Social Security Act provide for the disallowance of Federal financial participation for erroneous expenditures under Medicaid and under CHIP, respectively.

**Subtitle B—Miscellaneous Health Provisions**

**SEC. 611. DEFICIT REDUCTION ACT TECHNICAL CORRECTIONS.**

(a) **CLARIFICATION OF REQUIREMENT TO PROVIDE EPSDT SERVICES FOR ALL CHILDREN IN BENCHMARK BENEFIT PACKAGES UNDER MEDICAID.**—Section 1937(a)(1) (42 U.S.C. 1396u-7(a)(1)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005 (Public Law 109-171, 120 Stat. 88), is amended—

(1) in subparagraph (A)—

(A) in the matter before clause (i)—

(i) by striking “Notwithstanding any other provision of this title” and inserting “Notwithstanding section 1902(a)(1) (relating to statewideness), section 1902(a)(10)(B) (relating to comparability) and any other provision of this title which would be directly contrary to the authority under this section and subject to subsection (E)”; and

(ii) by striking “enrollment in coverage that provides” and inserting “coverage that”;

(B) in clause (i), by inserting “provides” after “(i)”; and

(C) by striking clause (ii) and inserting the following:

“(ii) for any individual described in section 1905(a)(4)(B) who is eligible under the State plan in accordance with paragraphs (10) and (17) of section 1902(a), consists of the items and services described in section 1905(a)(4)(B) (relating to early and periodic screening, diagnostic, and treatment services defined in section 1905(r)) and provided in accordance with the requirements of section 1902(a)(43).”;

(2) in subparagraph (C)—

(A) in the heading, by striking “**WRAP-AROUND**” and inserting “**ADDITIONAL**”; and

(B) by striking “wrap-around or”; and

(3) by adding at the end the following new subparagraph:

“(E) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as—

“(i) requiring a State to offer all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2);

“(ii) preventing a State from offering all or any of the items and services required by subparagraph (A)(ii) through an issuer of benchmark coverage described in subsection (b)(1) or benchmark equivalent coverage described in subsection (b)(2); or

“(iii) affecting a child’s entitlement to care and services described in subsections (a)(4)(B) and (r) of section 1905 and provided in accordance with section 1902(a)(43) whether provided through benchmark coverage, benchmark equivalent coverage, or otherwise.”.

(b) **CORRECTION OF REFERENCE TO CHILDREN IN FOSTER CARE RECEIVING CHILD WELFARE SERVICES.**—Section 1937(a)(2)(B)(viii) (42 U.S.C. 1396u-7(a)(2)(B)(viii)), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by striking “aid or assistance is made available under part B of title IV to children in foster care and individuals” and inserting “child welfare services are made available under part B of title IV on the basis of being a child in foster care or”.

(c) **TRANSPARENCY.**—Section 1937 (42 U.S.C. 1396u-7), as inserted by section 6044(a) of the Deficit Reduction Act of 2005, is amended by adding at the end the following:

“(c) **PUBLICATION OF PROVISIONS AFFECTED.**—With respect to a State plan amendment to pro-

vide benchmark benefits in accordance with subsections (a) and (b) that is approved by the Secretary, the Secretary shall publish on the Internet website of the Centers for Medicare & Medicaid Services, a list of the provisions of this title that the Secretary has determined do not apply in order to enable the State to carry out the plan amendment and the reason for each such determination on the date such approval is made, and shall publish such list in the Federal Register and not later than 30 days after such date of approval.”.

(d) **EFFECTIVE DATE.**—The amendments made by subsections (a), (b), and (c) of this section shall take effect as if included in the amendment made by section 6044(a) of the Deficit Reduction Act of 2005.

**SEC. 612. REFERENCES TO TITLE XXI.**

Section 704 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999, as enacted into law by division B of Public Law 106-113 (113 Stat. 1501A-402) is repealed.

**SEC. 613. PROHIBITING INITIATION OF NEW HEALTH OPPORTUNITY ACCOUNT DEMONSTRATION PROGRAMS.**

After the date of the enactment of this Act, the Secretary of Health and Human Services may not approve any new demonstration programs under section 1938 of the Social Security Act (42 U.S.C. 1396u-8).

**SEC. 614. ADJUSTMENT IN COMPUTATION OF MEDICAID FMAP TO DISREGARD AN EXTRAORDINARY EMPLOYER PENSION CONTRIBUTION.**

(a) **IN GENERAL.**—Only for purposes of computing the FMAP (as defined in subsection (e)) for a State for a fiscal year (beginning with fiscal year 2006) and applying the FMAP under title XIX of the Social Security Act, any significantly disproportionate employer pension or insurance fund contribution described in subsection (b) shall be disregarded in computing the per capita income of such State, but shall not be disregarded in computing the per capita income for the continental United States (and Alaska) and Hawaii.

(b) **SIGNIFICANTLY DISPROPORTIONATE EMPLOYER PENSION AND INSURANCE FUND CONTRIBUTION.**—

(1) **IN GENERAL.**—For purposes of this section, a significantly disproportionate employer pension or other employee insurance funds that is estimated to accrue to residents of such State for a calendar year (beginning with calendar year 2003) if the increase in the amount so estimated exceeds 25 percent of the total increase in personal income in that State for the year involved.

(2) **DATA TO BE USED.**—For estimating and adjustment a FMAP already calculated as of the date of the enactment of this Act for a State with a significantly disproportionate employer pension and insurance fund contribution, the Secretary shall use the personal income data set originally used in calculating such FMAP.

(3) **SPECIAL ADJUSTMENT FOR NEGATIVE GROWTH.**—If in any calendar year the total personal income growth in a State is negative, an employer pension and insurance fund contribution for the purposes of calculating the State’s FMAP for a calendar year shall not exceed 125 percent of the amount of such contribution for the previous calendar year for the State.

(c) **HOLD HARMLESS.**—No State shall have its FMAP for a fiscal year reduced as a result of the application of this section.

(d) **REPORT.**—Not later than May 15, 2009, the Secretary shall submit to the Congress a report on the problems presented by the current treatment of pension and insurance fund contributions in the use of Bureau of Economic Affairs calculations for the FMAP and for Medicaid and on possible alternative methodologies to mitigate such problems.

(e) **FMAP DEFINED.**—For purposes of this section, the term “FMAP” means the Federal medical assistance percentage, as defined in section

1905(b) of the Social Security Act (42 U.S.C. 1396(d)).

**SEC. 615. CLARIFICATION TREATMENT OF REGIONAL MEDICAL CENTER.**

(a) *IN GENERAL.*—Nothing in section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall be construed by the Secretary of Health and Human Services as prohibiting a State's use of funds as the non-Federal share of expenditures under title XIX of such Act where such funds are transferred from or certified by a publicly-owned regional medical center located in another State and described in subsection (b), so long as the Secretary determines that such use of funds is proper and in the interest of the program under title XIX.

(b) *CENTER DESCRIBED.*—A center described in this subsection is a publicly-owned regional medical center that—

(1) provides level 1 trauma and burn care services;

(2) provides level 3 neonatal care services;

(3) is obligated to serve all patients, regardless of ability to pay;

(4) is located within a Standard Metropolitan Statistical Area (SMSA) that includes at least 3 States;

(5) provides services as a tertiary care provider for patients residing within a 125-mile radius; and

(6) meets the criteria for a disproportionate share hospital under section 1923 of such Act (42 U.S.C. 1396r-4) in at least one State other than the State in which the center is located.

**SEC. 616. EXTENSION OF MEDICAID DSH ALLOTMENTS FOR TENNESSEE AND HAWAII.**

Section 1923(f)(6) (42 U.S.C. 1396r-4(f)(6)), as amended by section 202 of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110-275) is amended—

(1) in the paragraph heading, by striking “2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010” and inserting “2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012”;

(2) in subparagraph (A)—

(A) in clause (i)—

(i) in the second sentence—

(I) by striking “and 2009” and inserting “, 2009, 2010, and 2011”; and

(II) by striking “such portion of”; and

(ii) in the third sentence, by striking “2010 for the period ending on December 31, 2009” and inserting “2012 for the period ending on December 31, 2011”;

(B) in clause (ii), by striking “or for a period in fiscal year 2010” and inserting “2010, 2011, or for period in fiscal year 2012”;

(C) in clause (iv)—

(i) in the clause heading, by striking “2009 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2010” and inserting “2011 AND THE FIRST CALENDAR QUARTER OF FISCAL YEAR 2012”; and

(ii) in each of subclauses (I) and (II), by striking “or for a period in fiscal year 2010” and inserting “2010, 2011, or for a period in fiscal year 2012”;

(3) in subparagraph (B)—

(A) in clause (i)—

(i) in the first sentence, by striking “2009” and inserting “2011”; and

(ii) in the second sentence, by striking “2010 for the period ending on December 31, 2009” and inserting “2012 for the period ending on December 31, 2011”.

**SEC. 617. GAO REPORT ON MEDICAID MANAGED CARE PAYMENT RATES.**

Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Finance of the Senate and the Committee on Energy and Commerce of the House of Representatives analyzing the extent to which State payment rates for medicare managed care organizations under Medicaid are actuarially sound.

**Subtitle C—Other Provisions**

**SEC. 621. OUTREACH REGARDING HEALTH INSURANCE OPTIONS AVAILABLE TO CHILDREN.**

(a) *DEFINITIONS.*—In this section—

(1) the terms “Administration” and “Administrator” means the Small Business Administration and the Administrator thereof, respectively;

(2) the term “certified development company” means a development company participating in the program under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.);

(3) the term “Medicaid program” means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(4) the term “Service Corps of Retired Executives” means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(5) the term “small business concern” has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(6) the term “small business development center” means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(7) the term “State” has the meaning given that term for purposes of title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(8) the term “State Children’s Health Insurance Program” means the State Children’s Health Insurance Program established under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(9) the term “task force” means the task force established under subsection (b)(1); and

(10) the term “women’s business center” means a women’s business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) *ESTABLISHMENT OF TASK FORCE.*—

(1) *ESTABLISHMENT.*—There is established a task force to conduct a nationwide campaign of education and outreach for small business concerns regarding the availability of coverage for children through private insurance options, the Medicaid program, and the State Children’s Health Insurance Program.

(2) *MEMBERSHIP.*—The task force shall consist of the Administrator, the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury.

(3) *RESPONSIBILITIES.*—The campaign conducted under this subsection shall include—

(A) efforts to educate the owners of small business concerns about the value of health coverage for children;

(B) information regarding options available to the owners and employees of small business concerns to make insurance more affordable, including Federal and State tax deductions and credits for health care-related expenses and health insurance expenses and Federal tax exclusion for health insurance options available under employer-sponsored cafeteria plans under section 125 of the Internal Revenue Code of 1986;

(C) efforts to educate the owners of small business concerns about assistance available through public programs; and

(D) efforts to educate the owners and employees of small business concerns regarding the availability of the hotline operated as part of the Insure Kids Now program of the Department of Health and Human Services.

(4) *IMPLEMENTATION.*—In carrying out this subsection, the task force may—

(A) use any business partner of the Administration, including—

(i) a small business development center;

(ii) a certified development company;

(iii) a women’s business center; and

(iv) the Service Corps of Retired Executives;

(B) enter into—

(i) a memorandum of understanding with a chamber of commerce; and

(ii) a partnership with any appropriate small business concern or health advocacy group; and

(C) designate outreach programs at regional offices of the Department of Health and Human

Services to work with district offices of the Administration.

(5) *WEBSITE.*—The Administrator shall ensure that links to information on the eligibility and enrollment requirements for the Medicaid program and State Children’s Health Insurance Program of each State are prominently displayed on the website of the Administration.

(6) *REPORT.*—

(A) *IN GENERAL.*—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the status of the nationwide campaign conducted under paragraph (1).

(B) *CONTENTS.*—Each report submitted under subparagraph (A) shall include a status update on all efforts made to educate owners and employees of small business concerns on options for providing health insurance for children through public and private alternatives.

**SEC. 622. SENSE OF THE SENATE REGARDING ACCESS TO AFFORDABLE AND MEANINGFUL HEALTH INSURANCE COVERAGE.**

(a) *FINDINGS.*—The Senate finds the following:

(1) There are approximately 45 million Americans currently without health insurance.

(2) More than half of uninsured workers are employed by businesses with less than 25 employees or are self-employed.

(3) Health insurance premiums continue to rise at more than twice the rate of inflation for all consumer goods.

(4) Individuals in the small group and individual health insurance markets usually pay more for similar coverage than those in the large group market.

(5) The rapid growth in health insurance costs over the last few years has forced many employers, particularly small employers, to increase deductibles and co-pays or to drop coverage completely.

(b) *SENSE OF THE SENATE.*—The Senate—

(1) recognizes the necessity to improve affordability and access to health insurance for all Americans;

(2) acknowledges the value of building upon the existing private health insurance market; and

(3) affirms its intent to enact legislation this year that, with appropriate protection for consumers, improves access to affordable and meaningful health insurance coverage for employees of small businesses and individuals by—

(A) facilitating pooling mechanisms, including pooling across State lines, and

(B) providing assistance to small businesses and individuals, including financial assistance and tax incentives, for the purchase of private insurance coverage.

**TITLE VII—REVENUE PROVISIONS**

**SEC. 701. INCREASE IN EXCISE TAX RATE ON TOBACCO PRODUCTS.**

(a) *CIGARS.*—Section 5701(a) of the Internal Revenue Code of 1986 is amended—

(1) by striking “\$1.828 cents per thousand (\$1.594 cents per thousand on cigars removed during 2000 or 2001)” in paragraph (1) and inserting “\$50.33 per thousand”;

(2) by striking “20.719 percent (18.063 percent on cigars removed during 2000 or 2001)” in paragraph (2) and inserting “52.75 percent”, and

(3) by striking “\$48.75 per thousand (\$42.50 per thousand on cigars removed during 2000 or 2001)” in paragraph (2) and inserting “40.26 cents per cigar”.

(b) *CIGARETTES.*—Section 5701(b) of such Code is amended—

(1) by striking “\$19.50 per thousand (\$17 per thousand on cigarettes removed during 2000 or 2001)” in paragraph (1) and inserting “\$50.33 per thousand”, and

(2) by striking “\$40.95 per thousand (\$35.70 per thousand on cigarettes removed during 2000

or 2001” in paragraph (2) and inserting “\$105.69 per thousand”.

(c) CIGARETTE PAPERS.—Section 5701(c) of such Code is amended by striking “1.22 cents (1.06 cents on cigarette papers removed during 2000 or 2001)” and inserting “3.15 cents”.

(d) CIGARETTE TUBES.—Section 5701(d) of such Code is amended by striking “2.44 cents (2.13 cents on cigarette tubes removed during 2000 or 2001)” and inserting “6.30 cents”.

(e) SMOKELESS TOBACCO.—Section 5701(e) of such Code is amended—

(1) by striking “58.5 cents (51 cents on snuff removed during 2000 or 2001)” in paragraph (1) and inserting “\$1.51”, and

(2) by striking “19.5 cents (17 cents on chewing tobacco removed during 2000 or 2001)” in paragraph (2) and inserting “50.33 cents”.

(f) PIPE TOBACCO.—Section 5701(f) of such Code is amended by striking “\$1.0969 cents (95.67 cents on pipe tobacco removed during 2000 or 2001)” and inserting “\$2.8311 cents”.

(g) ROLL-YOUR-OWN TOBACCO.—Section 5701(g) of such Code is amended by striking “\$1.0969 cents (95.67 cents on roll-your-own tobacco removed during 2000 or 2001)” and inserting “\$24.78”.

(h) FLOOR STOCKS TAXES.—

(1) IMPOSITION OF TAX.—On tobacco products (other than cigars described in section 5701(a)(2) of the Internal Revenue Code of 1986) and cigarette papers and tubes manufactured in or imported into the United States which are removed before April 1, 2009, and held on such date for sale by any person, there is hereby imposed a tax in an amount equal to the excess of—

(A) the tax which would be imposed under section 5701 of such Code on the article if the article had been removed on such date, over

(B) the prior tax (if any) imposed under section 5701 of such Code on such article.

(2) CREDIT AGAINST TAX.—Each person shall be allowed as a credit against the taxes imposed by paragraph (1) an amount equal to \$500. Such credit shall not exceed the amount of taxes imposed by paragraph (1) on April 1, 2009, for which such person is liable.

(3) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding tobacco products, cigarette papers, or cigarette tubes on April 1, 2009, to which any tax imposed by paragraph (1) applies shall be liable for such tax.

(B) METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe by regulations.

(C) TIME FOR PAYMENT.—The tax imposed by paragraph (1) shall be paid on or before August 1, 2009.

(4) ARTICLES IN FOREIGN TRADE ZONES.—Notwithstanding the Act of June 18, 1934 (commonly known as the Foreign Trade Zone Act, 48 Stat. 998, 19 U.S.C. 81a et seq.) or any other provision of law, any article which is located in a foreign trade zone on April 1, 2009, shall be subject to the tax imposed by paragraph (1) if—

(A) internal revenue taxes have been determined, or customs duties liquidated, with respect to such article before such date pursuant to a request made under the 1st proviso of section 3(a) of such Act, or

(B) such article is held on such date under the supervision of an officer of the United States Customs and Border Protection of the Department of Homeland Security pursuant to the 2d proviso of such section 3(a).

(5) DEFINITIONS.—For purposes of this subsection—

(A) IN GENERAL.—Any term used in this subsection which is also used in section 5702 of the Internal Revenue Code of 1986 shall have the same meaning as such term has in such section.

(B) SECRETARY.—The term “Secretary” means the Secretary of the Treasury or the Secretary’s delegate.

(6) CONTROLLED GROUPS.—Rules similar to the rules of section 5061(e)(3) of such Code shall apply for purposes of this subsection.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 5701 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply to the floor stocks taxes imposed by paragraph (1), to the same extent as if such taxes were imposed by such section 5701. The Secretary may treat any person who bore the ultimate burden of the tax imposed by paragraph (1) as the person to whom a credit or refund under such provisions may be allowed or made.

(i) EFFECTIVE DATE.—The amendments made by this section shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

#### SEC. 702. ADMINISTRATIVE IMPROVEMENTS.

(a) PERMIT, INVENTORIES, REPORTS, AND RECORDS REQUIREMENTS FOR MANUFACTURERS AND IMPORTERS OF PROCESSED TOBACCO.—

(1) PERMIT.—

(A) APPLICATION.—Section 5712 of the Internal Revenue Code of 1986 is amended by inserting “or processed tobacco” after “tobacco products”.

(B) ISSUANCE.—Section 5713(a) of such Code is amended by inserting “or processed tobacco” after “tobacco products”.

(2) INVENTORIES, REPORTS, AND PACKAGES.—

(A) INVENTORIES.—Section 5721 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(B) REPORTS.—Section 5722 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(C) PACKAGES, MARKS, LABELS, AND NOTICES.—Section 5723 of such Code is amended by inserting “, processed tobacco,” after “tobacco products” each place it appears.

(3) RECORDS.—Section 5741 of such Code is amended by inserting “, processed tobacco,” after “tobacco products”.

(4) MANUFACTURER OF PROCESSED TOBACCO.—Section 5702 of such Code is amended by adding at the end the following new subsection:

“(p) MANUFACTURER OF PROCESSED TOBACCO.—

“(1) IN GENERAL.—The term ‘manufacturer of processed tobacco’ means any person who processes any tobacco other than tobacco products.

“(2) PROCESSED TOBACCO.—The processing of tobacco shall not include the farming or growing of tobacco or the handling of tobacco solely for sale, shipment, or delivery to a manufacturer of tobacco products or processed tobacco.”

(5) CONFORMING AMENDMENTS.—

(A) Section 5702(h) of such Code is amended by striking “tobacco products and cigarette papers and tubes” and inserting “tobacco products or cigarette papers or tubes or any processed tobacco”.

(B) Sections 5702(j) and 5702(k) of such Code are each amended by inserting “, or any processed tobacco,” after “tobacco products or cigarette papers or tubes”.

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009.

(b) BASIS FOR DENIAL, SUSPENSION, OR REVOCATION OF PERMITS.—

(1) DENIAL.—Paragraph (3) of section 5712 of such Code is amended to read as follows:

“(3) such person (including, in the case of a corporation, any officer, director, or principal stockholder and, in the case of a partnership, a partner)—

“(A) is, by reason of his business experience, financial standing, or trade connections or by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter,

“(B) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, or

“(C) has failed to disclose any material information required or made any material false statement in the application therefor.”

(2) SUSPENSION OR REVOCATION.—Subsection (b) of section 5713 of such Code is amended to read as follows:

“(b) SUSPENSION OR REVOCATION.—

“(1) SHOW CAUSE HEARING.—If the Secretary has reason to believe that any person holding a permit—

“(A) has not in good faith complied with this chapter, or with any other provision of this title involving intent to defraud,

“(B) has violated the conditions of such permit,

“(C) has failed to disclose any material information required or made any material false statement in the application for such permit,

“(D) has failed to maintain his premises in such manner as to protect the revenue,

“(E) is, by reason of previous or current legal proceedings involving a felony violation of any other provision of Federal criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, not likely to maintain operations in compliance with this chapter, or

“(F) has been convicted of a felony violation of any provision of Federal or State criminal law relating to tobacco products, processed tobacco, cigarette paper, or cigarette tubes, the Secretary shall issue an order, stating the facts charged, citing such person to show cause why his permit should not be suspended or revoked.

“(2) ACTION FOLLOWING HEARING.—If, after hearing, the Secretary finds that such person has not shown cause why his permit should not be suspended or revoked, such permit shall be suspended for such period as the Secretary deems proper or shall be revoked.”

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) APPLICATION OF INTERNAL REVENUE CODE STATUTE OF LIMITATIONS FOR ALCOHOL AND TOBACCO EXCISE TAXES.—

(1) IN GENERAL.—Section 514(a) of the Tariff Act of 1930 (19 U.S.C. 1514(a)) is amended by striking “and section 520 (relating to refunds)” and inserting “section 520 (relating to refunds), and section 6501 of the Internal Revenue Code of 1986 (but only with respect to taxes imposed under chapters 51 and 52 of such Code)”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles imported after the date of the enactment of this Act.

(d) EXPANSION OF DEFINITION OF ROLL-YOUR-OWN TOBACCO.—

(1) IN GENERAL.—Section 5702(o) of the Internal Revenue Code of 1986 is amended by inserting “or cigars, or for use as wrappers thereof” before the period at the end.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to articles removed (as defined in section 5702(j) of the Internal Revenue Code of 1986) after March 31, 2009.

(e) TIME OF TAX FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—

(1) IN GENERAL.—Section 5703(b)(2) of such Code is amended by adding at the end the following new subparagraph:

“(F) SPECIAL RULE FOR UNLAWFULLY MANUFACTURED TOBACCO PRODUCTS.—In the case of any tobacco products, cigarette paper, or cigarette tubes manufactured in the United States at any place other than the premises of a manufacturer of tobacco products, cigarette paper, or cigarette tubes that has filed the bond and obtained the permit required under this chapter, tax shall be due and payable immediately upon manufacture.”

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(f) DISCLOSURE.—

(1) IN GENERAL.—Paragraph (1) of section 6103(o) of such Code is amended by designating

the text as subparagraph (A), moving such text 2 ems to the right, striking "Returns" and inserting "(A) IN GENERAL.—Returns", and by inserting after subparagraph (A) (as so redesignated) the following new subparagraph:

"(B) USE IN CERTAIN PROCEEDINGS.—Returns and return information disclosed to a Federal agency under subparagraph (A) may be used in an action or proceeding (or in preparation for such action or proceeding) brought under section 625 of the American Jobs Creation Act of 2004 for the collection of any unpaid assessment or penalty arising under such Act."

(2) CONFORMING AMENDMENT.—Section 6103(p)(4) of such Code is amended by striking "(o)(1)" both places it appears and inserting "(o)(1)(A)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on or after the date of the enactment of this Act.

(g) TRANSITIONAL RULE.—Any person who—  
(1) on April 1, 2009 is engaged in business as a manufacturer of processed tobacco or as an importer of processed tobacco, and

(2) before the end of the 90-day period beginning on such date, submits an application under subchapter B of chapter 52 of such Code to engage in such business, may, notwithstanding such subchapter B, continue to engage in such business pending final action on such application. Pending such final action, all provisions of such chapter 52 shall apply to such applicant in the same manner and to the same extent as if such applicant were a holder of a permit under such chapter 52 to engage in such business.

**SEC. 703. TREASURY STUDY CONCERNING MAGNITUDE OF TOBACCO SMUGGLING IN THE UNITED STATES.**

Not later than one year after the date of the enactment of this Act, the Secretary of the Treasury shall conduct a study concerning the magnitude of tobacco smuggling in the United States and submit to Congress recommendations for the most effective steps to reduce tobacco smuggling. Such study shall also include a review of the loss of Federal tax receipts due to illicit tobacco trade in the United States and the role of imported tobacco products in the illicit tobacco trade in the United States.

**SEC. 704. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.**

The percentage under subparagraph (C) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 0.5 percentage point.

MOTION OFFERED BY MR. WAXMAN

The text of the motion is as follows:

Mr. Waxman moves to concur in the Senate amendment.

The SPEAKER pro tempore. Pursuant to House Resolution 107, the motion shall be debatable for 1 hour equally divided and controlled by the Chair and ranking minority member of the Committee on Energy and Commerce and the Chair and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. WAXMAN), the gentleman from Texas (Mr. BARTON), the gentleman from New York (Mr. RANGEL), and the gentleman from Michigan (Mr. CAMP) each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. WAXMAN. Madam Speaker, I yield myself 1½ minutes.

I rise in strong support of H.R. 2, as amended by the Senate. This is the same bill, by and large, that we passed in the House by an overwhelming bipartisan majority a few weeks ago.

The opportunity before us today is to make basic health insurance available to 11 million low-income children who would otherwise have no insurance.

We know that without health insurance many children go without the health care they need to grow, to learn, to compete, and to contribute.

The bill before us will extend the current program for 4½ years, ensuring that States will be able to maintain coverage for the 7 million kids now enrolled and to extend coverage to an additional 4.1 million uninsured low-income children.

The bill is fully paid for. It will cost \$33 billion over the next 5 years, fully offset by a 62-cent per pack increase in the cigarette tax.

The Senate made a few minor changes, adding a new option for CHIP to provide dental care for privately insured children and creating a new commission to evaluate provider payments and access in CHIP and Medicaid.

The Senate did not retain the House provision closing a loophole in Medicare that allows physicians to refer patients to hospitals where they have ownership interest. We will continue to work on that matter.

While this bill is short of our ultimate goal of health reform, it is a down payment, and it is an essential start. We need to pass this bill. We need to do so now.

I urge my colleagues to vote for this bill and send it to the President for his signature.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I recognize myself for 1 minute.

Madam Speaker, we're here today to have another debate about SCHIP, another incidence of where we have a bill that's come over from the Senate slightly different than came from the House. In the case of this SCHIP bill, I don't recall there being a hearing on it. I don't recall there being a hearing last year before we had the vote.

So, let us simply say from the Republican perspective that we're very supportive of continuing the State Children's Health Insurance Program. We do think that it should be limited to families that are under 200 percent of poverty. We do think this is a children's health program. It ought to be for children. And we do think that there should be a verification to make sure that the program benefits go to citizens of the United States.

None of those things are in this bill. So we would oppose the bill and hope at the appropriate time the House would also oppose it.

With that, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I still continue to reserve our time.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the distinguished ranking member of the Subcommittee on Health in the Energy and Commerce Committee, the Honorable NATHAN DEAL from Georgia.

Mr. DEAL of Georgia. Madam Speaker, I thank the gentleman for yielding.

I think it would be appropriate for us to review what the SCHIP program is designed and was originally designed to do and where it is in light of what this bill attempts to do.

First of all, it stands for the State Children's Health Insurance Program. States call it by a variety of different names at the State level. In my State, it is called PeachCare. You would imagine that we would do that in Georgia, but it was originally designed in 1997 as a 10-year program—it was a block grant program—designed to fill in the need of children who live in families that are above the Medicaid poverty level eligibility but are still below 200 percent of poverty, and that in that capacity was a worthwhile and useful program.

During its 10-year initial lifespan as it moved forward, there were times when States had shortfalls. In other words, the allocation under the Federal matching rate formula for the SCHIP program, coupled with the State's contribution, was not sufficient to meet the demand and the cost of eligible children to be enrolled, and Congress stepped up to the plate, appropriated additional funds, and allowed those States to continue with their legitimate enrollment programs.

When it came to the 10-year time frame expiring, we were faced with, well, what is the future of SCHIP going to be. After much debate, vetoes by the President, about a program that was going to take a huge step in the area of expanding government control of health care, we did an 18-month extension, and that 18 months will expire this next month.

And what it did was it said let's take the legitimate needs of the 200 percent of poverty and below, recognizing that some States had already far exceeded that limit, but nevertheless allowing them to be grandfathered in and provide enough money so that no State runs out of money to cover the eligible children.

Unfortunately, the bill before us today continues to take a step, in my opinion, in the wrong direction.

We talk about the millions of children that are supposedly going to be enrolled as new enrollees in the program, and yet when we look at those figures, we find that about 2.5 million of those so-called new enrollees will be children who are already enrolled in private health insurance plans, but because their family is now eligible for the government to pay for their health care, it is anticipated that their families will simply take them off of the private insurance and put them on the taxpayer-paid program of SCHIP. I don't think that's what most Americans in this country want this program to be.

Couple that with the fact that we have no provision in this bill that requires States—

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I yield the gentleman 1 additional minute.

Mr. DEAL of Georgia. There is no provision in this bill that requires States to go out and make the extra effort to enroll children who are eligible for either Medicaid or the current SCHIP program under its current authorization of up to 200 percent of poverty but are still unenrolled.

In fact, it is estimated that about a quarter of the children who are eligible are simply not enrolled in the current program. These are the children that are at the lowest levels of poverty but are not covered. They should be the part that are our first incentive. The Republican version of this incentivizes States to take that extra effort to enroll those children first before they started going up the poverty level and enrolling children in higher income families, many of whom already have private insurance.

I thank the gentleman for yielding to me.

Mr. WAXMAN. Madam Speaker, I'm pleased at this time to yield 3 minutes to the gentleman from Washington State (Mr. McDERMOTT).

Mr. McDERMOTT. Madam Speaker, I rise in strong support of the SCHIP reauthorization legislation and want to thank the Speaker, Ms. PELOSI, for her leadership in bringing this bill to the floor. H.R. 2 clearly says that change has arrived for our country and our children.

Instead of the veto pen that was used last year by the outgoing President to deny health care to children, our new President will sign this legislation and, in so doing, will write a new chapter in America's commitment to our children and our future.

H.R. 2 is a real down payment on our efforts to ensure universal access to affordable health care for all Americans. It builds on successful models that have expanded access to millions of children nationwide.

Health care should be a right, not a privilege for the rich in America. This legislation affirms the commitment of a new Congress to serve all the people, not merely those who have the means to pay any price for health care while the Nation pays a steep price by not covering its children.

H.R. 2 represents an additional 4 million children that will have access to health care, and it will provide access to preventive health care, and this alone means America will raise healthier children who grow to become healthier and more productive adults.

The American people have spoken. They want a more compassionate response to our Nation's problems. Today, we are voting with our heads and our hearts to do just that. This is not about ideology or party. It is about providing health care to children. H.R. 2 represents real change.

I am proud of my own State that took the lead before SCHIP was put in place in 1994. Three years before the enactment of SCHIP, Washington State

expanded coverage to children up to 200 percent of the Federal poverty line. That was a huge commitment, and clearly, my State took the lead. As a result, we have fewer children uninsured, we have a healthier population, and more integrated primary care. It's a commitment that worked for us in our State, and it recognizes that what worked for Washington State will work across the country.

Thirty million dollars was the commitment we made. H.R. 2 rewards States like Washington who knew early on that providing quality affordable health care to children was a sound, humane investment, but also, it expands a successful program to cover more uninsured children and working families.

The present economic difficulties in this country are going to make this program even more important than they've ever been in the past. This bill provides greater flexibility and will allow States to meet the needs of low-income working families.

I'm grateful also that this legislation includes important access for legal immigrant children who are currently denied coverage, children who are born in the United States and are U.S. legal citizens. In Washington State, we have provided coverage for these children, but the State is doing this alone without the full partnership of the Federal Government. H.R. 2 corrects this error and will allow Washington State to maintain coverage for more than 3,000 children.

Madam Speaker, we need to do the right thing. Providing universal coverage for children is an objective that we should all support. This legislation takes us one step closer to meeting this goal. I urge my colleagues to support this bill.

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Mr. BARTON of Texas. Madam Speaker, I yield 2 minutes to a distinguished member of the committee, Dr. GINGREY of Georgia.

Mr. GINGREY of Georgia. Madam Speaker, I appreciate the gentleman yielding, and I regretfully rise to oppose H.R. 2, not because I oppose the original legislation—which I think the bill was a very good bill and as a physician Member and a compassion for wanting to extend health care to our children—my concern with the bill with the reauthorization is that it doesn't really limit it to those children that need it the most, those, say, under 200 percent or between 100 and 200 percent of the Federal poverty level. This new bill actually allows that to go up to 300 percent.

But, Madam Speaker, there is an even bigger problem. This is a situation that some States use called—well, they're loopholes, really, and they call them income disregards. I think there are about 13 States, Madam Speaker, who utilize that loophole that just simply says to couples or families, If you're not eligible, that is, you make

more than 300 percent of the Federal poverty level—well, what is that, about \$65,000 a year for a family of 4—then we will just simply disregard the income that you make between 300 and 400 percent of the Federal poverty level and say, We're not going to count that. Let's count—a wink, wink, nod, smoke and mirrors, shell game—not count a certain block of income.

And I had an amendment—which I thought was a very good amendment; unfortunately it's a closed rule—but this amendment would simply say that there will be income disregards only in the amount of a maximum of \$3,000 a year or \$250 a month. Only income disregards may be something like childcare or something of that sort.

But to completely disregard, that's where we get into this crowd-out situation, Madam Speaker, where people whose children are already covered in the private market, they're going to drop that, clearly they're going to drop it even though they can afford it so they can get on the government dole. And as was pointed out earlier, a lot of physicians are not going to take the SCHIP patient because of the reimbursement.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. Madam Speaker, I am going to be magnanimous and give the gentleman 1 additional minute.

Mr. GINGREY of Georgia. I thank my ranking member of the Energy and Commerce Committee for his generosity. He knows that this Georgia brogue is a little bit slow.

But clearly it makes no sense, it makes no sense to crowd them out and put them into this program and then physicians are going to be less inclined to provide the service because their reimbursement under SCHIP or Medicaid is probably 30 percent less than it is in the private market.

So while in trying to enroll more children and help more children, I think, unfortunately, you're going to get less coverage and less service for those children.

So again, that was a good amendment. I'm sorry I didn't have a chance, Madam Speaker, to offer it. I think we could have made a good bill a whole lot better.

And for that reason, I'm going to oppose this bill.

Mr. WAXMAN. Madam Speaker, I am pleased at this time to yield 1 minute to the distinguished majority leader of the House of Representatives, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Madam Speaker, I thank the chairman for bringing this bill to the floor in a timely fashion. I'm pleased that we're going to pass this bill, we're going to send it to the President, and he's going to sign it.

Atul Gawande, a surgeon and writer on health care policy, recently described our medical system like this:

“American health care is an appallingly patched-together ship, with . . . fifteen percent of the passengers thrown over the rails just to keep it afloat.”

If you can afford health care in America, there is no better place in the world to get sick. You will be treated to the best hospitals by the most skilled doctors with the latest technology. However, if you're one of the Americans thrown overboard, if you're one of the 45 million uninsured Americans for whom even a checkup is a luxury, you might be better off in some other places in the world. Every other developed nation has figured out how to cover all of its citizens. Every one but ours.

We're here today to start fixing that. Actually, we've been fixing that in a number of ways—Medicaid, Medicare, other programs that we've adopted—to patch the holes, however, that still exist in the leaking ship to make it into a vessel capable of carrying every passenger, every American.

We can't patch every hole today, but if I could pick just one leak to stop, it would be the hold where we keep our sick children. If you asked me for the most efficient use of a single health care dollar, I would put it towards covering more children.

I don't say that out of a misplaced sentimentality; I say it because it's well-established that childhood is the most medically pivotal time of life. A child who lives through the first years without a doctor's care, without regular checkups, without immunizations, and without booster shots is in for a lifetime of health danger. That child will live sicker and die sooner. In adulthood, he or she will be a less productive worker. And in old age, he or she will help swell the costs of our entitlement programs.

That is the logic behind the final passage of this bill, which brings into the State Children's Health Insurance Program, as has been said already, four million children who are eligible but not yet enrolled.

Very frankly, as a result of the veto of the legislation we passed in the last Congress, four million children went to bed last night with their parents worried if they got sick, what were they going to do, with the alternative being the emergency room: the most expensive, and in some cases least efficient, intervention in the health care system in our country.

It does what President Bush promised to do when he ran for re-election in 2004 accepting the Republican nomination. As I've said before, President Bush said this, “In a new term”—that meant the 2005 to the 2009 term that just expired—“In a new term, we will lead an aggressive effort to enroll millions of poor children who are eligible but not signed up for government health insurance programs.”

Those millions of children of which President Bush spoke will be added by this bill. President Bush failed to de-

liver on his promise, but today, we will redeem that commitment. Today, the objective of years of work will be substantially advanced.

With this vote, and with President Obama's immediate signature, this bill will at long last be law.

Backed by overwhelming majorities of Americans, we can pass this bill and help raise a healthier generation of Americans. That's good for our country, it's good for our economy, and it's good for the international community.

And in this recession, we can lend some vital assistance to the millions of family budgets that are stretched, literally stretched, to the breaking point and the point of letting the health care of our children be further at risk.

Madam Speaker, renewing American health care, bringing the best care in the world, which we have right here—as Dr. GINGREY knows, we have right here—bringing it to all of our people is a hugely complex job. That work, of course, does not end today, as Chairman WAXMAN would emphasize. But this important inclusion of more than four million of our children and the guarantee of access to health care is a victory for America's values and its health care future.

I urge my colleagues, each and every one of us, to vote for this legislation, vote for our children, vote for our families, vote for a healthier America.

Mr. BARTON of Texas. Madam Speaker, can I inquire of the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas has 7 minutes remaining and the gentleman from California has 9½ minutes remaining.

Mr. BARTON of Texas. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, my admiration for the majority leader knows no bounds. Mr. HOYER is a great man, and he is an institutionalist, and he was personally involved in the negotiations of the last Congress who tried to get a compromise. But sometimes he doesn't tell the entire facts of the matter. So I want to just point out a few things that our distinguished majority leader failed to mention.

Right now in America, the SCHIP law that we're operating under is a Barton-Deal bill—Mr. DEAL and myself, two Republicans—that extends the existing program. And to Mr. HOYER's credit and Ms. PELOSI's credit, they passed that extension in the last Congress when we couldn't get a political compromise.

Under current law, if you're low income, below 200 percent of poverty, your children are covered under Medicaid 100 percent, 100 percent. If you're a working family that's under 200 percent of the Federal poverty limit, you're automatically covered. In some States, they go up to 250 percent of poverty, and in some States they have asked for waivers to go even higher than that. I think Mr. PALLONE's State of New Jersey may be at 300 percent. I think the State of New York may be at 300 percent.

So it is a misnomer to say that there are all of these children out there that don't have health insurance. There are some.

Now, the bill before us today really doesn't have an income test. It officially takes it to 300 percent of poverty but allows the States to ask for waivers and do what are called income disregards, which basically means you could have families at 400 or 500 percent of poverty and if that State disregards their income, they can be covered. That was admitted on the House floor in last year's debate, and that provision is unchanged in the bill before us.

Now, President Obama has already scheduled a signing ceremony so there is no real suspense about whether this bill is going to pass with a Democrat majority of 258 votes and a Republican minority of 178 votes, we're pretty sure that this bill is going to prevail.

But the record should show that low-income children are covered, that children up to 200 percent of poverty are covered, and in some states it goes to 250 percent. This debate is about raising the level.

This debate is about do we want a children's health insurance program that covers every child in America with State and Federal dollars regardless of their ability to pay; do we want to freeze out the private sector for health insurance. That's what this debate is about.

Republicans are for children's health insurance. Republicans do believe, though, that we should target the help to those families that have less ability to help themselves.

And on the question of citizen verification, since we didn't have a legislative hearing, I'm not sure what the verification measurement is, but I think it's personal affirmation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds.

If it is personal affirmation, when you sign up for SCHIP they say, “Are you U.S. citizen?” And if your parent says you are, you are. That's what personal affirmation is.

So I hope we could somehow pull out a miracle and defeat this bill and then do the bipartisan compromise that we almost pulled off in the last Congress.

With that, I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield to the chairman of the Health Subcommittee and the author of the SCHIP bill in the House, Mr. PALLONE from the State of New Jersey, 1 minute with an option for more.

Mr. PALLONE. I thank the gentleman from California.

Madam Speaker, on this historic day I'm reminded of a quote from the Pulitzer Prize winning American author, Pearl Buck, who said, “If our American way of life fails the child, it fails us all.”

Well, this is a day worthy of celebration. It comes nearly 2 years after

Deamonte Driver, a young boy from suburban Maryland, lost his life because his family lost its health insurance. And this simply should not happen in America. And if Congress does not act today, I can't help but think of the millions of other children whose lives will be put at risk simply because they do not have access to health coverage.

There can be no greater cause or worthy goal than protecting the wellbeing of our Nation's children. I emphasize this point now because in a recession parents are forced to make tough financial decisions: do they keep their families' health insurance, or do they put food on the table at night?

And today we have an extraordinary opportunity to ensure that these children don't fall through the cracks. This is a very good bill. With its passage, 11 million children will have access to the health care coverage they need to lead healthy and strong lives. And these children are our Nation's future.

Let's support them today by voting "yes."

Mr. BARTON of Texas. Madam Speaker, I yield 1 minute to the gentleman from California, Congressman MCCLINTOCK.

□ 1145

Mr. MCCLINTOCK. I thank the gentleman for yielding, and I think it's a prime example of unintended consequences. Since its inception, we've watched as SCHIP has been slowly replacing employer health plans with government-paid plans—with spiraling costs to taxpayers. Employers discovered that they could avoid their own plans, knowing that their employees would be covered by SCHIP.

This was supposed to provide health insurance for poor and working-class families but, like all things bureaucratic, it's now morphed into one in which families earning as much as six-figure incomes and who would have good employer-paid health insurance are being pushed into the government program. And that is the fine point of it.

This is no longer a program for the children of poor people. It's being used to insinuate government into the medical care of every American. Frankly, we don't need the same people who run the TSA to run our health insurance.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to a member of the Energy and Commerce Committee and a member as well of the Health Subcommittee, the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I am delighted to rise today in support of the Children's Health Insurance Program Reauthorization Act. I thank Chairman WAXMAN and Chairman PALLONE for their hard work on bringing it to us today.

As a mother and proud grandmother of four, I can think of no higher priority than ensuring that our children get the health care they need. Unfortu-

nately, 7 million children nationally and 350,000 children in Illinois are at risk of losing their coverage if we don't reauthorize this program.

But this bill will not only prevent SCHIP from expiring on March 31, it will also expand coverage to 4 million uninsured children nationally and 300,000 children in Illinois. It makes many needed improvements, including dental coverage and providing mental health parity. I am particularly pleased that it gives States the discretion to cover more women and children by lifting the 5-year ban for legal immigrants.

I am also pleased that after many thwarted efforts, we finally have a President that will sign this bill into law. It represents a renewed commitment to health care. This is the first step in making sure that every child, woman, and man in the United States has health care that is affordable, accessible, and high quality.

Mr. BARTON of Texas. I yield 2 minutes to the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. I thank the gentleman for yielding.

Let me clear up a couple of things. First of all, the majority leader has said that this is an effort to provide universal coverage for citizens of this country to health care. It obviously is a major step in that direction of government control of health care.

The problem though is it may also include expanding and extending health care to citizens of other countries. In 2005, the Inspector General of HHS told us that some 46 States and the District of Columbia were using self-attestation of citizenship to enroll people in their Medicaid programs. Part of the reason was when they had asked for identification, they were accused of profiling or threatened with civil rights lawsuits. So most States backed off and said, Well, if you tell us you're a citizen, we'll take your word for it.

In the Deficit Reduction Act, we changed that. And we require that you now prove you're a citizen and prove who you are. This bill changes that. And we go back.

For those of us who think, Well, just tell us a name and a Social Security number—that means that if you believe that there are not people who are out there with fraudulent Social Security numbers, then I have some stories back home I'd like to tell you.

We take a huge step backwards—and it's not just in the SCHIP program. It applies to the Medicaid program as well. Now, that means then at a time when we are hearing people saying that we want you to secure our borders, we want you to protect us, we are saying we are going to open it up to anybody who just wants to tell you they are a citizen and, by the way, even if they tell you wrong, this bill has no sanctions for them telling you they are a citizen, when they are not, and this bill requires you to provide them with med-

ical care during the time period when they have defrauded.

At a time when citizens are concerned about the economy of this country, we should not be taking a step in the direction of loosening up and encouraging fraud and abuse of this program.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Madam Speaker, I think today is really a great day in America because the legislation that is before us is one of the most important bills that we will pass in the 111th Congress, the Children's Health Insurance Program Reauthorization Act, or SCHIP.

As we know, the same legislation was vetoed not once, but twice by President Bush, forcing the Congress to pass short-term extensions and no improvements to the program. But, today, a promise is being kept to America's children. They will be insured with health insurance. And the total will be 11 million. We are adding 4 million children to be covered. I think that that is a victory.

The legislation invests more than \$32 billion over 5 years, and it is fully paid for. So it is good fiscal policy, it is good health policy, and is good social policy.

Forty years ago today, I gave birth to my daughter, Karen. Today, more children are being born, and the little ones can look forward to what the Congress is providing. Bravo, bravo, bravo.

Mr. BARTON of Texas. May I inquire on the time remaining?

The SPEAKER pro tempore. The gentleman has 45 seconds remaining.

Mr. BARTON of Texas. How about my friends on the majority?

The SPEAKER pro tempore. There are 6½ minutes remaining for the gentleman from California.

Mr. BARTON of Texas. I reserve the balance of my time.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the Speaker of the House, without whom we would not have this legislation before us today, who has been tireless in pushing forward the agenda to make sure that no child in this country goes without health insurance, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. This is a very happy day for me, for the Congress, and for the country, for all of America's children. I thank my colleagues for their extraordinary leadership in working on this very, very important legislation, which is strongly bipartisan, very carefully crafted, and again, a giant step forward for our children.

Almost 2 years ago, when we first talked about this legislation—we have been talking about it for years. Of course, it has been the law, and now we are expanding it. But when we first brought it into the previous Congress, on that day, it was late in the afternoon when I came to the floor, and while the sun was setting in the sky—coincidentally, I came at a time when

it was, in poetry, described as the "children's hour."

I quoted then Henry Wadsworth Longfellow's poem: Between the dark and the daylight, when the night is beginning to lower, comes a pause in the day's occupation that is known as the Children's Hour.

Today, the children's hour has come to pass. With the bipartisan vote of this House, and the signature of the new President of the United States, we will provide health care to 11 million children in America.

We owe a great deal of thanks to our chairman, Mr. WAXMAN, to the chairman emeritus, Mr. DINGELL, and Chairman FRANK PALLONE, of the Energy and Commerce Committee; Chairman RANGEL and PETE STARK of the Ways and Means Committee. So many women on the committees have worked for this. Congresswomen SCHAKOWSKY, BALDWIN, DEGETTE, ESHOO, and many others. This has been a product of many women focusing on this important issue that involves our children.

But our success really springs also from the outside mobilization that went with this. A compilation of more than 300 organizations—everyone from AARP to YMCA, March of Dimes, Easter Seals, and every organization in between—supported providing quality, affordable health care to America's children.

More than 80 percent of Americans support our bipartisan children's health insurance bill because they understand that with 2.6 million jobs lost last year, now even more children do not have health insurance. For every 1 percent increase in unemployment—for every 1 percent increase in unemployment—it is estimated as many as 1.5 million Americans will lose their health care coverage.

The American people know that preventive care is more cost effective than relying on our Nation's emergency rooms. That phrase was used in the debate over the past 2 years. Everyone in America has access to health care. All they have to do is go to the emergency room. What a ridiculous statement. What a disservice to the debate.

They know also that reducing smoking, which the Campaign for Tobacco-Free Kids says this legislation will do, means healthier children leading longer lives.

The bipartisan, fully paid for children's health insurance bill represents the new direction that Democrats have fought for that now, today, we join with our Republican colleagues to bring to the floor. This is the beginning of the change that the American people voted for in the last election and that we will achieve with President Barack Obama. We look forward to this afternoon when the President of the United States will sign this legislation.

I see some of our new Members of Congress on the floor. I see Congresswoman BETSY MARKEY and Congresswoman DAHLKEMPER on the floor. I don't know if others are here. But they

have taken a major interest. TOM PERRIELLO of Virginia has taken a major interest in this legislation too. I commend them because their coming to Congress has already, only a few short weeks in the Congress, has already made a difference in the lives of the American people.

It's a very happy day for me because, as you know, each time I have been sworn in as Speaker, I have gaveled this House to order in honor and on behalf of all of America's children. Right now, we are observing a children's hour that signifies that we are a Congress for those children.

I urge all of my colleagues to support our effort to pass this with a tremendous, tremendous margin, and then also to celebrate the signing of the legislation this afternoon.

Mr. BARTON of Texas. I continue to reserve the balance of my time until they are ready to close. We have one speaker remaining.

Mr. WAXMAN. I yield 1 minute to a member of the Health Subcommittee and the full Energy and Commerce Committee who played a role in this legislation, the gentlelady from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Thank you, Mr. Chairman.

I rise in strong support today of the Senate amendment to H.R. 2, the Children's Health Insurance Program Reauthorization Act. Achieving health care for all in this country is the reason why I got into politics. It is my goal, it is my passion, it is my motivation. And, for the first time during my tenure in Congress, I see real promise that the Obama administration and this Congress will work together to achieve that goal.

SCHIP takes an important first step in moving towards achieving this goal. I am proud to support this particular bill because it contains some key provisions. It provides increased Federal funding for States like my own State of Wisconsin that have proven successful in reducing the number of uninsured children. It also provides funding for outreach activities to find the children that are hardest to reach—the most in need of health care.

Madam Speaker, this legislation will give 4.1 million uninsured children meaningful access to health care. And now we must move forward to cover the millions more who suffer every day due to lack of health insurance. Today, we must enact SCHIP legislation. Tomorrow, we must move forward to bring health care coverage to every American.

Mr. WAXMAN. Madam Speaker, I yield 1 minute to the vice chairman of the Energy and Commerce Committee and a longtime member of the Health Subcommittee, the gentlelady from Colorado (Ms. DEGETTE).

Ms. DEGETTE. We will pass this bill today. And we will pass this bill for millions of women, like Susan Molina, who are trying to work and support their children and do the right thing

for them. Susan is a single mother in my district. Her abusive husband left her, and she has struggled to work and pay for health insurance for her two children as she worked tirelessly to move from a janitor to an apartment manager position.

In 2006, Susan's two children lost their health insurance under SCHIP because her new job paid just slightly more than 200 percent of poverty level. Susan has tried to work her way up to be a responsible member of society. Eventually, she got her children in SCHIP, and they have health care, and she could work. But then after she lost her SCHIP coverage, as she testified to Congress, to our committee, she felt like a failure as a mom.

□ 1200

She was working, she was in school trying to get her GED, but she still had to take her kids to the emergency room when they got an ear infection. Frankly, Madam Speaker, it is about time that the most civilized country in the world give health care coverage to all of its children.

Mr. WAXMAN. Madam Speaker, I am pleased to yield to the gentleman from Washington State, a member of the Energy and Commerce Committee, Mr. INSLEE, for 1 minute.

(Mr. INSLEE asked and was given permission to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I want to particularly commend this bill, because it honors the States that have been visionary and proactive in trying to get health insurance for their kids.

Eleven States have moved forward ahead of the country in providing health insurance for their kids up to 300 percent of poverty, and this bill finally, due to the great efforts of Mr. WAXMAN, Mr. DINGELL, and many others who have been working for years, Mr. PALLONE, to fashion a provision that will allow the children in those States to in fact enjoy health insurance. In my State of Washington, over 5,000 kids are going to have health insurance as a result of this; the State will have \$94 million to help those families. This is long overdue.

And to my friends across the aisle who somehow do not understand that parents who become unemployed in the downturn we are now experiencing, whether they are at 100 percent of poverty or 200 percent or 300 percent, I don't know why they don't understand the pain of parents who can't provide health insurance for their kids. This does it today. Let's pass this bill.

Mr. WAXMAN. Madam Speaker, I am pleased to yield to the gentleman from North Carolina (Mr. BUTTERFIELD), a very important and distinguished member of the Energy and Commerce Committee, 1 minute.

Mr. BUTTERFIELD. Madam Speaker, I want to thank the chairman of the Ways and Means Committee for yielding this time. This is a very important subject in all of our States.

Madam Speaker, without question, the people of my State in North Carolina are hurting very badly. Unemployment figures show that the number of counties with double digit unemployment actually doubled to 34 during the month of December. That is more than one-third of the counties in my State now suffering from double digit unemployment.

When people lose their jobs, they lose access to affordable health care, and it is the children, just as the gentleman from Washington just said, it is the children who suffer most in these circumstances. Today, we have an opportunity to take another step toward ensuring that every American child has access to affordable health care regardless of family circumstances.

With the passage of this bill, my State of North Carolina will reduce the number of children who lack health insurance by 46 percent. That is 136,000 children. There will be similar impacts across the country. I urge my colleagues to join me in approving this important bill.

The SPEAKER pro tempore. The gentleman from Texas has 45 seconds remaining; the gentleman from California has 1½ minutes remaining.

Mr. WAXMAN. Madam Speaker, at this time it is my great honor to yield to speak on this legislation to the gentleman from Michigan (Mr. DINGELL), who has been the author of this bill for child health insurance in the last Congress. Unfortunately, the bill was vetoed by President Bush. But we all have to recognize his strong commitment and leadership on this issue, and so I want to yield to him 1 minute to be able to speak in favor of the legislation.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I thank my friend, the chairman of the committee. I rise to voice my support for the extension of the Children's Health Insurance Program. As a long-time supporter of the program, I am delighted that we are sending a bill to the President that will be signed into law. This time there will be no veto pen to stand in the way of providing health coverage for 11 million of our kids.

High health care costs are straining already strapped families nationwide. Nowhere is this truer than in my home State of Michigan, where unemployment now tops 10 percent. With families struggling to save for retirement, to save for college, to pay mortgages and bills, this legislation will help State governments provide health care to children who otherwise would be left out.

Recently, there has been much talk about investments, good and bad. The bad kind has pushed our financial system into the brink of insolvency and has caused economic crisis on a scale unseen since the depression. But good investments, such as SCHIP, invest in our children and our future.

This expansion is a bipartisan effort, a collaboration of my colleagues on both sides of the aisle. Of this, I am properly grateful, and I urge my colleagues to vote for this legislation. It will be signed into law, and I look forward to working with the administration on a program of national health reform.

As someone who has spent 50 years on this effort, I know that this is just the beginning of what needs to be done.

The SPEAKER pro tempore. The gentleman from Texas has 45 seconds remaining.

Mr. BARTON of Texas. I am going to yield my last potent 45 seconds to a distinguished member of the committee, MARSHA BLACKBURN of Tennessee, to close.

Mrs. BLACKBURN. Madam Speaker, I think that, I would hope, that not only my colleagues but the American people realize that this bill today contains a \$72 billion tax increase on the American people, what Congressional Research Service calls the most regressive of taxes, because it is tobacco taxes. But this is a tax increase that is coming full steam ahead at us. And, Madam Speaker, it is not there to go into a program that we all originally supported the way SCHIP was originally set up. This expanded SCHIP goes to middle-income children; it does not focus on low income and uninsured children. That is a sad day for us. Indeed, part of the 900,000 children that are expected to be added already have access to health insurance.

I would encourage all of my colleagues to vote against the tax increase and vote "no."

Mr. WAXMAN. Madam Speaker, I wish to yield the balance of our time to the gentlelady from Colorado (Ms. MARKEY).

(Ms. MARKEY of Colorado asked and was given permission to revise and extend her remarks.)

Ms. MARKEY of Colorado. As working class families struggle to make ends meet in these tough economic times, we have the opportunity to ease their burden by providing health care for 11 million children. Currently, more than 1 out of 8 children in Colorado lacks health insurance because they can't afford it. As the mother of three, I understand the burden of caring for sick children and the relief of being able to take my children to the doctor without worrying about costs.

We need to expand access to children's health care, and make sure that every child has the ability to go to the doctor and receive treatment. This is not just the right thing to do; it makes fiscal sense to give children preventive health care.

As working class families struggle to make ends meet in these tough economic times, we have the opportunity to ease their burden by providing health care for 11 million children. In my state of Colorado, we had 84,649 children enrolled in SCHIP in 2007. This legislation would preserve coverage for them, and extend it to thousands more children in the state.

(Currently, more than one out of every eight children in Colorado lacks health insurance.)

As a mother of three, I understand the burden of caring for sick children and the relief of being able to take my children to the doctor without worrying about costs.

We need to expand access to children's health care and make sure that every child has the ability to go to the doctor and receive treatment. Today's children are the next generation of leaders, and we need to insure our future. This is not only the right thing to do, it makes fiscal sense to give children preventive healthcare. I ask all of my colleagues on both sides of the aisle to pledge their support for our children and vote for this bill.

The SPEAKER pro tempore. The gentleman from New York (Mr. RANGEL) is recognized.

Mr. RANGEL. Madam Speaker, what a great opportunity for us in this august body, whether we are Republican or Democrat, to think in terms of the comfort that we are giving parents and grandparents by having assurances that, if anything happened to these very special people, that they would have health insurance.

There is hardly a weekend that goes by that I don't thank God for my three grandchildren, and not have to worry that if anything, God forbid, should happen to them, that at least we would know they have access to health care. It reminded me when I was a young father and how precious my son and daughter would be. And then you think, of course, of the so many millions of people that go to work every day not being able to concentrate on their jobs and being productive and competitive, but thinking what would happen if their child became ill.

And it is not just the compassionate and right thing to do, to know that all of us would be able to go to sleep at night and to know that we made our contribution to provide health care to 11 million kids, but even from a national security or fiscal point of view, as doctors and researchers indicate, the great burden of fiscal costs for diseases and ailments that could have been detected if the children had access to health care. So many kids drop out of school with people not even knowing that they couldn't hear, that they couldn't understand properly, that they couldn't see minor things that could have been detected if the child had the availability of health care. And, of course, in the long run I don't think any on the other side and certainly none of ours can challenge the fact that it is in the later years of life things that could have been prevented that increase the need for health care and of course increase the costs for health care. In other words, we can dramatically improve the quality of care and cut down the ever increasing costs of care by preventing these things from happening.

I sat here trying to listen to some argument about why anyone would be against this bill. Sure, no one likes taxes. I am opposed to excise taxes. But, my God, cigarettes? You almost

feel like you are doing the right thing by making it difficult for kids and others to smoke cigarettes. Indeed, from a Ways and Means point of view, it is a question of whether or not the bill could be adequately funded because last year we collected more taxes because there was more consumption. So something is really working in terms of curtailing of people from destroying the quality of their own lives.

And so I do hope that we continue to have this as a bipartisan bill, that we can walk out at least and go home and say that we worked together on one initiative that was good for our children, good for our community, and good for our country.

I now ask unanimous consent to yield the balance of my time to the chairman of our Health Subcommittee, and to have Dr. McDERMOTT determine which Members he would like to yield to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McDERMOTT. I reserve the balance of my time.

Mr. LINDER. Madam Speaker, I yield myself such time as I may consume.

The State Children's Health Insurance Program, which started in 1997, was for children, for children who lived in families who did not qualify for Medicaid but still needed health insurance programs. Today, four States have more adults in the program than children. It is being abused.

The health insurance program for children also required, originally, those in this country to show that they lived in this country legally, to have documentation. This program removes that proof. You now need only to say, "Yes, I am here legally." It also removes the 5-year requirement. When you are here legally and you are sponsored by someone, they have to be responsible for taking care of your needs for 5 years. This is removed. What will happen if we follow on with an amnesty bill for the 20 million illegals who would be immediately eligible for the SCHIP program? Would it then be fully funded?

The funding, by the way, mostly by tobacco, falls on low-income people. The burden on the lowest 20 percent with the tobacco program is 37 times more burdensome than were it funded by an income tax. It also requires 22 million new smokers just to pay the bill. I want to see the majority go recruit them.

It is estimated that 2.4 million people will drop private insurance; families will drop because they qualify. Employers paying employees less than \$80,000 a year will drop it. This isn't mean-spirited; it is in their interest. We saw this happen before.

In 1965, every physician and dentist in America had a file drawer full of patients that they treated for free. It was their community responsibility. When Medicare and Medicaid came along,

they said, "Well, my taxes are going up to pay for that. The government will now do it." And they dropped that responsibility, and the burden fell on the taxpayer.

With the upper limit disregards in this program on income ceilings, we essentially make 75 percent of all Americans eligible for the program. Again, I repeat. I have heard it said many times it is fully funded. And Lyndon Johnson said that about Medicare and Medicaid. I was in dental school and watched his great society speech. He said, "We know, using easily quantifiable user statistics that, by 1990, Medicare will only cost \$9 billion and Medicaid will only cost \$1 billion." He was wrong. Medicare costs over \$100 billion; Medicaid costs over \$75 billion, and those entitlements are breaking this country.

□ 1215

The same is going to happen when the ceilings are taken off incomes and other people are put into this program. It will not be fully funded by tobacco.

This program will pay less than one-half the reimbursement to providers through Medicare or SCHIP that currently Blue Cross pays. And those providers are going to disappear from the program. We are already seeing it in Medicare and Medicaid. Who is going to be left to treat these people?

There was a real bipartisan effort to reauthorize this program last year, to expand its income protections and to increase the money to pay for it. It wasn't enough for the majority. They wanted to make it for everybody all of the time. This will not work.

I will vote against it.

I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

A great country holds the interests of its children first and foremost. A great country responds to tough times and steep challenges by placing the interests of its children at the head of the line when it comes to advancing measures to help. Today we have a chance to reflect this dimension of America's greatness by passing this bill to extend vital health insurance to 11 million of our kids. We must take this action.

Like last year, we will have bipartisan support when it comes to moving this bill forward. But unlike last year, this time our efforts will receive a different reception at the White House. Our prior President vetoed this bill. But we now have a new President. And this bill will be received with a resounding "yes." And the effort to get coverage to our children will at last succeed.

Mr. LINDER. Madam Speaker, at this time I yield 3 minutes to my friend from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentleman from Georgia.

Each one of us as representatives of our districts have a fiduciary duty, the highest obligation of the law, to protect the Treasury of the United States to ensure that our children and grandchildren are not inheriting an unaffordable debt burden. Today the national debt exceeds \$10 trillion. Today the national deficit, for the first time in history, exceeds \$1 trillion. It is approaching \$1.5 trillion. Today the unfunded liabilities of the United States exceed \$60 trillion.

And in that set of circumstances, it is essential that this Congress, on every bill, on every issue, on every vote and in every debate think first and foremost about that debt burden that we are passing on to our children and analyze every bill before us from that perspective. Is it physically responsible? Is it financially prudent to pass the legislation before us?

Obviously the Federal Government has a longstanding existing obligation to provide health insurance for the very poorest of our citizens. But the key is, we fiscal conservatives want to see poor American children provided health insurance first and foremost. We fiscal conservatives want to limit the provision of health insurance coverage to those poor American children in circumstances where they can show that they are truly citizens, they are here legally—in our current law, they have to wait 5 years—and that they are truly poor.

Yet with the legislation this unleashed liberal leadership of the new Congress has put before us, you are hiding behind campaign slogans. Step back and let's forget the next election. Think about the next generation. Let's legislate for the next generation, not the next election. And when you look at the next generation, the legislation that this unleashed liberal leadership of Congress asked us to support would allow Arnold Schwarzenegger in California to implement his plan of providing health insurance, quoting from the Washington Post, Schwarzenegger's health insurance plan would require everyone living in California, even illegal immigrants, to have health insurance at an estimated cost of \$12 billion. You're changing existing law which requires the applicant to confirm, to verify and to prove that I am a citizen of the United States, you're repealing the requirement that if you are here legally you wait 5 years to apply for public assistance. You're repealing the requirement that if you come here legally that you're not going to become a burden on American taxpayers. Today it is required that you have a sponsor. If you come into the United States legally, I have got to have a sponsor who will sign an oath confirming that I as the sponsor will make sure this person I am sponsoring does not become a burden on American taxpayers.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

Mr. LINDER. I yield the gentleman 1 additional minute.

Mr. CULBERSON. Under current law, if I enter the United States legally, I must have a sponsor who signs an oath "I confirm and I will pay for this new, this person entering the United States legally. I will make sure they don't become a burden on taxpayers." That requirement is repealed. When you look at the cost of this legislation to future generations, it's a staggering bill to pass on to our kids. It's an unaffordable burden to add to our children, grandchildren and great-grandchildren's obligation. For the sake of a sound-bite, for the sake of a cheap election slogan, you're passing on an unaffordable burden to our kids when we as fiduciaries, as trustees of the public Treasury, of the public dollar at a time of all these bailouts, the repeated bailouts of Wall Street, of rewarding bad behavior, something that the fiscal conservatives in the Congress have fought, you're now adding to the problem by repealing the citizenship verification requirement. You're repealing the 5-year waiting period. You're allowing States to provide health care coverage to people up to 400 percent of poverty. It's unaffordable. It's unacceptable. It's a dangerous trend. And I hope all of us vote against it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. MCDERMOTT. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Madam Speaker, investing in children's health care is one of the best investments our country can make. When kids see the doctor more regularly, they receive the preventive services that keep them healthier for longer. And they're less likely to end up in the emergency room, which saves everyone money.

The State Children's Health Insurance Program has been an extraordinary success. Over 1.5 million children in my home State of California get their health care through this program. However, today, we still have 1.25 million uninsured kids in California. That is unacceptable in the United States of America.

This bill will begin to address that tragedy by providing health care for almost 700,000 additional children in California alone. As a down payment toward health care reform, this legislation will reduce the percentage of uninsured children, just in California, by 55 percent. Our children deserve a healthy start. And this legislation ensures that 4 million more children across the country will get just that.

I ask for your "aye" vote.

Mr. LINDER. Madam Speaker, I yield 4 minutes to my friend from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Georgia for

yielding time, and I appreciate the privilege to address this issue of SCHIP. This has been a significant frustration to me to grow up in a society where we have respect for the rule of law and fiscal responsibility, or we identify the pillars of American exceptionalism and our charter is to go out and refurbish them. And what we have instead is a bill before us that apparently is a bill that is endorsed by the White House, Madam Speaker, that doesn't reflect these values at all.

And I start down through the issue that is my charge here more than any other in this Congress, and that is what this SCHIP does to undermine the integrity of the restraint that is shutting off, keeping the magnet shut off that attracts illegals into the United States. And it's clear. It's not a number that comes from my side. And it's not a number that comes from an activist group. These are numbers that come from the Congressional Budget Office. The requirement to verify the citizenship of Medicaid applicants by using a verified Social Security number has been taken out of this bill. And that amounts to a cost, according to the CBO, of \$5.1 billion federally. It will bring an extra cost on to the States, according to CBO, of \$3.85 billion. So just that component, lowering the standard to open the door for anybody that wants to walk in the door and say, well, here is a Social Security number for you, and they will sit there and say, well, we have a government program for you, even though your residence might well be in another state and you may have come across the border illegally, that number of illegals applying for and qualifying under this open rule comes to \$8.95 billion between the State and the Federal portion of this.

And then another egregious affront to the standards that we have had since the beginning of immigration law in America was, when you come here, you're to be self-sustained. And Ellis Island, where they processed my grandmother, they sent about 2 percent back because either they weren't physically able to sustain themselves or they didn't have a sponsor. And we had passed a law back in several previous Congresses that sets the 5-year bar where you will have a sponsor and they will be accountable that you will not go on the government dole for 5 years if you are a lawful permanent resident here in the United States. That is gone. That is gone if this bill passes. That is \$6.5 billion, Madam Speaker. So those two pieces of this altogether are \$15.45 billion in costs that either increase the magnet for legal immigration to come on welfare, open the door and says on the first day you come here, you will qualify for welfare legally. If you come here illegally, you can do the same thing for Medicaid by simply attesting to a Social Security number. It is no longer required to sign a form even that the information is right. That has been waived as well.

If you add these costs all up, there is another huge cost to this, and that is

this tax increase. Now, I remember, and I will go verbatim through the quote that came from then-candidate and now our President "No matter what John McCain may claim, here are the facts. If you make under \$250,000 a year, you will not see your taxes increase by a single dime, not your income taxes, not your payroll taxes, not your capital gains taxes, no taxes, because the last thing we should do in this economy is raise taxes on the middle class. And we have been saying that throughout this campaign."

Now here is this policy that may well land on the President's desk. That is his quote. This is a tax increase on the middle class. It's a tax increase. Ninety-nine percent of this tax increase of the \$72 billion that comes goes on the middle class, those people making, by his definition, under \$250,000 a year, Madam Speaker. So this is a huge tax increase on the middle class.

And the final piece of this bill, and I think it is actually the biggest one, is that opening up the door beyond 200 percent of poverty and allowing waivers for States to go beyond 400 percent of poverty, in fact, Medicaid for millionaires, sets the stage. This is a foundation stone for socialized medicine in the United States. And I oppose the bill.

Mr. MCDERMOTT. Madam Speaker, I yield 1 minute to the gentlelady from Pennsylvania (Mrs. DAHLKEMPER).

Mrs. DAHLKEMPER. Madam Speaker, I rise in support of SCHIP legislation before us today.

As I have said before, perhaps the most important reason that I ran for Congress was to help ensure that all children in this Nation have access to quality health care. A healthy start in life is something that all children deserve. And I'm particularly pleased that this bill will offer coverage to pregnant women, because I often tell the story of how I could not get coverage during one of the most critical times in my life, the pregnancy of my second child, when it was deemed a pre-existing condition by my private insurer.

This legislation, which will be signed by President Obama later today, will expand the SCHIP program to cover an additional 4 million children. This is an accomplishment that our Nation can be proud of.

I urge my colleagues' support of this legislation.

Mr. LINDER. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

Mr. CULBERSON. I thank the gentleman from Georgia.

To summarize very quickly, 4 minutes goes so quickly, Madam Speaker, I want to make sure that every opportunity I have to speak on this floor and that we as fiscal conservatives remind the American people that this new liberal leadership in Congress has been spending money at the rate of \$100 million per minute. Let me let that sink in, \$100 million per minute. We've only

been here the first 17 days of this Congress, and this new leadership managed to spend about \$1.3 trillion more than the entire annual budget of the United States. And our primary concern about this legislation is that we want to see health insurance for poor American kids first. And the bill you have dropped in front of us is going to open the door for fraud, for illegal aliens to apply, and for people who are here legally to walk in and get coverage. The minute they enter the United States, they become a burden on American taxpayers.

□ 1230

This legislation is going to allow people up to age 21 who earn \$80,000 a year to apply for health insurance as if they were poor. It's fiscally irresponsible, particularly at a time of record debt and record deficit. Let us remember the next generation. Let's legislate for the next generation and not the next election.

Mr. McDERMOTT. Madam Speaker, I yield to the gentleman from California (Mr. BECERRA) 1½ minutes.

Mr. BECERRA. Madam Speaker, 200 years ago America's children would perish from illnesses that today are easily preventable. We benefit from 21st century medical advances and the best trained doctors and providers in the world. Yet 2 years ago, 2 years ago, a young boy at the age of 12, not far from this Capitol died after an infection in an abscessed tooth, an infection that spread beyond that tooth to his brain. Because his family did not have the money to remain on Medicaid coverage, and that Medicaid coverage had lapsed, he was unable, his family was unable to afford the \$80 it would have cost to extract that tooth. And so 2 years ago, a young man by the name of Diamante Driver died in America.

Today we say this is the 21st century and America understands that no one should die of a preventable disease or illness. We have 11 million children in this country who are still uninsured. Today's legislation will make sure that about half of those kids, about 4 million of those kids will be insured, along with seven other million who today benefit on an ongoing basis from this SCHIP legislation.

We know what it was like 200 years ago in America and we know now what it could be like 2 years ago in America. We know that today we must do better for our kids and that is why we pass this legislation today.

Mr. LINDER. Madam Speaker, I reserve the balance of my time.

Mr. McDERMOTT. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. PERRIELLO).

Mr. PERRIELLO. Madam Speaker, today I rise in support of H.R. 2, the State Children's Health Insurance Program Reauthorization Act of 2009.

At a time of growing unemployment, and when more Americans are losing employer-sponsored health care for their children, this bill is needed ur-

gently for the 150,000 Virginia children currently insured by the program, and the 55,000 more who will be covered.

This approach makes good public health policy. It's morally the right thing to do by our children, and it's good economic policy because it rewards the very families and parents who are working their way out of poverty. At a time when the cost of health care is crushing America's families and America's businesses, this is an important lifeline to extend to children in Virginia and children throughout the country.

While I am in full support of the underlying legislation, I am disappointed to learn that the Senate bill includes a disproportionate increase in the excise tax rate on tobacco products. The proposed tobacco tax could impact jobs and State revenues in already tight times.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McDERMOTT. Madam Speaker, I yield the gentleman an extra 30 seconds.

Mr. PERRIELLO. In these very difficult times, we are in this together as a matter of public health and as a matter of economic growth.

As the son of a pediatrician, I am pleased to have the opportunity to vote in favor of this critical legislation and in favor of children in the Fifth District.

I urge my colleagues on both sides of the aisle to join me in putting America's children first and cast a vote in favor of this important bipartisan legislation.

Mr. LINDER. Madam Speaker, I reserve the balance of the time.

Mr. McDERMOTT. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Let me thank the chairman of the full Energy and Commerce Committee, Mr. WAXMAN. Let me thank the manager, Dr. McDERMOTT, and the chairman of the Full Committee on Ways and Means.

This is a miraculous accomplishment. The children of America are shouting today. It's important to know that there are 8.9 million uninsured children in America. Overall, 11.3 percent of children in the United States are uninsured. That is unacceptable, and it is not befitting of this great Nation.

In Texas we have close to 1.5 million children that are uninsured. Today we say to them that they are a priority, and that their health care and their preventative health care is crucial; that it is not a waste of money. When 74 percent of uninsured children eligible for CHIP, for Medicaid are not enrolled, this is not a waste of money.

I am gratified that pregnant women will have access. I am gratified that they will also have access for certain adults that meet certain criteria; and I

am delighted that we still have an opportunity to protect certain hospitals owned by physicians that will continue to serve children that are uninsured as well.

This is a great bill. We should vote on it enthusiastically and continue to work again to enroll more children for this great medical service.

Madam Speaker, I rise today in strong support for the Senate Amendment to H.R. 2—"The Children's Health Insurance Program Reauthorization Act". We stand today, closer to helping 4 million children without health insurance. No longer will these children be forced to live with fear of getting sick. Today is a great day. Today we are able to bring 4 million children in to the fold. Finally, we can tell those 4 million children that are begging for help that Yes We Can!

NATIONALLY AND IN TEXAS

There are an estimated 8.9 million uninsured children in America. Overall, about 11.3 percent of children in the United States are uninsured, but the percentage of uninsured children in each state varies widely. Based on a 3-year average, there were an estimated 20.9% of uninsured children (under 19 years of age) in the State of Texas representing 1,454,000 of the State's children.

According to the Institute of Medicine, uninsured people are less likely to use preventive services and receive regular care. They are also more likely to delay care resulting in poorer health and outcomes. Texas has the highest uninsured rates of all 50 States and the District of Columbia (2005–2007). Almost one-quarter (24.4%) of Texans are uninsured compared to 15.3% of the general U.S. population.

Recent studies estimate that for every 1 percent increase in U.S. unemployment, 1.1 million Americans lose health insurance and more than a million enroll in Medicaid and CHIP. While Texas' 6 percent December unemployment rate remains better than the national average of 7.2 percent, the State rate is up from just 4.2 percent in December 2007. Widespread job losses continue, and leading economists predict that absent dramatic government action, the national unemployment rate could reach 10 percent by 2010. Many states, including Texas, already experience much higher Medicaid enrollment than projected due to job loss and lower incomes, and will be unable to support the higher demand without this relief.

HOW DOES CHIP HELP TEXAS FAMILIES?

According to 2004 U.S. Census data, Texas has the highest rate of uninsured children in the country with 21.6% of children in Texas lacking health insurance coverage.

Nearly 90% of uninsured children in Texas have at least one working parent. The high cost of health insurance means that it is unaffordable for many Texas families. According to the Milliman Medical Index, the annual cost of health insurance for a family of four is \$13,382.

Although many Texans have employer sponsored health care insurance, many cannot get affordable coverage for dependents through an employer.

National data shows that virtually all the net reduction in SCHIP enrollment has been among children in families with incomes below 150% FPL. I want to share with you just some of the scary health statistics that are affecting children:

74% of uninsured children eligible for SCHIP or Medicaid but not enrolled.

11% of uninsured children in families not eligible for Medicaid or SCHIP with incomes below.

15% of uninsured children in families with incomes over 300 percent of the federal poverty-level who are ineligible for Medicaid and SCHIP.

90% of uninsured children that come from families where at least one parent works.

50% of two-parent families of uninsured children in which both parents work.

3.4 million uninsured children who are white, non-Hispanic.

1.6 million uninsured children who are African American.

3.3 million uninsured children who are Hispanic.

670,000 uninsured children of other racial and ethnic backgrounds.

#### PHYSICIAN-OWNED HOSPITALS

I am very pleased to see that this new version does not include the restrictions on physician owned hospitals. Along with many of my colleagues, I have been very concerned that we had with the prohibition on physician-owned hospitals. Which is why I worked with my colleagues to ensure that this language was not included.

In my district of Houston, Texas the population has grown close to 4.5 million people and there are only approximately 16,000 beds available in the city. Physician-owned hospitals like St. Joseph Medical Center in my district provide essential emergency, maternity, and psychiatric care for their patients. They delivered over 6,000 babies in 2008, of which 3,700 were insured by Medicaid. Currently they provide \$14M in uninsured care in the Houston Market. A Houston Institution for 120 years, St. Joseph Medical Center is also a major provider of psychiatric beds as it currently operates 102 of the 800 licensed beds in Houston.

In 2006, St. Joseph Medical Center, downtown Houston's first and only teaching hospital was on the verge of closing its doors. When I learned that they were going to shut down this hospital and turn it into high-end condominiums, I personally worked with the hospital board, community leaders, and local government to ensure this did not take place.

Eventually, after I was assured that it would be responsibly managed and it's doors would remain open, I was able to help a hospital corporation, which, in partnership with physicians, purchased the hospital and has made it the premier hospital in the region to keep open St. Joseph's doors including its qualified emergency room responsive to a heavily populated downtown Houston. This formerly troubled medical center is now in the process of reopening Houston Heights Hospital, the fourth oldest acute care hospital in Houston.

#### ROBIN FROM TEXAS—HER STORY

Her daughter has a developmental disorder, known as autism. She was not certain of the extent or the prognosis diagnosis of her disorder due to her lack of funds being a single mother, and lack of quality health insurance. She is one of the many uninsured in Texas.

She scraped together money to take her daughter to the doctor when she gets sick and does not pay her electricity bill so she can pay for 30 minutes of private speech therapy a week to complement what the school system provides.

She cannot qualify for SSI or Medicaid, they say she makes just over the maximum allowable income. She had trouble qualifying for CHIP in the past as well. Sadly once this mother has paid for daycare, speech therapy, clothing, car insurance, food, shelter, transportation, the rising cost of gasoline etc., she can barely afford to pay her monthly bills let alone quality insurance on her salary.

Robin wants the American dream for her and her daughter, but she is unable to obtain it. She is stuck in an old apartment building, with an even older car, and inadequate health coverage for her sweet 7 year old daughter. God help us, Robin and the many like her and her daughter deserve better.

#### THE ECONOMIC AFFECT ON HEALTHCARE

The economy has now lost 1.2 million jobs since the beginning of the year, with nearly half of those losses occurring in the last three months alone, pointing to acceleration in the pace of erosion in labor markets. It is more important than ever in this economy that children's healthcare is not sacrificed.

Madam Speaker, my faith is renewed in the process that is so often maligned in the media. Thoughtful and deliberate negotiations were taken to advance this legislation—and through your leadership we have succeeding in bringing this to the floor for passage.

I look forward to a day when every child is covered and can play on football fields and jungle gyms without their parents fearing a bankrupting injury to their child. This legislation is piece of mind to 4 million families and I will joyfully cast my vote for passage of this important legislation.

Mr. LINDER. Madam Speaker, can I inquire as to the time remaining on each side?

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) has 2 minutes remaining. The gentleman from Washington (Mr. McDERMOTT) has 4½ minutes remaining.

Mr. LINDER. Madam Speaker, I reserve.

Mr. McDERMOTT. Madam Speaker, I listened to fiscal conservatives rail against this bill, and I think about an article I read in this morning's Washington Post. Over in Arlington, which is just across the river, they have a clinic where people go who don't have health insurance and hope that their number is drawn from a lottery so that they can get to see a doctor. Our health care system is in serious problems, from the seniors all the way down to the young people in this country.

Now, this bill says to the States, here's some additional money for you to expand coverage to your youngsters. Through no fault of their own, they're born into a home where there is no way to pay for health care. And we are giving the States, in this time of economic collapse brought on by the fiscal conservatives in this body, who said that we could spend and spend and spend, and never have to meet the day of reckoning, the people who are now going to suffer from that will be women and children.

Children have nobody to speak for them but us. And for us to put that money out there and give them the op-

portunity to have health care is humane in the very strongest sense of that word.

How anybody could vote against this, I have no idea, after you've wasted a trillion dollars on a war in Iraq, and have the real estate industry totally out of control, and then you say to the children, you can't see a doctor. What kind of body is this if we don't take care of children?

I yield the remaining 3 minutes of my time to Mr. WAXMAN.

Mr. WAXMAN. Madam Speaker, we wish to reserve our time to close the debate.

Mr. LINDER. Madam Speaker, I would like to point out that nobody on this side opposes children. The SCHIP program was started under the Republican majority in 1997, principal sponsor being Republican Senator ORRIN HATCH.

We believe the program was a good start in allowing for the health coverage of children whose parents did not qualify for Medicaid. What will destroy this program is a lack of restraint and irresponsible expansion of it.

It is true we are in the midst of a global economic collapse. And what has caused that? Abuse, lack of restraint, corporate leaders spending other people's money, shareholders, ignored limitations, ignored risks, ignored warning signs, and gave us the problem we have in the economy.

What makes us different? We are spending other people's money and we're spending more and more of it. We have a GAO study that says that if we continue to spend in our discretionary spending at the current percentage of the overall economy, and if we continue to tax at 19 percent of GDP, which is about the average since 1945, that in just 31 years from today, the entire Federal revenue stream will be insufficient to pay the interest on the debt because of entitlements, Social Security, Medicare, which is much worse than Social Security, Medicaid.

And to solve those programs in the face of President Obama's desire to get a handle on entitlements, we stand here today proposed to add a new one. It is true that this is designed as a block grant program. But there are no limitations on it. This will go out of control just like all of the other programs have, and our children will pay.

Madam Speaker, I hope we all oppose this.

Mr. WAXMAN. Madam Speaker, Members of the House of Representatives, this bill is going to pass by an overwhelming bipartisan majority, as it passed in the last Congress as well, at least twice. But the difference is, this bill will be signed tonight by the President of the United States.

President Bush vetoed this children's health bill twice. And it is interesting to review the arguments he gave for rejecting the legislation. First of all, he said, there's no problem for children getting health care when they need it. They can always go to an emergency

room of a hospital. Of course, the care in an emergency room of a hospital is the most expensive care, and it often means that the child has gotten sicker than otherwise would be the case and is forced to go to that emergency room as the only option.

And the second reason he gave for vetoing the bill is, to me, one of the most astounding. He said, why should taxpayers subsidize parents for their children's health insurance if the parents could afford to buy a private health insurance plan for their own children? Well, many parents just can't afford it or will not have that as an opportunity because of a pre-existing medical condition. But think of that argument.

Suppose the President of the United States said, we ought not to have public schools for children whose parents could afford to send them to private schools. I find that a remarkable argument for him to have made.

We, in this country, should value the opportunity for every child to succeed to the fullest extent of his or her ability, and that means education for all children and health care when those children need it.

We will see the President of the United States sign this bill tonight because election results make a difference. And we will have a President who will sign this bill into law, along with a bipartisan majority in the House and the Senate. And that will be a happy day for America's children.

Mr. ENGEL. Madam Speaker, today is another great day for American families. Later this afternoon, President Obama will sign the State Children's Health Insurance program Reauthorization into law.

Just one week ago, President Obama signed the Lilly Ledbetter Fair Pay Act into law—a bill which restores basic protection against pay discrimination. When women do better, families do better, and the Lilly Ledbetter Act will make it easier for families to pay for day-to-day expenses like groceries, child care and doctor's visits.

We build on the enactment of family security legislation today by providing health care coverage for 11 million children. In this common-sense legislation, we will preserve coverage for the roughly 7 million children currently covered by SCHIP and extend coverage to 4.1 million uninsured children who are currently eligible for, but not enrolled in, SCHIP and Medicaid.

As the third largest S-CHIP program in the nation, New York reduced the number of uninsured children in the State by 40%. We are only one of seven states to achieve a decline of that magnitude and I am so pleased that we will further strengthen children's access to health care today.

During this time of economic distress, we must remember that the S-CHIP program is a critical part of our health care safety net and more broadly our family security safety net. S-CHIP has served New York and our country well, and I commend the Speaker for working so diligently on behalf of our nation's kids.

Mr. TOWNS. Madam Speaker, esteemed colleagues on both sides of the aisle, I stand before you today, one happy man. I am happy

that I have the opportunity to vote in favor and hopefully bear witness to the passage of this momentous bill, the State Children's Health Insurance Program Reauthorization Act.

Our great leader, Dr. Martin Luther King Jr., once famously remarked, "Of all the forms of inequality, injustice in health care is the most shocking and inhumane." I wholeheartedly agree with Reverend King's sentiments and I would like to take his statement one step further. I contend neglecting adequate health care for all of our children is perhaps the most disgraceful and appalling atrocity this nation faces.

Today we have an opportunity to take one step towards rectifying the wrongs of our past. Today we have the opportunity to vote in favor of a bipartisan piece of legislation that would expand health care to more than 11 million children nationwide and preserves the coverage of 7.1 million children through 2013.

This fine piece of legislation will reduce the number of uninsured children in my state by 66%; reducing the number from 400,000 to approximately 267,000. I don't know about you, but that's the type of change I can believe in.

The State Children's Health Insurance Program catches the most overlooked segment of our population—those families and children that earn too much to qualify for Medicaid but too little to afford private health insurance. This land-breaking and much needed piece of legislation will provide coverage to those families that are eligible for but not yet enrolled in SCHIP and Medicaid.

The legislation is truly bipartisan in nature, and is supported by numerous organizations including the American Hospital Association, AARP, and families USA.

My Democratic friends and Republican comrades, I urge you to take a stand against health injustices and take a stand for our children. I urge you to vote in support of the Children's Health Insurance Health Program Reauthorization Act.

Ms. HIRONO. Madam Speaker, I rise today in strong support of H.R. 2, the Children's Health Insurance Program (CHIP) Reauthorization Act. Our nation must show true compassion for the most vulnerable among us, and CHIP helps millions of low-income children receive healthcare.

The last time we had a floor debate on H.R. 2, there were references made by those in opposition to the bill to a program in my state called Keiki Care. It was suggested by those individuals that the Keiki Care program was cancelled due to perceived crowd-out, where parents drop their children's private insurance in order to enroll into a free government program.

That claim was entirely false, and I join Congressman ABERCROMBIE in correcting the misstatements made by the opposition. The Keiki Care program did not have an issue with crowd-out. It was intentionally designed so that those who wish to enroll in the program must be continuously uninsured for six months. There was also no spike in program enrollment that even suggests that parents were indeed dropping their private insurance to join. I would like to insert into the RECORD a fact sheet on Keiki Care published by the group Hawaii Covering Kids.

In Hawaiian, "keiki" means "child" or taken literally "little one." H.R. 2 is a bill that provides for the health and well-being of the keiki

most in need of our help. I urge my colleagues to join me in voting in support of H.R. 2 today.

#### KEIKI CARE

##### GOAL

All children and youths living in Hawai'i are enrolled in health insurance.

##### CHILDREN'S HEALTH

Compelling national health care statistics drive Hawai'i Covering Kids' goal:

Children who are uninsured are twice as likely not to receive any medical care;

Only 45% of uninsured children had one or more well-child visits in the past year compared with more than 70% of insured children;

More than one in three uninsured children do not have a personal physician; and

Uninsured children are less likely to receive proper medical care for common childhood illnesses such as sore throats, earaches, and asthma.

##### BACKGROUND INFORMATION

Approximately five percent of Hawai'i's children and youths are uninsured statewide which means over 16,000 kids do not have health insurance. Hawai'i Covering Kids sponsored meetings in October 2006 and January 2007 to determine the "gap groups" and possible solutions. We concluded these children and youths are most likely uninsured:

Eligible for QUEST or Medicaid Fee-for-Service in households between 251-300% FPL but parents cannot afford monthly premium payments;

In families with incomes above 300% FPL and parents cannot afford private health insurance;

Have temporary visas (V, H, K, etc.);

Undocumented immigrants; and

Student dependents (F2 visa) whose parents cannot afford university health insurance plans.

##### 2007 INITIATIVE

The Hawai'i State Legislature introduced HB1008, now Act 236, to help uninsured children and youths in the gap groups. It included paying QUEST and Medicaid Fee-for-Service monthly premiums for children between 251-300% FPL and establishing a free Keiki Care plan for children ages 31 days to 19 years old who are ineligible for public health insurance. The Keiki Care plan is modeled after the low-cost HMSA Children's Plan with limited benefits and some out-of-pocket expenses. It requires the child live in Hawai'i and be continuously uninsured for six months. Exceptions to the six-month uninsured provision include: (1) children who "income out" of QUEST or Medicaid Fee-for-Service, (2) children enrolled in a managed care children's plan on the effective date (one-time only exemption), (3) newborns uninsured since birth, and (4) children in families affected by Aloha Airline's bankruptcy.

##### TIMELINE

3 May 2007—HB1008 HD2 SD2 CD1 Passed by the Legislature;

30 June 2007—Signed by the Governor as Act 236;

1 March 2008—Enrollment Commenced;

1 April 2008—Keiki Care Effective Date.

##### ENROLLMENT

1 April 2008—1,827;

1 November 2008—2,021.

##### CROWD-OUT

Hawai'i has never experienced problems with parents dropping their children's private health insurance to enroll them in public-financed programs. Keiki Care specifically discourages this tactic (called "crowd-out") through an eligibility requirement that each child must be uninsured continuously for six months, limited benefit package, and some out-of-pocket expenses. The

fact enrollment in November 2008 isn't significantly greater than when Keiki Care began illustrates crowd-out prevention is working.

#### OUTREACH

Hawai'i Covering Kids has conducted intensive outreach through broadcast emails to state and community partners, mailouts to statewide outreach workers, web site information, 211 hotline referrals, and natural points of contact including community health centers, hospitals, public health nurses, Head Start, WIC, and schools.

#### ECONOMIC IMPACT

The modest investment in Keiki Care pays off in several significant ways. It supports healthier children, confident parents, and reliable payments to health care providers while preserving precious charity care and limited uninsured funds for those who are uninsurable. Keiki Care empowers parents by connecting their children to a pediatrician and regular preventive health care. Should a sudden illness or injury occur, the children are also insured for emergency care which averts personal and institutional financial crises. In fact, as the number of insured kids has increased in Hawai'i, hospital emergency department data for 2000–2006 show that visits by uninsured children and youths have declined from 5.25% to 3.79%.

#### KEIKI CARE HELPS HAWAII'S ECONOMY

(By Barbara Luksch)

Imagine your child awakens in the night with an asthma attack and needs health care. The coughing and breathing worsen, however your child has no health insurance. You struggle to pay for food, rent, and other basic living expenses and are fearful of the hospital emergency room because of potentially ruinous medical bills. What do you do? This dilemma is familiar for thousands of parents and guardians of uninsured children and youths throughout Hawai'i. As state budgets face monetary shortfalls, taxpayers should know it is cheaper to cover kids with health insurance than cover expensive hospital costs for uninsured kids. That is why federal, state, and community organizations collaborated to create Keiki Care for uninsured children and youths in "gap groups"—those who do not qualify for public health insurance and their parents cannot provide private health insurance. It should be clarified that specific provisions discourage parents from dropping their children's private health insurance to enroll in Keiki Care: (1) child must be continuously uninsured for six months, (2) limited health care benefits, and (3) out-of-pocket expenses.

A modest investment in Keiki Care helps Hawai'i's economy because should a sudden illness or injury occur, children are insured for emergency care which averts personal and institutional financial crises. In fact, as the number of insured kids has increased in Hawai'i, hospital emergency department data for 2000–2006 show that visits by uninsured children and youths have declined from 5.25% to 3.79%.

Keiki Care also empowers parents by connecting their children to a pediatrician and regular preventive health care. Compelling national health care statistics published in a recent *Covering Kids & Families "State of Coverage"* report support this: (1) children who are uninsured are twice as likely not to receive any medical care, (2) only 45% of uninsured children had one or more well-child visits in the past year compared with more than 70% of insured children, (3) more than one in three uninsured children do not have a personal physician, and (4) uninsured children are less likely to receive proper medical care for childhood illnesses such as sore throats, earaches, and asthma.

Parents with uninsured children often face hard choices . . . pay the electric bill or pay the doctor; fill the refrigerator or fill a prescription. That is why uninsured children often go to school without annual checkups and may not participate in co-curricular activities—not only because their parents fear an injury, but also because they fear the impact medical bills could have on their family budget.

Overall, Keiki Care supports healthier children, confident parents, and reliable payments to health care providers while allocating precious charity care and limited uninsured funds for others who are uninsurable.

Mr. HARE. Madam Speaker, I rise once again in strong support of the State Children's Health Insurance Program Reauthorization Act (also known as SCHIP). I commend the Senate for acting so promptly on the measure and the leadership of this House for bringing it to the floor for its final vote.

One of the biggest moral failures of our nation is the fact that we allow nine million children to go without health insurance every day in the United States. This is unacceptable. Our children are the future of this great nation—a future that is compromised every day we let a single child go without health care.

Since its inception, SCHIP has successfully filled the gap between those families qualifying for Medicaid and those who can afford private health insurance. In these times of economic hardship, SCHIP creates a fundamentally important safety net, providing health coverage for seven million low-income children; 345,000 children in Illinois.

The legislation before us today reauthorizes the SCHIP program through Fiscal Year 2013, enabling states to maintain their current programs and extend them to an additional 4 million children.

SCHIP is the first critical step to improving health coverage across the nation. I urge my colleagues to vote yes on H.R. 2 and finally send it to the President's desk.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support for the Children's Health Insurance Program Reauthorization Act of 2009.

This bipartisan legislation will improve the very successful State Children's Health Insurance Program (CHIP). The message and the substance of this bill is clear—we are going to preserve coverage for the 7 million children currently enrolled who otherwise have no access to health insurance while extending coverage to 4 million children who are from working families who earn too much to qualify for Medicaid, but do not earn enough to afford the very high costs of private health insurance.

By reauthorizing this important program through 2013, we will strengthen CHIP's financing, improve the quality of health care children receive, and increase health insurance coverage for low-income children. The Congressional Research Service projects that under this legislation, Maryland's CHIP allotment will increase by 162 percent. The bill is fully paid for by a 62 cent increase in federal excise taxes on cigarettes. Increasing the tobacco tax will save millions of children from tobacco addiction and save billions in health care costs. The 2000 U.S. Surgeon General's report found that increasing the price of tobacco products will decrease the prevalence of tobacco use, particularly among kids and young adults.

Just two weeks ago, a new President was sworn into office—President Obama. Passing

this bill and sending it to his desk now sends a very important signal that change has come as a result of the last election. President Obama's predecessor twice vetoed this legislation. The new President will sign this legislation into law because he understands the hardships that American families are struggling under at a time when millions of Americans have lost their jobs and lost health coverage for their children.

Madam Speaker, let's look out for America's children by providing them the health insurance coverage they deserve. I urge my colleagues to vote for this much-needed legislation.

Mr. HASTINGS of Florida. Madam Speaker, for over a decade the State Children's Health Insurance Program (SCHIP) saved millions of America's low-income families from suffering the consequences of living without healthcare insurance, and exemplified our nation's commitment to equal opportunity.

Former President Bush twice prevented this critically important program from benefiting people who fell through the cracks of America's flawed healthcare system.

Thankfully, the new Congress and Administration exercised the power and political will to make a different choice. Finally, the American people can rest assured that Congress' vote to provide healthcare coverage to 11 million low-income children will not be in vain.

The Senate-amended SCHIP bill authorizes 32.8 billion dollars over 4½ years to cover the 7 million children who currently rely on SCHIP, and extends coverage to more than 4 million low-income children who are currently living without healthcare.

The bill also offers comprehensive and wide ranging care that includes mental, dental, prenatal and maternal health services, increases health insurance enrollment, and fights geographical health disparities by offering additional support to under-funded states.

Madam Speaker, the SCHIP program is known by different names around the country. But whether it's called Healthy Families, Health Wave, Healthy Steps, or Kid Care, SCHIP's mission remains the same—providing children from hard working low-income families with the care that they need and deserve.

Thirteen years of SCHIP has shown that this program helps to decrease costly emergency room visits and invasive medical procedures. We know that extending healthcare insurance helps to combat the social, economic, and health disparities that continue to divide our nation and hinder our progress. And, we know that healthy children are better equipped to compete in school and help America compete in the global market. The facts are clear. Missed school days from untreated asthma, tooth decay and mental health disorders and other illnesses are also missed opportunities for our children to reach their full potential and successfully compete.

However, some House and Senate Republicans were driven by ideological affiliation instead of economic prudence and moral obligation and attempted to halt the passage of this bill despite the fact that 19 states enacted budget cuts to SCHIP and Medicaid for 2009.

The 2008 financial crisis clearly exacerbated our long standing healthcare crisis and therefore failing to pass SCHIP would be disastrous in these hard economic times.

Last year, skyrocketing gas and food prices, and the plummeting job market made it difficult for low- and middle-income Americans to

finance their everyday needs—including healthcare. In 2008, one million additional children enrolled in Medicaid or SCHIP as a result of lost employment issued insurance.

In a country where a large portion of people receive healthcare insurance through their employer, it comes as no surprise that when the economy and job market plunge, the number of uninsured Americans soars. And children frequently pay the highest price.

This issue hits close to home. My state of Florida was recently ranked 45th in the nation in terms of overall health. Like other low ranking states, Florida has a large uninsured population and a high rate of child poverty. In fact, Florida has the second largest number of uninsured children in the country. What's more, a disproportionate number of Florida's uninsured and low-income children are black, Hispanic and reside in rural areas.

However, the targeted provisions in the 2009 SCHIP Reauthorization bill give us reason to be hopeful. Make no mistake. SCHIP and other emergency and supplemental programs cannot repair the problems that are intrinsic in America's healthcare system. State, local and federal entities must execute a coordinated effort to lessen the burden of uninsured people in this country as we embark on the road to long-term economic and healthcare development.

President Obama signing the 2009 SCHIP bill into law is a noble beginning to achieving healthcare reform, and sends a strong message to our nation's children.

In 1981, the member of the Select Panel for the Promotion of Child Health said, "Children are one third of our population and all of our future".

SCHIP is as much of an investment in addressing the issues of today as it is to ensure the welfare of our nation's economy and competitiveness tomorrow. I am pleased to see that we are giving millions of children the basic health benefits they rightly deserve.

Mr. BACA. Madam Speaker, I rise today in strong support concurring to the Senate Amendment to H.R. 2—The Children's Health Insurance Program Reauthorization Act.

In my District, home foreclosures and unemployment are devastating many families with no end in sight. A facility in my district, the Community Hospital of San Bernardino is being forced to eat the costs or turn children away.

This bill will provide needed health care to our most vulnerable, our most in need, America's children. With this bill, the state of California alone will be able to cover an additional 694,000 children who are currently uninsured.

SCHIP benefits will be further improved, providing for all children enrolled in SCHIP to receive dental coverage. Parents should not have to choose between putting food on the table or paying for health insurance.

For too long we've faced partisan debates that only hinder our efforts. We now have the "change" voters want.

I urge my colleagues to help these families, do the responsible thing and vote for S-CHIP.

Mr. MEEK of Florida. Madam Speaker, I rise in full support of H.R. 2 and am proud to cast this vote in favor of it.

Providing health care coverage for 11 million children has been a top priority of mine and the vast majority of both the 110th and 111th Congresses.

And, after several attempts, we are now only minutes away from sending this important

legislation to a President that we know will sign it the moment it lands on his desk.

This is a great piece of the change promised in November and a win for the families of 4.1 million currently uninsured children. In my home state of Florida, passage into law of this bill will mean that 290,000 children will have affordable access to healthcare that they do not have right now. That will lessen the number of uninsured children in Florida by 36%.

This bipartisan legislation renews and improves SCHIP, providing health care coverage for 11 million children—preserving coverage for the roughly 7 million children currently covered by SCHIP and extending coverage to 4.1 million uninsured children who are currently eligible for, but not enrolled in, SCHIP and Medicaid.

Covering more eligible children is not only the right thing to do—it's also much more cost-effective for taxpayers than using the emergency room as a primary care provider. In addition, a healthy child is better prepared for learning and success.

I commend the willingness of those who are paying for this legislation, particularly the small businesses, local cigar importers, who showed a great willingness to do their part to see the SCHIP legislation passed despite the sacrifices they will have to make.

This is a proud day in the House of Representatives. I ask all of my colleagues to join me in voting for this important legislation.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of final passage of H.R. 2, the Children's Health Insurance Program Reauthorization Act of 2009.

This bill should have been passed last year, but after working on this bill for an entire Congress, I am pleased with the final version before us today.

This bill will extend the SCHIP program for four and a half years and provide SCHIP coverage for the 7 million children already enrolled in the SCHIP and will insure nearly 4 million additional children.

The bill also includes a provision that will give 400,000 to 600,000 legal immigrant children access to health care. These children are currently barred from SCHIP coverage because of a five year waiting period for Medicaid for legal immigrants.

This provision, which was originally in H.R. 465, the Immigrant Children's Health Improvement Act, will give states the option to cover children and pregnant women lawfully residing in the United States.

Current law requires these legal immigrants to endure a five year waiting period before they have access to Medicaid coverage when they would otherwise be eligible.

The waiting period actually costs more than covering these children because they often have no health insurance and end up in emergency rooms for primary care treatment.

The SCHIP reauthorization bill also includes language from a bill I originally introduced and will give one year of emergency Medicaid coverage for children born in the U.S. and their mothers, which is crucial in protecting the health and wellness of newborns born in this country.

I hope my colleagues will join me in supporting this legislation and reauthorize the SCHIP program to extend coverage to nearly 11 million low-income children.

Mr. SMITH of Texas. Madam Speaker, I oppose this bill for many reasons. In my role as

the Ranking Member of the Judiciary Committee, though, I want to point out a few immigration provisions that undermine personal responsibility and burden American taxpayers.

In 1996, Congress required that legal immigrants wait five years after coming to the United States before receiving welfare benefits.

It's only fair that American taxpayers not foot the medical bills of foreign nationals who arrive with a sponsor's pledge not to let them become a "public charge."

This bill, H.R. 2, changes current law and allows immigrants to get medical benefits at the expense of U.S. taxpayers.

The five-year waiting period for immigrants to receive government benefits is the last line of defense for the U.S. taxpayer. It should not be repealed or altered.

Prior to 1996, the cost of welfare for immigrants had jumped to \$8 billion a year. The number of noncitizens on Supplemental Security Income increased more than 600 percent between 1982 and 1995. Both of those numbers will be much higher if H.R. 2 is enacted.

At a time when government spending is out of control, and when states, cities and American citizens are struggling to make ends meet, the last thing we need is to change good policy and further burden U.S. taxpayers.

This legislation should be opposed.

Mrs. CAPP. Madam Speaker, I rise today in support of this bill and in support of America's children.

As someone who spent over 20 years of my life as a school nurse dedicated to the betterment of children's healthcare, I can think of nothing greater than fulfilling the promise of quality healthcare for all deserving children.

It was with great frustration I watched as President Bush repeatedly vetoed our proposals to improve the Children's Health Insurance Program.

And I could not be prouder to know that the bill we pass today will be signed into law thanks to the commitment of President Obama to our nation's children.

Signing this bill into law will mean 4 million more children get the care they need.

Four million more children won't have to unnecessarily miss days of school because of preventable illness.

Four million more children's parents won't have to wait in the emergency room for their daughters and sons to receive routine care.

Earlier today I met with a school nurse who relayed to me that a child in her school district was injured on the playground and they can't find a doctor to perform a necessary MRI because the child is uninsured.

I wish this was an isolated incident and that no other parent had to take their son from doctor to doctor and pray that someone will perform the procedure for free.

But it is all too common.

Passage of this legislation today may not help this one child's family in time, but we can be sure that four million more children's parents can take comfort that they will not ever face this situation in the future.

I urge my colleagues to vote for this legislation and in favor of our children's future.

Mr. MARKEY. Madam Speaker, I rise today in strong support of the Senate-amended version of the Children's Health Insurance Program Reauthorization Act (CHIPRA) of 2009.

I am proud to be an original cosponsor of this important legislation to expand the highly

successful State Children's Health Insurance Program (SCHIP). This bill will provide health insurance to an additional 4 million low-income children on top of the nearly 7 million who already benefit from the program. CHIPRA also improves access to dental care and mental health services and includes provisions to improve quality of care and utilize health information technology for children.

In my home state, SCHIP enrollment is part of the reason why Massachusetts has the lowest rate of uninsured children in the country. More than 180,000 Massachusetts children receive health coverage through SCHIP, and this reauthorization will allow the state to cover about 56,000 more Massachusetts children who currently do not have health insurance.

It is unfortunate that the previous two attempts to reauthorize SCHIP were vetoed by President Bush, who chose to side with big corporations over children. With the current economic crisis causing significant job losses, millions of Americans also are losing their health coverage, making today's vote even more urgent.

While President Bush twice dashed the hopes of millions of low-income families in need of health care for their children, the Obama administration recognizes the value of ensuring that all low-income children get the health care they need.

Three weeks ago this chamber approved CHIPRA by a larger margin than the two votes on SCRIP bills in the 110th Congress. I urge my colleagues to once again stand with the hard working families who want to provide their children with the health care they need. Vote yes on this critical legislation.

Mr. ETHERIDGE. Madam Speaker, I am a strong supporter of the Children's Health Insurance Program, and I rise in support of this legislation. With one out of eight children in North Carolina lacking health insurance, and with the economic downturn making it even more difficult for families to afford health care, this legislation is more important than ever.

At the same time, I feel it is important to say a few words about fairness. Time and time again, Congress has singled out tobacco to pay for benefits that are spread across this country's economy. North Carolina's tobacco farmers grow a legal crop. These hard working farm families who work hard to be able to pay their bills and provide a better life for their children have suffered greatly from transformations in the global economy. Because my district is the second largest tobacco producing district in the country, H.R. 2 disproportionately affects my constituents. It is unfair for North Carolina's farm families to pay the entire cost of this bill, which has benefits that accrue to the entire country. We must find more equitable ways to pay for worthy initiatives like the Children's Health Insurance Program, and I urge my colleagues to work together to be fiscally responsible without placing the burden on one region of the country or one segment of the economy.

In these difficult economic times, North Carolina will need additional help to bear the economic effects of reduced farming and manufacturing. According to researchers at North Carolina State University, increased taxes and decreased revenues due to the provisions in this bill may be more than \$1 billion. Other analysis shows that North Carolina's citizens pay over four percent of the costs of this legislation while receiving only two percent of the

benefit. This will mean lost jobs in a region that is already one of the top ten in the nation in unemployment, and is one of the top five fastest areas in unemployment growth. I am hopeful that we can work together to get my home State the economic support it needs to weather both the national economic downturn and the effects of this bill.

At the same, it is vital that we expand and extend CHIP to provide much-needed health care to our most vulnerable citizens. North Carolina has 296,000 uninsured children, the sixth-largest number in the country, and nearly half of these children would be able to get insurance under the provisions of this bill. Together with the 240,000 children currently served by NC Health Choice for Children, the new enrollees would be able to get the health care they need. Preventative care and timely treatment of disease ensures that children are healthy and productive, able to fulfill their potential. Access to health care also saves money for our health system in the long term, because it is more cost-effective to get primary care at a doctor's office than to go to the emergency room.

The bill improves the benefits available under CHIP, including by ensuring dental coverage and mental health parity. It improves the quality of care, and prioritizes coverage for the lowest-income children. Together these provisions will enhance children's lives and keep children from suffering from preventable disease.

As North Carolina's former Superintendent of Public Instruction, I have seen first hand that healthy children are better prepared for learning and success. My life's work has been to help children make the most of their God-given abilities, and CHIP plays a key role in giving children the environment they need to grow. Therefore, despite my misgivings about the funding mechanism, I will cast my vote in favor of H.R. 2.

Madam Speaker, as we work together to provide health care to America's children, we should all remember the family farmers who grow tobacco. I ask that we take steps in future legislation to help all of those who are negatively impacted by provisions of this bill, especially including families in the Second District of North Carolina. However, today, for our children's health, I urge my colleagues to join me in supporting this bill.

Mr. REYES. Madam Speaker, I rise in strong support of H.R. 2, the State Children's Health Insurance Program (SCHIP) Reauthorization Act of 2009, as amended by the Senate.

At this time, the reauthorization of SCHIP is critically important for the nation and particularly my district of El Paso, Texas, where over 20,000 children in El Paso County are enrolled in the program. My district has one of the highest rates of uninsured children in the country, and the current economic recession is making it even harder for many more families to afford health insurance.

I am deeply troubled that Texas has the highest number of uninsured children in the United States. It is simply unacceptable to have one in five children in my state without health insurance, and this legislation will expand coverage for millions who are uninsured.

The current economic recession is affecting many families across our nation. Recent studies estimate that for every one percent increase in our national unemployment rate, 1.1

million Americans lose health insurance and more than a million enroll in Medicaid and SCHIP.

Having a large number of uninsured children in our communities places a tremendous financial burden on parents and local hospitals, as families are forced to send their children to the emergency room because they cannot afford a regular doctor's visit. For the families of the children in El Paso and throughout our country who rely on SCHIP for scheduled checkups, prescriptions, eyeglasses, this program is vitally important. The cost of health care is ever-rising, and reauthorizing SCHIP for the next four and a half years is an important first step in stemming the rising tide of the uninsured.

Today's bill provides sufficient federal funds to help states maintain their current programs and extend coverage to four million additional uninsured low-income children. Many states may experience much higher enrollment in SCHIP than projected due to job loss and lower incomes, and many would be unable to support the higher demand without this relief. By reauthorizing this program, we help states meet increased demand for SCHIP-enrollment and prevent them from cutting back on the program just when families need it the most.

The health and quality of life of our children must be a priority, and I firmly believe that this bill addresses the need to provide quality health care to our Nation's uninsured children especially in a time of economic recession. For this reason, I am proud to support this legislation, and I applaud President Obama and my colleagues in Congress for this a top priority.

Mr. ABERCROMBIE. Madam Speaker, it is my understanding that Section 214 of the Children's Health Insurance Program Reauthorization Act of 2009, H.R. 2, would apply to the citizens of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia.

According to the Compact of Free Association negotiated and agreed to by the United States, the citizens of these countries are here legally. However, the federal government currently does not provide any financial assistance to states to pay for the care of these individuals through such programs as Medicaid or SCHIP. Since Section 214 of this bill applies to those legally residing in the United States, I believe this clearly includes the citizens of the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia. Therefore, Madam Speaker, as this bill moves forward, it is my hope that compact migrants will be treated fairly under this new law.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 107, the previous question is ordered.

The question is on the motion by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINDER. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 290, nays 135, not voting 8, as follows:

[Roll No. 50]

YEAS—290

Abercrombie Giffords Mollohan  
 Ackerman Gonzalez Moore (KS)  
 Adler (NJ) Gordon (TN) Moore (WI)  
 Altmire Grayson Moran (KS)  
 Andrews Green, Al Moran (VA)  
 Arcuri Green, Gene Murphy (CT)  
 Austria Griffith Murphy, Patrick  
 Baca Grijalva Murphy, Tim  
 Baird Gutierrez Murtha  
 Baldwin Hall (NY) Nadler (NY)  
 Barrow Halvorson Napolitano  
 Becerra Hare Neal (MA)  
 Berkley Harman Nye  
 Berman Hastings (FL) Oberstar  
 Berry Heinrich Obey  
 Bishop (GA) Herseht Sandlin Olver  
 Bishop (NY) Higgins Ortiz  
 Blumenauer Hill Pallone  
 Boocieri Himes Pascrell  
 Bono Mack Hinchey Pastor (AZ)  
 Boren Hinojosa Paulsen  
 Boswell Hirono Payne  
 Boucher Hodes Pelosi  
 Boyd Holden Perlmutter  
 Brady (PA) Holt Perriello  
 Braley (IA) Honda Peters  
 Brown, Corrine Hoyer Peterson  
 Buchanan Inslie Petri  
 Butterfield Israel Pingree (ME)  
 Cao Jackson (IL) Platts  
 Capito Jackson-Lee Polis (CO)  
 Capps (TX) Pomeroy  
 Capuano Johnson (GA) Price (NC)  
 Cardoza Johnson, E. B. Rahall  
 Carnahan Kagen Rangel  
 Carney Kanjorski Rehberg  
 Carson (IN) Kaptur Reichert  
 Castle Kennedy Reyes  
 Castor (FL) Kildee Richardson  
 Chandler Kilpatrick (MI) Rodriguez  
 Childers Kilroy Rogers (AL)  
 Clarke Kind Ros-Lehtinen  
 Clay King (NY) Ross  
 Cleaver Kirk Rothman (NJ)  
 Cloyburn Kilpatrick (AZ) Roybal-Allard  
 Cohen Klein (FL) Ruppersberger  
 Connolly (VA) Kosmas Rush  
 Conyers Kratovil Ryan (OH)  
 Cooper Kucinich Salazar  
 Costa Lance Sanchez, Linda  
 Costello Langevin T.  
 Courtney Larsen (WA) Sanchez, Loretta  
 Crowley Larson (CT) Sarbanes  
 Cuellar LaTourette Schakowsky  
 Cummings Lee (CA) Schauer  
 Dahlkemper Lee (NY) Schiff  
 Davis (AL) Levin Schrader  
 Davis (CA) Lewis (GA) Schwartz  
 Davis (IL) Lipinski Scott (GA)  
 Davis (TN) LoBiondo Scott (VA)  
 DeFazio Loeb sack Serrano  
 DeGette Lofgren, Zoe Sestak  
 Delahunt Lowey Shea-Porter  
 DeLauro Lujan Sherman  
 Dent Lynch Shuler  
 Diaz-Balart, L. Maffei Simpson  
 Diaz-Balart, M. Maloney Sires  
 Dicks Markey (CO) Skelton  
 Dingell Markey (MA) Slaughter  
 Doggett Massa Smith (NJ)  
 Donnelly (IN) Matheson Smith (WA)  
 Doyle Matsui Snyder  
 Driehaus McCarthy (NY) Solis (CA)  
 Edwards (MD) McCollum Space  
 Edwards (TX) McCotter Speier  
 Ehlers McDermott Spratt  
 Ellison McGovern Stupak  
 Ellsworth McHugh Sutton  
 Emerson McIntyre Tanner  
 Engel McMahan Tauscher  
 Eshoo McNeerney Taylor  
 Etheridge Meek (FL) Teague  
 Farr Meeks (NY) Thompson (CA)  
 Fattah Melancon Thompson (MS)  
 Filner Michaud Thompson (PA)  
 Foster Miller (MI) Tiberi  
 Frank (MA) Miller (NC) Tierney  
 Frelinghuysen Miller, George Titus  
 Fudge Minnick Tonko  
 Gerlach Mitchell Towns

Tsongas Wasserman Wexler  
 Turner Wilson (OH)  
 Upton Schultz Wolf  
 Van Hollen Waters Wolf  
 Velázquez Watson Woolsey  
 Visclosky Watt Wu  
 Walz Weiner Young (AK)  
 Welch Welch Young (FL)

NAYS—135

Akin Foxx McKeon  
 Alexander Franks (AZ) McMorris  
 Bachmann Gallegly Rodgers  
 Bachus Garrett (NJ) Mica  
 Barrett (SC) Gingrey (GA) Miller (FL)  
 Bartlett Gohmert Miller, Gary  
 Barton (TX) Goodlatte Myrick  
 Biggert Granger Neugebauer  
 Bilbray Graves Nunes  
 Bilirakis Guthrie Olson  
 Bishop (UT) Hall (TX) Paul  
 Blackburn Harper Pence  
 Blunt Hastings (WA) Pitts  
 Boehner Heller Posey  
 Bonner Hensarling Price (GA)  
 Boozman Herger Putnam  
 Boustany Hoekstra Radanovich  
 Brady (TX) Hunter Roe (TN)  
 Bright Inglis Rogers (KY)  
 Broun (GA) Issa Rogers (MI)  
 Brown (SC) Jenkins Rohrabacher  
 Brown-Waite, Johnson (IL) Rooney  
 Ginny Johnson, Sam Roskam  
 Burgess Jones Royce  
 Burton (IN) Jordan (OH) Ryan (WI)  
 PETERS Buyer King (IA) Scalise  
 Calvert Kingston Schmidt  
 Camp Kline (MN) Schock  
 Cantor Lamborn Sensenbrenner  
 Carter Latham Sessions  
 Cassidy Latta Shadegg  
 Chaffetz Lewis (CA) Shimkus  
 Coble Linder Shuster  
 Coffman (CO) Lucas Smith (NE)  
 Cole Luetkemeyer Smith (TX)  
 Conaway Lummis Souder  
 Crenshaw Lungren, Daniel Stearns  
 Culberson E. Sullivan  
 Davis (KY) Mack Terry  
 Deal (GA) Manzullo Thornberry  
 Dreier Marchant Tiahrt  
 Duncan Marshall Walden  
 Fallin McCarthy (CA) Westmoreland  
 Fleming McCaul Whitfield  
 Forbes McClintock Wilson (SC)  
 Fortenberry McHenry Wittman

NOT VOTING—8

Aderholt Flake Stark  
 Bean Kissell Wamp  
 Campbell Poe (TX)

□ 1310

Mr. HUNTER, Mrs. LUMMIS and Mr. BACHUS changed their vote from “yea” to “nay.”

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. BEAN. Madam Speaker, on rollcall No. 50, had I been present, I would have voted “yea.”

Stated against:

Mr. WAMP. Mr. Speaker, on rollcall No. 50, I was unavoidably detained and missed the rollcall vote. However, had I been present, I would have voted “nay.”

**SELECTING CERTAIN MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES**

Mr. PENCE. Madam Speaker, by direction of the Republican Conference, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 118

*Resolved*, That the following members are, and are hereby, elected to the following standing committees:

COMMITTEE ON AGRICULTURE— Ms. Lummis.  
 COMMITTEE ON EDUCATION AND LABOR— Mr. Thompson of Pennsylvania.

COMMITTEE ON SMALL BUSINESS— Mr. Coffman of Colorado.

Mr. PENCE (during the reading). Madam Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

**REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 135**

Mrs. NAPOLITANO. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 135.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

**COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON WAYS AND MEANS**

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Ways and Means:

HOUSE OF REPRESENTATIVES,  
 COMMITTEE ON WAYS AND MEANS,  
 Washington, DC, January 12, 2009.

Hon. NANCY PELOSI,  
 Speaker, House of Representatives, The Capitol,  
 Washington, DC.

DEAR MADAM SPEAKER, I am forwarding to you the Committee’s recommendations for certain positions for the 111th Congress.

First, pursuant to Section 8002 of the Internal Revenue Code of 1986, the Committee designated the following Members to serve on the Joint Committee on Taxation: Charles Rangel, Pete Stark, Sander Levin, Dave Camp and Wally Herger.

Second, pursuant to Section 161 of the Trade Act of 1974, the Committee recommended the following Members to serve as official advisors for international conference meetings and negotiating sessions on trade agreements: Charles Rangel, Sander Levin, John Tanner, Dave Camp and Kevin Brady.

Third, pursuant to House Rule X, Clause 5 (2)(A)(i), the Committee designated the following Members to serve on the Committee on the Budget: Lloyd Doggett, Earl Blumenauer, John Yarmuth, Paul Ryan and Devin Nunes.

Sincerely,  
 CHARLES B. RANGEL,  
 Chairman.

**MESSAGE FROM THE SENATE**

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 27. Concurrent resolution authorizing the use of the rotunda of the Capitol for a ceremony in honor of the bicentennial of the birth of President Abraham Lincoln.

The message also announced that pursuant to Public Law 105-83, the Chair, on behalf of the Republican Leader, announces the appointment of the following individual to serve as a member of the National Council of the Arts:

The Senator from Utah (Mr. BENNETT).

The message also announced that pursuant to Public Law 96-388, as amended by Public Law 97-84, the Chair, on behalf of the President pro tempore, appoints the following Senator to the United States Holocaust Memorial Council for the One Hundred Eleventh Congress:

The Senator from Utah (Mr. HATCH).

The message also announced that pursuant to section 4(a)(3) of Public Law 94-118, the Chair, on behalf of the President pro tempore, appoints the following Senator to the Japan-United States Friendship Commission:

The Senator from Alaska (Ms. MURKOWSKI).

The message also announced that pursuant to sections 42 and 43 of title 20, United States Code, the Chair, on behalf of the Vice President, appoints the following Senator as a member of the Board of Regents of the Smithsonian Institution:

The Senator from Mississippi (Mr. COCHRAN).

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One hundred Eleventh Congress:

The Senator from Connecticut (Mr. DODD).

The Senator from Rhode Island (Mr. WHITEHOUSE).

The Senator from New Mexico (Mr. UDALL).

The Senator from New Hampshire (Mrs. SHAHEEN).

The message also announced that pursuant to section 276d-276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senator as Chairman of the Senate Delegation to the Canada-United States Inter-parliamentary Group conference during the One Hundred Eleventh Congress:

The Senator from Minnesota (Ms. KLOBUCHAR).

The message also announced that pursuant to Public Law 94-304, as amended by Public Law 99-7, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Commission on Security and Cooperation in Europe (Helsinki) during the One Hundred Eleventh Congress:

The Senator from Georgia (Mr. CHAMBLISS).

The Senator from Kansas (Mr. BROWNBACK).

PROVIDING FOR CONSIDERATION OF S. 352, DTV DELAY ACT

Mr. CARDOZA. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 108 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (S. 352) to postpone the DTV transition date. All points of order against consideration of the bill are waived except those arising under clause 10 of rule XXI. The bill shall be considered as read. All points of order against the bill are waived. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce; and (2) one motion to commit.

SEC. 2. Section 2 of House Resolution 92 is amended by striking "February 4" and inserting "February 26".

□ 1315

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from North Carolina (Ms. FOXX). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. CARDOZA. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on House Resolution 108.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. CARDOZA. I yield myself such time as I may consume.

Madam Speaker, House Resolution 108 provides for the consideration of Senate bill S. 352, the DTV Delay Act. The rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Energy and Commerce Committee. The rule waives all points of order against consideration of the bill except for clause 10 of rule XXI. Finally, the rule provides for one motion to commit with or without instructions.

Madam Speaker, under current law, all full-power TV stations will stop their analog broadcasts on February 17, 2009, and broadcast only digital signals. That means on February 18, millions of American households that have an older television and have not obtained an analog-to-digital TV converter box will suddenly have a blank TV.

Survey data released by the Nielsen Company reveals that as of January 2009, 6.5 million American households were completely unprepared for transi-

tion to digital TV, meaning every TV in their home will be blank on February 18.

And for a host of reasons, the Federal Government's efforts to help people buy the necessary converters—a disproportionate number of whom who are seniors, low-income households, and those in rural areas—have been insufficient.

Madam Speaker, too many Americans are at risk for losing their television service, and we need a one-time delay to get ready for the digital TV transition. The bill before us today, S. 352, the DTV Delay Act, is very simple. It postpones the date of analog-to-digital television transition for 115 days from February 17, 2009, to June 12, 2009. This will provide additional time to get coupons for the digital TV converter boxes to millions of American households that are at risk of being without television service.

This bill unanimously passed the Senate despite being unfortunately blocked by the House Republicans last week. It was supported by the Obama administration, the FCC commissioners and has been endorsed by numerous groups, including the AARP, Consumers Union, the Leadership Conference on Civil Rights, the Coalition of Organizations for Accessible Technology, the National Hispanic Media Coalition, the National Emergency Number Association, the Association of Public-Safety Communications Officials-International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Association of Broadcasters, AT&T Wireless, Verizon Wireless, Univision, ABC, CBS, FOX and NBC.

Madam Speaker, I would close by adding that this has not been an ideal transition to digital television, and this is hardly a perfect solution to the problem. But make no mistake, without this critical delay, millions of Americans may no longer be able to watch their television on February 18; and punishing consumers is surely not the way we fix this problem.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I want to thank the gentleman from California for yielding time, and I yield myself such time as I may consume.

We have some very eloquent speakers lined up on our side to talk about this bill, so I'm going to speak just a short time so I can leave plenty of time for my colleagues who have very eloquent statements to make on this issue, but I do want to point out that this process began a very long time ago.

It is a rather complicated issue, but even by Federal Government standards, this is a long time to accomplish a task. It's also, I think, an indication of the change that has come to Congress in the past 2 years.

We want change. President Obama has said he wants change, but he wants change that makes government work. This is going in the wrong direction, in

my opinion. And my colleagues are going to talk, again, about why this is going in the wrong direction.

But I want to point out that in the so-called stimulus bill, the majority party has put another \$650 million to deal with this issue. According to our calculation, a small percentage, less than 1 percent of the people who need this assistance, have not requested the coupons. That equates, we believe, to spending over \$3,000 per household for the holdouts who have not gotten their converter box. That is a lot of money to be spending.

I, frankly, think this is an excuse to put three times the amount of money that we think needs to be spent on the remainder of this program, and it's just another example of overreaching on the part of the majority.

Madam Speaker, I reserve the balance of my time.

Mr. CARDOZA. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding and commend him for his leadership on the Rules Committee and also on the important issue of keeping people in their homes. Home foreclosures are mounting. They're an epidemic in his district, and I want our colleagues to know that another Member from California is noticing the leadership that he provides on that issue.

Madam Speaker, I rise in support of this rule and the underlying bill to provide a one-time—let me stress—one-time delay in the DTV transition. I sympathize with Americans who are unprepared for this transition, many of whom are elderly, minorities, or residents of rural areas. Television is important to our lives and can serve as a vital resource in times of emergency. So for those reasons, I support the legislation.

At the same time, we must not forget that the DTV transition's real purpose is to improve emergency communications capabilities for first responders. The lessons of 9/11 are sadly fading. Hundreds of police and firefighters died at the World Trade Center in part because they could not talk to each other on their radios.

The key to preventing this kind of tragic communication failure is to build a nationwide interoperable broadband network that will allow rescue workers from different units to talk to each other even though they operate on separate radio frequencies. The foundation for this nationwide public safety network is the spectrum that is currently used for analog television broadcasting, and only after analog operations are cleared can that spectrum be put to its best and most important use.

Madam Speaker, in a perfect world this delay would not be necessary. And I want to make clear, again, that further delay should not, must not be necessary once this period ends. But this one-time delay will help protect our

most vulnerable citizens while we get on with designing the build-out of the public safety network that is our ultimate goal.

It has been almost 8 years since the 9/11 attacks. Police, firefighters, and EMTs all over the country—and the families they protect—are counting on us to finally get this right.

Ms. FOXX. Madam Speaker, I now yield 5 minutes to the gentleman from Texas, the ranking member of Energy and Commerce, Mr. BARTON.

(Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.)

Mr. BARTON of Texas. I thank the gentlelady from North Carolina.

Madam Speaker, we are here on the same issue that we were here on last week when, under the suspension of the rules, the House tried to pass a bill to delay the digital television transition period from February 17 to June 12. Wisely, the House rejected that on a bipartisan vote.

Our friends in the other body slightly changed the bill and did a procedure called hotlining it, which brought a basically identical bill back to the House.

The new chairman of the Energy and Commerce Committee, Mr. WAXMAN, has gone to the Rules Committee and asked that the bill be reported to the floor under a rule, which is not a bad idea. The problem is, this is a closed rule.

Now, I want to point out to the newer Members of this body what a closed rule is. It means there can be no amendments. Now, there may be occasions when that's in order, but this is not one of those occasions.

There's been no legislative hearing in the committee. There's been no markup in the committee. In fact, two markups have been scheduled and canceled in committee.

So we have a piece of legislation. There's been no debate on it in the Senate, it's been hotlined, we had a suspension vote on it last week—which I think we had 20 minutes on each side before we had to vote. And so now we're under a closed rule. So no Republican amendments or Democrat amendments were made in order.

I don't know if Democrats offered amendments, but there were six Republican amendments made in order, one of which was by myself and Mr. STEARNS who said quite simply, "You don't need to delay it. Just authorize an additional sum of money."

One of the things that the proponents of the delay are saying is we need to delay this because there is not enough money. Well, actually, there is enough money. But under an accounting rule by the Office of Management and Budget, when you send a coupon, you have to assume that that coupon is going to be redeemed 100 percent of the time. So of the \$1.3 billion that has been appropriated and is in an account, about half that money is still in the account, but because there are coupons that are outstanding, they can't issue new coupons.

The amendment that was not made in order simply said authorize another \$250 million of coupons to be sent out because that money is already there and only about 52 percent of the coupons are being redeemed. So at the end of the game, you're going to have plenty of money.

Interestingly enough, this bill doesn't approve any money. The money for this bill is in the stimulus package—which probably won't clear the Senate for another couple of weeks, probably will be a conference committee or maybe another closed system where there is not a real conference—but in any event, I doubt that stimulus package is going to be on the President's desk within the next month.

So we're delaying a hard day transition today with no additional money nor any way to send out any additional coupons. How silly is that? And no amendments made in order to correct the bill.

We had other amendments that would have exempted broadcasters from the delay if the cost caused by the delay was more than \$100,000. That one was not ruled in order. We had an amendment that said the broadcasters in rural areas would have to go ahead with the hard day if they were sitting on spectrums that were allocated to provide broadband to rural areas. That wasn't made in order. Not one amendment was made in order.

And to top it off, myself and Mr. STEARNS sent a letter to the new or the acting chairman of the Federal Communications Committee saying, "How many TV stations do you think are going to go ahead and go forward even though it's not mandated?" You know what the answer is? Sixty-one percent of the 1,000 television stations in America are probably going to go forward. And believe it or not, 143 already have. They've already gone digital.

So, Madam Speaker, with all due respect, when you have a closed rule, no amendments made in order, no legislative hearing, no markup, no debate in the other body, I think we could defeat this rule; I think we could bring an open rule to the floor, let some amendments be made in order, let the body work its will; and if that passes, send that to the other body and try to work it out.

We on the Republican side want digital television transmission to go forward. We want the spectrum to be released for the first responders. We want the television stations to see the benefit of savings, but we do not need this delay, and we do not need a closed rule.

Please vote "no" on the closed rule. The SPEAKER pro tempore. Without objection, the gentleman from Colorado will manage the time of the gentleman from California.

There was no objection.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman for yielding me the time.

Madam Speaker, I served on the Energy and Commerce Committee for 14 years, and much of that time in the Telecommunications Subcommittee was spent dedicated to digital transition. So I have been around this issue for a while.

After all of the oversight, after all of the work, after all of the hearings, it's become unfortunately clear that we're unprepared to transition on February 17. Many consumers never received their coupons because the coupons were lost in the mail and they were prevented from reapplying.

Other consumers' coupons expired because they could not find converter boxes before they expired, and we know that problems in the education program for the DTV transition probably left many families uncertain about what to do with their coupons.

And coupons were mailed third class. Now, I don't know what genius came up with that in the department, but it was really, totally mishandled and bungled.

Seven and a half million households are prepared for the transition, and there are over 2.7 million coupons representing more than 1.5 million households on a waiting list right now today.

□ 1330

Every Member should have received a letter detailing how many of their constituents are on the list. I have 2,346 of them without coverage. The Department of Commerce now estimates that the demand for converter boxes may exceed the supply of boxes by over 2 million units. And it's estimated that it will take 6 to 8 weeks after new boxes are ordered before they will appear on store shelves.

So we are not ready for this transition. We can fix these problems. We can minimize the catastrophe if we pass today's legislation. There are dollars in the recovery legislation that will cover what needs to be done, and pay for that. So the resources are there. They will not only do better consumer education, including call centers, and fix many of the problems.

If you vote for this, it's a vote not to go dark for your constituents. Thank you.

Ms. FOXX. I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I rise in opposition to this rule. I'm trying to figure out what it is the majority fears about open debate, either in committee or on the floor.

I would be happy to yield to the gentleman from Colorado, who's managing the rule, if you would like to tell me why no amendments were allowed.

Mr. POLIS of Colorado. Thank you, sir.

This was discussed in the Rules Committee the other day. And there is a need for expediency here. We are talking about televisions that are going out and people losing the ability to view it.

Mr. WALDEN. Reclaiming my time; we are only talking maybe 5 minutes

on an amendment. This bill has had no hearings in any committee in the House, correct?

Mr. POLIS of Colorado. In the Rules Committee yesterday we had several amendments.

Mr. WALDEN. Reclaiming my time; but you're not the substantive committee. Energy and Commerce is the substantive committee. Our committee was not allowed to have a hearing on this issue, including the ramifications of it, on this bill.

We had no opportunity to offer an amendment. You heard our ranking member, Mr. BARTON, suggest there are alternatives that wouldn't cost the taxpayers enormous amounts of money.

Mr. POLIS of Colorado. If I may address that. The Energy and Commerce Committee actually had nine hearings on this very matter.

Mr. WALDEN. Reclaiming my time; not on this bill. There was no hearing on this bill. We've had hearings along the way about this issue, but not on this bill before us today—at least no markup on this bill. So our only alternative to help the taxpayers prevent—who's going to loan us this money, by the way? \$650 million more we're going to ask to borrow to pay for converter boxes. And yet, only half the money has been spent.

There's an affordable, efficient alternative we could have at least allowed the Members here to vote on that said, Change the accounting a bit, allow them to go ahead and move forward and issue the coupons as those expired, that aren't used, because not every coupon is being used. There's only a 52.5 redemption rate. Then that money will flow back in at the end.

Putting money in the stimulus means it's not available until April or May. Now you have got a June deadline. So even that money is not going to flow out there. I urge defeat of the rule. We can legislate in a much better way than this.

Mr. POLIS of Colorado. Madam Speaker, I yield myself such time as I may consume.

A brief discussion of some of the many hearings and discussions that occurred on this matter. March 28, 2007, the subcommittee held its first hearings on the status of the DTV transition; October 17, 2007, second hearing on the status of DTV transition, at which the NTIA Assistant Secretary Kneuer testified.

Mr. WALDEN. Will the gentleman yield?

Mr. POLIS of Colorado. No, I have to complete this. October 31, 2007, subcommittee holds a third hearing on status of the DTV transition; February 13, 2008, a fourth hearing. It continues. There were a total of nine hearings at which this matter was discussed extensively. Those who wanted to be heard were able to be heard at that point.

Mr. WALDEN. Will the gentleman yield?

Mr. POLIS of Colorado. I yield to the gentleman from Oregon.

Mr. WALDEN. I don't believe the gentleman was a Member of the Congress when most of those hearings were held. So you wouldn't have had benefit of those hearings. But my question is: If they did all those hearings, why didn't they have a markup to fix it then, if this was such a problem? Was there a single markup on this bill in a substantive committee?

Mr. POLIS of Colorado. This bill had extensive discussion. In the absence of acting soon, there will be millions of people who will not have TV, and they won't be very happy.

Mr. WALDEN. But the question here is, was there a single hearing or markup on this bill?

Mr. POLIS of Colorado. You can read the transcript.

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentleman from California (Ms. WATERS).

Ms. WATERS. Madam Speaker and Members, can you imagine February 18, when millions of households will have their TVs go dark, and not understand why? Yes, it would be great if everyone had received their coupons, if everybody understood the transition to digital. But they don't.

I cannot understand why the Members of Congress would not be generous enough to have an appreciation for the fact that people are going to be terribly inconvenienced. Seniors who depend on their friend, the TV, let alone all of those televisions that will go dark without people understanding why. We could have a national emergency and our first responders would not have the opportunity to have an interoperative system where they could talk to each other.

I don't care about whether or not amendments have not been heard by either side. This bill has been debated ad nauseam in committee over a long period of time. And so, Members of Congress, if you want your telephones ringing off the hook, if you want 911 tied up, if you want people knocking on the door of their neighbors and others, trying to find out what is wrong, you act irresponsibly and not support this legislation, and let all hell break loose, because we will have a crisis on our hands.

I would ask the Members: be responsible. Don't nickel and dime this legislation. Don't create an unnecessary bureaucracy. Just vote the bill out so that we can support the average American in having their television not go on dark on February 18.

Ms. FOXX. Madam Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank my colleague from North Carolina.

To just set the record straight, to my colleague who just spoke, there was no hearing on this bill in committee. There was no markup on this bill in

committee. There has never been an opportunity to amend this bill on this floor or in committee. I serve on the committee, I serve on the subcommittee.

Further, if she's concerned about interoperability, then you free up the spectrum. Delay of transition to DTV means the analog transmitters here and the digital transmitters here—and they are both going. Until the analog is gone, the spectrum is not freed up for that interoperability she pleads for. Maybe if there was a hearing, she would better understand the bill.

Ms. FOXX. Madam Speaker, I yield 3 minutes to my esteemed colleague from California (Mr. ISSA).

(Mr. ISSA asked and was given permission to revise and extend his remarks.)

Mr. ISSA. Madam Speaker, I have been in the House for 8 years, and I have been a member of the Energy and Commerce Committee, although on leave of absence, for 6. But before I came here, for two decades I was in the electronics industry, was part of the annual consideration of over a million dollars of private funding to help move digital television. We did so not just to sell televisions or to improve people's pictures, but in fact because of the efficiency of spectrum and what it would do. I have been a supporter of digital transition.

Today, I am here as the ranking member of Government Reform, sounding an alarm that I hope will be heard by my colleagues. President Obama did only one thing before he became President. Only once did he violate his "one President at a time" statement, and that was in fact on asking for a delay in the digital transition. I believe he did so because in fact he was misled.

It is clear that there is doubt as to whether a gentleman named Gerard Salemmé, who is in fact a highly compensated \$300,000-plus a year individual with a company which is behind today—behind in their technology roll-out for using this new spectrum—was on his transition team, although he is still the executive vice president of a company called Clearwire.

To me, it appears as though the process behind closed doors in the transition team that led to the decision to delay digital television was clearly tainted by someone who, as an opportunist, may have been trying to gain those extra 4 months to make their technology competitive with those that are already rolled out. That, to me, is the first of many tragedies. You have heard many others.

Additionally, having been in the consumer electronics industry for over 20 years, I'm well aware that the cost of these digital boxes are about \$40. So even if you claim that you have 6 million people who haven't received them, you do \$40 times 6 million and pretty soon you figure out that it's \$200 million—some that we would have to authorize with this delay in order to fully fund getting people their boxes.

No money is attached to this bill. As a result, this will simply cause a delay, giving certain companies an opportunity perhaps to catch up in technology, advancing one company over another, something we said we wouldn't do when we set a hard deadline. More importantly, we are not solving the basic problem here. It only takes \$240 million or less dollars to fix this problem where \$18 billion worth of spectrum is being held ransom.

This is bad business. It's bad for American technologies that are emerging, it's bad for all the services that will be granted. I came from high tech. I know what we are doing is forcing us to stay in horse and buggy for months longer.

R. GERARD SALEMMÉ'S INTERESTS IN  
CLEARWIRE AND ICO

CLEARWIRE

(Data current through most recent Definitive Proxy, Oct. 9, 2008)

Executive Vice President of Strategy, Policy and External Affairs

Annual Compensation: \$336,812

Stock Options: 1.15 million

Total Value of Options: \$6.468 million

ICO

Consultant, ICO Global Communications (Holdings) Ltd.

Director, ICO North America, Inc.

Owens: As of Apr. 25, 2008, owned 699,474 shares of Class A Common Stock of ICO Global.

Acquired: Received 110,619 shares of ICO Global Communications on Dec. 1, 2008, worth \$125K.

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BIOGRAPHY OF R. GERARD SALEMMÉ

EXECUTIVE VICE PRESIDENT—STRATEGY,  
POLICY AND EXTERNAL AFFAIRS

As executive vice president—strategy, policy and external affairs, Gerard Salemmé oversees Clearwire's spectrum strategy, acquisition and development, public policy agenda and local, state, federal, and international regulatory affairs and advocacy. Prior to assuming his current role at Clearwire, Salemmé served as vice president and corporate secretary from November 2003 to April 2004. As the company's senior policy executive, Salemmé brings more than 30 years of telecommunications, government affairs, federal regulatory and public policy expertise to Clearwire. Salemmé has held key executive positions at XO Communications, AT&T Corp., McCaw Cellular, and GTE Corporation/Sprint Corporation. At AT&T, Salemmé directed the company's federal regulatory public policy organization, including participation in the FCC's narrowband and broadband PCS auctions. In addition, Salemmé has served as the senior telecommunications policy analyst for the U.S. House of Representatives Subcommittee on Telecommunications and Finance, as chief of staff to Congressman Ed Markey of Massachusetts, and as a lecturer of economics at the University of Massachusetts at Salem. He is currently a principal of ERH, a vice president of ERI, and a director of and consultant to ICO and ICO North America.

Mr. POLIS of Colorado. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank the gentleman for yielding to me, and I rise in support of this bill. I am just amazed at what I am hearing from my friends on the other side of the aisle. I have been on

the Energy and Commerce Committee for the past 13 years, and I have been on the Telecommunications Subcommittee for most of that time. We have had hearing after hearing after hearing involving the DTV transition. It may be technically true that we haven't had a specific hearing on this bill, but we have had hearings ad nauseam on the whole issue.

And what are we talking about? We are talking about a 115-day delay. We are not talking about a 10-year delay. We are saying 115 days—3 months, 4 months—to give us time to put our house in order so that people's televisions don't go blank. I don't think that is so unreasonable. I am amazed at the opposition to 115 days.

Now, I support this bill. I do it reluctantly because the transition to DTV will offer great benefits to our Nation. In recent weeks, it has become crystal clear that what I have been saying for years on the Energy and Commerce Committee is true—that we have not provided nearly enough resources or education for this transition to be successful. So, if we wait 115 days so it will be more successful, what is the problem?

For the past two Congresses I have introduced the Digital Television Consumer Education Act. The legislation would have avoided the problems we are seeing right now. It would have educated the public about the transition, and it would provide additional funding for the converter box coupon program which, as we all know, is out of money.

Currently, there are almost 2 million people on a waiting list for converter box coupons. This means 4,000 people in my district are waiting for coupons. It would be unacceptable for us to force the transition upon so many of my constituents and your constituents and those of everybody else in this Chamber, when it's clear they are not ready.

If we continue with the transition, millions upon millions of television screens in this country will simply go dark.

Again, I don't support an indefinite delay. This is a finite delay. This is a one-time delay. I won't support a further delay. But 115 days is not so terrible. When the transition occurs, which we know it needs to occur, TV pictures nationwide will become crystal clear; technology companies will be able to roll out new-generation wireless services that far outpace what we have today and, most importantly, as was mentioned, first responders will be able to carry interoperable communication devices that they badly need right now.

So, the benefits to the transition to digital are clear. The harm, however, that we would cause by forcing the transition on an unprepared Nation is equally clear. So let's wait the 115 days, let's do it right, and let's support S. 352.

Ms. FOXX. I yield 3 minutes to my colleague from Florida (Mr. STEARNS).

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. I thank the gentledady for yielding.

First, I rise in opposition to this rule and in strong opposition to the underlying bill. Let me say to my colleague from New York, we have spent over 2 years planning for this date of February 17, 2009. All the broadcasters, all the engineers, all the people that put up the towers, they are all ready to go. In fact, PBS pointed out that if they delay, it's going to cost them \$22 million. That's just the tip of the iceberg.

The hearings we've had were to determine how to run the program and give the Department of Commerce the money they need to implement the coupon program. But we never had a hearing on this bill. That's why I submitted six amendments to the Rules Committee yesterday. It would vastly improve the final product. In fact, as Mr. ISSA pointed out, with the people that supposedly need the coupons, the \$250 million allotment back in January, back in December, would have taken care of this problem. But, for some reason, it was not taken care of.

□ 1345

But we have never had a hearing, not one, on delaying the digital TV transition. We have had hearings, I agree, on how to implement the program, but not delaying and what the implications are. And, incredibly enough, this bill has never gone through any kind of markup where we could air out some of the contentious issues: What is it going to cost the broadcasters, the people implementing the towers, and so forth?

Now, a Member on that side talked about national security and about delaying in reference to 9/11. Madam Speaker, I submit for the RECORD a letter from the National Fraternal Order of Police. The National Fraternal Order of Police has come out strongly against this delay. And why would they come out against this delay? That is because this delay could mean that national security, the first responders, would be affected, would not have the information they need, and could not notify citizens in the case of an emergency.

But none of the six amendments I offered on behalf of my colleagues, Mr. BLUNT, Mr. WALDEN, and Mr. BARTON, were accepted. And so, really, we had no opportunity to make this bill better.

So when we transitioned on February 17, June 12, or whatever it is going to be, and you have no guarantee that this will be the last delay, we have to realize that, to put into perspective, it is going to cost money, it is going to increase our risk for first responders. And, when you think about it, no matter what date you establish, there is always going to be somebody who doesn't get the message. In fact, the demonstration project in Wilmington, North Carolina in September to see if it would work was 99 percent effective.

So the question I would have for you: If the demonstration project was so effective in September, 5 months later surely it is going to be effective on February 17, 2009. Tens of thousands of people will not lose their television because the coupons would be available. I urge defeat of the rule.

NATIONAL FRATERNAL  
ORDER OF POLICE®,

Washington, DC, January 23, 2009.

HON. NANCY P. PELOSI,  
Speaker of the House, House of Representatives,  
Washington, DC.

HON. JOHN A. BOEHNER,  
Minority Leader, House of Representatives,  
Washington, DC.

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER, I am writing on behalf of the members of the Fraternal Order of Police to express our concerns regarding S. 328, the "DTV Delay Act," as it relates to public safety access to spectrum.

Many of the arguments being made in favor of delaying this transition were made during the consideration of the Digital Transition and Public Safety Act in 2005. This is not a new issue, and was first recognized in a public safety report issued in September 1996. In 1997, Congress granted public safety access to this portion of spectrum under Title III, Section 3004 of the Balanced Budget Act of 1997, which directed the Federal Communications Commission (FCC) to authorize broadcasters currently occupying the spectrum to remain there until 2006. Public safety access to this area of spectrum was repeatedly pushed back until the enactment of the Digital Transition and Public Safety Act in 2005, which set a hard deadline of 17 February for analog broadcasters to allow public safety access to 24 MHz of spectrum on the 700MHz band. We are concerned that the staggered transition which would result if S. 328 is signed into law may jeopardize the channels that Congress promised to law enforcement and other public safety officers more than a decade ago.

For public safety to use the spectrum they have been promised, broadcast stations must stop analog broadcasts on those channels. Broadcast stations on the adjacent channels must also stop analog broadcasts to avoid interfering with the public safety communications we are trying to enable. For all those broadcast stations to have somewhere to go, additional broadcast stations must stop their analog transmission. It is this chain of events that makes the hard deadline of 17 February 2009 the most realistic and responsible option for clearing the spectrum for public safety's use.

While S. 328 would still allow broadcasters to voluntarily transition by 17 February, subject to current FCC regulations, and allow public safety to occupy this vacated spectrum, unless all the surrounding broadcast stations also voluntarily transition, it is unlikely anyone can move. Moreover, under current FCC regulations, broadcasters generally would not be permitted to transition even voluntarily until three months before the delayed transition date, and even then the FCC has the discretion to refuse them authorization.

The American public has asked broadcasters to take difficult, time consuming, and costly steps to enable better public safety communications. These broadcasters have admirably risen to the call and say they are ready for 17 February. If this delay goes into effect, it opens the door for future delays. More than a decade of work has gone by since Congress authorized public safety communications to expand on the spectrum, and we are very close to achieving our goal. I

urge you not to bring all of this progress to a halt less than thirty days from the finish line.

Thank you in advance for your consideration of the views of the more than 327,000 members of the Fraternal Order of Police. Our communications are our lifeline and we need to know that they will function properly at all times. If I can provide any additional information on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,  
National President.

Mr. POLIS of Colorado. Madam Speaker, this delay is a one-time delay only. And given the national security issues and increasing number of natural disasters we face, I can think of no time in our history when having access to television is more critical than it is now. Absent this extension, millions of television sets will go dark in 13 days.

This legislation contains specific language recommended by public safety organizations. It explicitly preserves the ability of public safety entities to use the DTV spectrum before the new transition date subject to existing FCC rules, and under no circumstances will there be any disruption of spectrum currently used for public safety communications.

As I said before, this bill has the support of leading public safety organizations, including the Association of Public Safety Communications Officials International, the International Associations of Chiefs of Police, the International Association of Fire Chiefs, and the National Emergency Number Association.

I would add that allowing the 6.5 million households estimated by Nielsen that are completely unprepared for the DTV transition to go dark is in and of itself a legitimate public safety issue. Those homes will not be able to continue to rely on local broadcast stations for news about natural disasters, evacuations, terrorist attacks, or other public safety announcements. A one-time delay of 115 days is a reasonable response to a very difficult problem that millions of Americans would face in 2 weeks absent this legislation.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 3 minutes to my colleague from Nebraska (Mr. TERRY).

Mr. TERRY. Madam Speaker, I rise today in opposition of this rule for a variety of different reasons. But let me engage in one of the first reasons, is I am not sure that a delay is necessary. Are there some hiccups or concerns? I am not going to agree with a couple of my colleagues and friends from the other side that talked about catastrophes. September 11th is a catastrophe. Delaying this is not, or February 17th is not. But let me run through what some of the concerns are.

Some of the concerns is that we are not 100 percent ready. Some of the concerns is there is a waiting list; although, there are 10 million coupons issued today that are valid, representing 5 million homes, so those are

people that were going to probably go in the next 13 days and buy one of the set-top boxes. I have gone into my electronics stores over the last week, and there are mountains. And I am not exaggerating, there were piles almost up to my neck in every one of the electronics stores that I went into.

So what are the appropriate responses here? Is a delay necessary? We have had hearings, granted, on the merits of DTV hard date. We have not been able to have a discussion in this Congress whether, A, it is necessary to delay this for 4 months; or, whether there are appropriate responses that don't require a delay, like, for example, if we would have put up a suspension last week that said that the expiration dates aren't in existence anymore. So if you had one that expired, you could go out and use it. We could have changed an accounting rule that would have fixed the so-called money problem, although as the past chairman of this committee pointed out there really isn't a money problem.

The amazing part about this to me is that with these simple solutions that both sides could have agreed upon, we could have had this done a couple weeks ago. But for some reason, 3 weeks ago just completely out of the blue our new President said we need to delay this. No discussion. When President Obama came to our conference a week or so ago, he was asked about why. And the response was, simply, because the past administration messed up. And he said, quote, "Our people are telling me that we need 4 months." Then we find out that one of the people supposedly maybe that the President was referring to, a member of the transition team that was discussing with the transition team technology issues that owns a company called Clear Channel.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I yield the gentleman an additional 30 seconds.

Mr. TERRY. Mr. Salemme owns a business called Clearwire that actually will benefit from a delay because it puts his company into an advantageous position. Maybe that is why we are now talking about a delay of 4 months without any hearing. I would respectfully request that our committee oversight look into it. The ranking member of the oversight committee of Congress has asked for it, and I think it is a good idea to do.

Mr. POLIS of Colorado. Madam Speaker, there are many Americans that don't realize that they have not made the transition to digital TV, absent this bill, in 13 days; with this bill, of a 115-day extension.

Mr. TERRY. Would the gentleman yield for one question?

Mr. POLIS of Colorado. I yield to the gentleman from Nebraska.

Mr. TERRY. There was a poll that was brought out last week that said that 95 percent of the homes are ready. So if 95 percent are ready today, what

is the number then that we have to be at to implement the hard date? Would it be 100 percent, 99.5 percent?

Mr. POLIS of Colorado. Reclaiming my time, the gentleman from Nebraska has in his very own district 3,401 people who have not made the transition; I have in my district 3,671. There are a number of people across the country, particularly elderly people and people who aren't as aware of the technology. Now, Nielsen has estimated that 6.5 million remain. And it is critical that, again, this is something that a lot of people don't realize as they go about their everyday lives. We realize this in this body. We talk about it, those involved with technology do.

Another issue is, for instance, many of the coupons were sent out via third-class mail, taking 4 to 8 weeks to deliver. Some of those, as is inevitable when things get mailed, actually get lost in the mail; when they arrive, some of them arrived after their expiration date, which was only a 90-day expiration date. One of the provisions in the bill would actually allow consumers to reapply for coupons when their coupons expired.

So, again, for these reasons there would be a lot of difficulty in explaining to any of our constituents whose televisions will go off in 13 days why we didn't act to be able to allow them to continue to watch their television and give them time to see this transition through with this one-time delay. I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I now yield 2 minutes to the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. Madam Speaker, I am trying to figure out, why are we spending another \$650 million on television coupons when Americans need jobs? Why is Congress continuing on this path of wasteful Washington spending when we can do much, much better?

The current economic mess that we are in right now was created by spending and borrowing money that doesn't exist. So why are we doing more of the same? People are hurting. Many people have lost their jobs, and Americans are genuinely worried about the future. Last week, we considered a stimulus bill of \$819 billion in a so-called stimulus; actually, it is over \$1 trillion when you think of the debt payments that are included. This is enough to give every family in the country close to \$11,000. And what is this money for? \$600 million to buy new cars for government workers; \$150 million for honey bee insurance. And, of course, \$650 million for television coupons. And the list goes on and on.

I am asking my constituents, is this how you would spend your hard-earned taxpayer money? I don't think so. It is no wonder that the American public is growing weary of this economic plan, and polls show a declining support. And do you know why? Because the American public is smart.

But why does a broken Congress continue to move on the same path, to

spend hard-earned taxpayer money on the same old deficit plans that do little to create jobs and get our economy going?

Madam Speaker, I think we can do better. I think we must do better. Let's heed the President's call for swift bipartisan action, a plan that would provide immediate real stimulus to create jobs in this economy, not one that explodes the budget deficit on wasteful programs. Let's help families and small businesses with tax relief. Congress is focused on the wrong priorities with this bill. Spending \$650 million, deficit spending \$650 million, is the wrong priority. We should focus on job creation.

□ 1400

Mr. POLIS of Colorado. Madam Speaker, may I inquire as to how much time remains on both sides, please?

The SPEAKER pro tempore. The gentleman from Colorado has 13½ minutes remaining. The gentlewoman from North Carolina has 9 minutes remaining.

Mr. POLIS of Colorado. As testimony to the demand for the need to change, there are currently pending about 2 million requests for coupons. This bill, as passed, would finally allow for some of those coupons to be reissued by allowing consumers to reapply for those coupons and help ensure that those who need coupons can still get them and their televisions do not go dark.

Madam Speaker, I would like to reserve the remainder of my time.

Ms. FOXX. Madam Speaker, I now yield 3 minutes to our distinguished colleague from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentelady for yielding.

On the debate before us today, this has been a discussion that has been going on in the country for 3 years now. It was mentioned earlier that there were people who didn't know that this date was pending. I don't know how you could possibly be watching television and not know that this date was coming up. This has been the most broadcast, the most communicated date in the history of broadcasting. And if you don't know that this date is coming up, you're probably not watching television. And if you're not watching television, you probably won't know on February 18 whether it occurred or not.

There are really three important reasons not to pass this rule and not to pass this bill. One is first responders. The 9/11 Commission, in discussion after discussion since then and before then, has talked about getting all of our first responders on one level where they could communicate. All you have to do is have a flood, a tornado or an ice storm in your area to know that when the first responders come in to help, no matter how well your own first responders are communicating, when the first responders come in to help, they could be much more helpful if they could all communicate together immediately. And they cannot do that

until the last person gets off the spectrum that is allocated to them. Many of them are ready to do it on February 18. Others might be on March 1. But it doesn't matter. We're saying they can't communicate because we're not going to take people off the spectrum.

Also, is a 3-year plan better than a 115-day plan? The truth is, my friends, the people who win today, and I assume the majority will win since they had a majority of votes on suspension, the people who win will lose this argument in mid-June. In mid-June, there will be problems, just like there will be a few problems on February 18. In my district, the speculation is 99 percent of the people are ready for this transition. The original bill said that we would automatically make the transition when 85 percent were ready. The number was used a minute ago that 95 percent are ready in the whole country now. There are going to be problems in mid-June. And some of these problems are going to be because of what we do here today. There have been people contracted for 2 years, in some cases almost 3 years, to come in on February 17, to be there until a time certain on February 18, to make this transition happen. Those same people aren't going to be available to be contracted for whatever this day is in June.

And of course the third reason is we sold the spectrum. I was originally skeptical. I thought, well, maybe we should keep the spectrum longer so it gets worth more. One thing, it actually brought more in the auction than had been anticipated, two things, in the time since we made this decision and today, we went from number 2 in broadband communication in the world to number 16 or number 19.

We need to move on with this. We sold the spectrum. We cashed the \$20 billion in checks, and now we say we're not going to deliver what we agreed to deliver. The government needs to keep its word on this and every other item.

Mr. POLIS of Colorado. Madam Speaker, I would like to yield 2 minutes to the gentleman from New York (Mr. WEINER).

Mr. WEINER. In case we haven't noticed and the American people haven't noticed, what we're going to be spending the next year or so doing is digging out of the mess created by our Republican friends. We're trying to deal with the economy. We're trying to deal with digital TV. The fact remains, and it's obvious based on any matrix you can imagine, that this program is horribly administered and poorly thought through. Don't ask me that. Ask the 2 million people that are on a waiting list waiting for a coupon. Ask the 7 million people that Nielsen estimates are still unwired for digital TV.

The fact remains that we on this side didn't write this bill. In fact, if you look at people like Congressman MARKEY who have been saying for months that the way this program is being administered was poorly conceived. Let me give you an example. Right now,

you sign up for a coupon and they send it to you third-class mail. And then if you don't redeem it within a certain amount of time, then they have to wait for several months before they can re-issue it. This program was destined to be a failure because that's the way you wrote it.

Now you may think, what difference does it make that there are 2 million people waiting or 7 million people waiting? Let me ask you something. To the hundreds of thousands of people that are in your State that are not wired, what if there was an emergency tomorrow? What if there was a tornado? What if there was, God forbid, some kind of a fire and they needed to notify people quickly? People rely upon their television sets. Whom do you think you're punishing by standing in the way of this extension? You're punishing—let me just pose a couple more, and then you can answer them all at once on your own time. You're punishing senior citizens who, by and large, have those rabbit ears, who despite the previous speakers, might not be reading about digital TV or reading "Digital TV Today" or reading the sets. They think their television is fine because the outreach that was necessary for this program was never done.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The time of the gentleman has expired.

Mr. POLIS of Colorado. I yield the gentleman 1 additional minute.

Mr. WEINER. What difference does it make if 2 million people are now on a waiting list to get the voucher? What difference does it make to those citizens? What difference does it make when you hear the Nielsen Survey, not Democrat, not Republican, say that there are 7 million Americans not hooked up. You are going to say, "oh, it serves them right. We're going to stick to the guidelines. It serves them right." Well, the fact of the matter is we're trying to do good policy.

Let me make one final point because the distinguished gentleman from Missouri alluded to this. It is interesting that nobody except people speaking on your side today seem to be opposed to this. The people that bought the spectrum say that they're fine and that they're in no urgent hurry to get it. The people that are in the business of emergency response say, "we need people wired for television. That is even more important than getting access to spectrum." So all you're doing is what you did last week, saying, "no, no, no," as we try to fix your mess.

Ms. FOXX. Mr. Speaker, I yield now 2 minutes to the gentleman from Illinois (Mr. SHIMKUS).

(Mr. SHIMKUS asked and was given permission to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, it's always fun to hear my friend from New York come down on the floor. And I enjoy his passion.

A couple of points. This movement of the spectrum was directed and sug-

gested by the 9/11 Commission years ago. Those of us on the subcommittee worked diligently to comply with the movement of the spectrum because we had 9/11, which was very serious. We had—and ANTHONY, you know this, we had firefighters that didn't know that the buildings were falling. We couldn't talk to them. Well then came along Katrina. And Katrina rolls in. And we've got National Guardsmen on one side of the flood who can't talk to the police officer or the disaster team going into New Orleans. So that is where a lot of us come from on this.

Now we know the Fraternal Order of Police are not supportive of this movement. We know that the Sheriffs' Association is not. We do know that other public service agencies have, at the cajoling and the encouragement of the majority, said, "we don't need this." But I will tell you one thing for sure is that I do not want to be the Member of Congress who delays the ability of the spectrum for first-line responders.

Now when we had this debate last week, my good friend and colleague, RICK BOUCHER, was quoted and said, and I'm going to paraphrase, it will not be extended again. And we will hold the majority to that. Because not only is it a life-and-death issue on our first-line responders to get them to communicate, but it's also as important to make sure that we move to this new era.

Now many of my colleagues have done what I have done. I spent 8 months in my district going to senior centers promoting this movement on February 17. I pray that we don't move it past June 12.

Mr. POLIS of Colorado. Mr. Speaker, I would like to yield 1 minute to the gentleman from New York (Mr. WEINER).

Mr. WEINER. I thank the gentleman.

I think that, in fact, it is very important that we do make this transition. But do have two competing safety imperatives. One is the imperative of when this bandwidth is then used for emergency responders, which is not going to happen immediately. It's going to take a little time. The other is our obligation to the citizens of Illinois and New York immediately. They are going to lose the most important connection to the outside world and to emergency response, the television. And unlike when your channel, your knob is a little crooked, when we go to digital television, it's going to go completely black. And a lot of people rely on the television to get that kind of information.

Mr. SHIMKUS. Will the gentleman yield briefly?

Mr. WEINER. Certainly.

Mr. SHIMKUS. The other caveat I have is that we are already sending money to first-line responders based upon the promise of selling the spectrum. So we are already trying to move to help the first-line responders. But if we delay, the cost-benefit analysis of the spectrum is in question.

Mr. WEINER. There is no doubt that the premise of your remarks and mine is the same. The past administration screwed up the administration of this program. There is no doubt about it. We should not be where we are today. That is why we need to pass this bill.

Ms. FOXX. Mr. Speaker, I now yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Speaker, I thank the gentlelady from North Carolina for yielding.

And indeed we are having a robust debate on this issue today. And I rise in opposition to the bill that is before us. I support moving forward for this transition. Just to correct the record a little bit, Mr. Speaker, on some of the things that have been said. We hear all of this, well, 95 percent of America is ready for this transition to take place. On January 22, 95 percent of this country was ready. That is the day that that number was released, January 22. Now we are coming up on the February 17 date. We know that over 300,000 people per week are coming off the list waiting for that coupon. And they are moving forward with readiness. Their expectation is that the Federal Government is going to make good on their promise. And they are going to move forward with this on February 17. Now it is important to our broadcasters. Talk to any of our broadcasters out there. They will tell you that they are running two systems. They are running their digital, and they are running their analog. And they are ready to move that spectrum out. My goodness, you all are so concerned about climate change, they are using all this electricity to run these two systems paying extra bills. They are telling us, "We need this to take place." We are hearing from first responders. And the gentleman from New York said that those that have acquired the spectrum at auction are not upset about the delay, that they're fine with the delay. Indeed, Mr. Speaker, that is not what we hear. They are very concerned that in good faith they moved forward through the auction process, in good faith they have acquired this spectrum, in good faith they are preparing for jobs, and we're all concerned about jobs growth, jobs that will be going into place as we move to digital and analog moves into a new area for abuse. It is time for us to move forward on this and keep our word to the American people.

Mr. POLIS of Colorado. Mr. Speaker, I yield myself such time as I may consume.

The Chair of the appropriate subcommittee, the gentleman from Virginia (Mr. BOUCHER), has indicated that he will not support an additional delay in the implementation of the change as have several of the other speakers who have advocated on this side of the issue as well. Again, the urgent need for a one-time delay is simply in the fact that 6.5 million people's televisions will go black in 13 days absent this

very simple change that gives them more time.

To show the ongoing urgent need for this, just yesterday 135,464 coupons were added to the waiting list. Two point one million households are now on the waiting list for coupons. These are people who did everything right, and they are on the waiting list. And if we pass this bill many of them will, in fact, be eligible for coupons as well.

Again, this is a one-time delay only. Given the critical nature of television in today's society, that is why this has been supported by a number of national public safety organizations including the Association of Public-Safety Communications Officials, the Association of Chiefs of Police, the Association of Fire Chiefs and the National Emergency Managers Association.

Television is an important way to communicate with people. We all have constituents that this affects. And that is why it's important to pass this bill today.

I would like to yield 1 minute to Mr. WEINER from New York.

Mr. WEINER. I just think this debate has been instructive. I would say that on one side you have people who are advocating for the 2 million people who are waiting without coupons and for the 7 million or so people that Nielsen says is in this universe of people who don't have coverage. On the other side it is people that are advocating for who bought the spectrum at literally billions of dollars and for the TV broadcasters because they have to run to their transponders. No doubt about it. There are equities on both sides. But I think someone should stand for the 2 million people that are waiting for coupons. That is us. Someone should stand for the 7 million Americans who don't have the service. That is us. Who are you standing for?

Ms. FOXX. Mr. Speaker, I now yield 1 minute to the gentleman from Georgia (Mr. BROUN).

Mr. BROUN of Georgia. I thank the gentlelady.

If I may inquire of the majority manager, I have a question regarding section 2 of the rule. This provision changes the date by which the Chairman of the Committee on Appropriations must file explanatory materials related to the omnibus appropriations bill. It is my understanding that the date change in section 2 of the rule is necessary because the text of the omnibus is not available at this time.

May I confirm for the record that it is still the majority's intent to make this material available at the same time the omnibus bill is introduced?

I will yield to the gentleman for an answer.

Mr. POLIS of Colorado. I would like to thank the gentleman from Georgia.

We originally thought that the omnibus would be ready today, so we required a previous rule that Chairman OBEY file a statement by today explaining the bill. The bill is delayed potentially until after the recess so the

rule changes the statement deadline to February 26. It is our intention to file the statement when the bill is introduced.

□ 1415

Mr. BROUN of Georgia. So I want to confirm this. You will file it today.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. FOXX. I give the gentleman 10 seconds.

Mr. BROUN of Georgia. I think it's a crying shame that the majority's not using regular order. We wouldn't have this if we were using regular order on this bill and many others. And I suggest that the majority start using regular order for all these bills.

Mr. POLIS of Colorado. I don't have any further speakers at this point, Mr. Speaker, and I would like to reserve the right to close until the gentlewoman has closed for her side and has yielded back her time.

Ms. FOXX. May I inquire exactly how much time we have left, Mr. Speaker?

The SPEAKER pro tempore. The gentlewoman has 50 seconds remaining on her side. The gentleman from Colorado has 7 minutes remaining on his side.

Ms. FOXX. Mr. Speaker, there has been a lot of talk about the need for debate on this bill, and I want to say that Mr. HOYER has said himself, our committees and Members are served on both sides of the aisle by pursuing regular order. Regular order gives to everybody the opportunity to participate in the process in a fashion which will affect, in my opinion, the most consensus and best product.

I agree with my colleagues that this has been a terrible process. We have not debated the extension of this deadline.

I also want to say that June 17 is a Friday. We're going into tornado season March 1st, hurricane season June 1st. We have the potential for harming the very people the majority says that it wants to help because they will not be able to get the help they need.

The numbers they have been throwing around are exaggerated and, in some cases, absolutely wrong. There are 10 million coupons out there, and the numbers were January 22 numbers. I want to urge defeat of the rule and say, again, we should be doing this under regular order.

I yield back.

Mr. POLIS of Colorado. Mr. Speaker, on September 7, 1927, Philo Farnsworth flipped a switch and brought television into the world. Nothing has been the same since.

We can all remember our childhood, our growing up experiences with television, those of the next generation. It's had an impact culturally, both positive and negative. It's brought us closer together and yet further apart. And yet we have grown to rely on television for so much of our news and so much of our communication as well.

Mr. Speaker, without this bill, in just 13 days, television will no longer work

for millions of Americans. This will not only come as quite a surprise to them, but will also create even further gaps within our society.

This is a one-time delay only. I can think of no time in our history when having access to television is more critical than now with the global emergency and the threat of terrorism. We can't stand by and allow millions of televisions across America to go dark.

Yes, this delay was necessary because of the bungled implementation of this project, and no, it is not expected that there will need to be additional delays, and many people have spoken to the fact that they will not support additional delays in the conversion.

I encourage all Members of this body to follow the Senate's lead and support this bill on the floor today. I urge a "yes" vote on the rule and the previous question.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PARLIAMENTARY INQUIRY

Mr. TERRY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. TERRY. Are non-Members of Congress allowed to vocalize a vote?

The SPEAKER pro tempore. Only Members of the House are allowed to vote in the House.

Mr. TERRY. There were more than two "ayes" and there are only two Members on the House floor.

#### DTV DELAY ACT

Mr. BOUCHER. Mr. Speaker, pursuant to House Resolution 108, I call up the Senate bill (S. 352) to postpone the DTV transition date, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 352

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "DTV Delay Act".

##### SEC. 2. POSTPONEMENT OF DTV TRANSITION DATE.

(a) IN GENERAL.—Section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended—

(1) by striking "February 18, 2009;" in paragraph (1) and inserting "June 13, 2009;"; and

(2) by striking "February 18, 2009," in paragraph (2) and inserting "that date".

(b) CONFORMING AMENDMENTS.—

(1) Section 3008(a)(1) of that Act (47 U.S.C. 309 note) is amended by striking "February 17, 2009," and inserting "June 12, 2009."

(2) Section 309(j)(14)(A) of the Communications Act of 1934 (47 U.S.C. 309(j)(14)(A)) is

amended by striking "February 17, 2009." and inserting "June 12, 2009."

(3) Section 337(e)(1) of the Communications Act of 1934 (47 U.S.C. 337(e)(1)) is amended by striking "February 17, 2009." and inserting "June 12, 2009."

(c) LICENSE TERMS.—

(1) EXTENSION.—The Federal Communications Commission shall extend the terms of the licenses for the recovered spectrum, including the license period and construction requirements associated with those licenses, for a 116-day period.

(2) DEFINITION.—In this subsection, the term "recovered spectrum" means—

(A) the recovered analog spectrum, as such term is defined in section 309(j)(15)(C)(vi) of the Communications Act of 1934; and

(B) the spectrum excluded from the definition of recovered analog spectrum by subclauses (I) and (II) of such section.

##### SEC. 3. MODIFICATION OF DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM.

(a) EXTENSION OF COUPON PROGRAM.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "March 31, 2009," and inserting "July 31, 2009."

(b) TREATMENT OF EXPIRED COUPONS.—Section 3005(c)(1) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by adding at the end the following:

"(D) EXPIRED COUPONS.—The Assistant Secretary may issue to a household, upon request by the household, one replacement coupon for each coupon that was issued to such household and that expired without being redeemed."

(c) CONFORMING AMENDMENT.—Section 3005(c)(1)(A) of the Digital Television Transition and Public Safety Act of 2005 (47 U.S.C. 309 note) is amended by striking "receives, via the United States Postal Service," and inserting "redeems".

(d) CONDITION OF MODIFICATIONS.—The amendments made by this section shall not take effect until the enactment of additional budget authority after the date of enactment of this Act to carry out the analog-to-digital converter box program under section 3005 of the Digital Television Transition and Public Safety Act of 2005.

##### SEC. 4. IMPLEMENTATION.

(a) PERMISSIVE EARLY TERMINATION UNDER EXISTING REQUIREMENTS.—Nothing in this Act is intended to prevent a licensee of a television broadcast station from terminating the broadcasting of such station's analog television signal (and continuing to broadcast exclusively in the digital television service) prior to the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service (as amended by section 2 of this Act) so long as such prior termination is conducted in accordance with the Federal Communications Commission's requirements in effect on the date of enactment of this Act, including the flexible procedures established in the Matter of Third Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television (FCC 07-228, MB Docket No. 07-91, released December 31, 2007).

(b) PUBLIC SAFETY RADIO SERVICES.—Nothing in this Act, or the amendments made by this Act, shall prevent a public safety service licensee from commencing operations consistent with the terms of its license on spectrum recovered as a result of the voluntary cessation of broadcasting in the analog or digital television service pursuant to subsection (a). Any such public safety use shall

be subject to the relevant Federal Communications Commission rules and regulations in effect on the date of enactment of this Act, including section 90.545 of the Commission's rules (47 C.F.R. § 90.545).

(c) EXPEDITED RULEMAKING.—Notwithstanding any other provision of law, the Federal Communications Commission and the National Telecommunications and Information Administration shall, not later than 30 days after the date of enactment of this Act, each adopt or revise its rules, regulations, or orders or take such other actions as may be necessary or appropriate to implement the provisions, and carry out the purposes, of this Act and the amendments made by this Act.

##### SEC. 5. EXTENSION OF COMMISSION AUCTION AUTHORITY.

Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by striking "2011." and inserting "2012."

The SPEAKER pro tempore. Pursuant to House Resolution 108, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I yield to myself such time as I may consume.

(Mr. BOUCHER asked and was given permission to revise and extend his remarks.)

Mr. BOUCHER. Mr. Speaker, we are now less than 2 weeks from the February 17 digital television transition date, and millions of American households remain totally unprepared. On January 22, the Nielsen Company, which is a widely respected service that reports on television viewing in the United States, reported that fully 6.5 million households are totally unprepared for the transition. These are homes that rely upon antennas or rabbit ears in order to get their television service. They do not have cable or satellite subscriptions. And given the fact that they are totally unprepared today, if the transition goes forward as scheduled on February 17, these 6.5 million households will lose all of their television service, and that number represents about 5.7 percent of the total American television viewing public. If almost 6 percent of the nation's households lose all of their television service, I think that most people would declare that the digital television transition has been a failure.

At the present time, there are 3.7 million requests for converter box coupons pending at the U.S. Department of Commerce, and since early January, the program that funds those coupons has been out of money. Those requests therefore, cannot be honored.

And the waiting line for coupons is growing rapidly. On Friday of last week, the number of requests was 3.3 million, and over the weekend, during the day on Monday, that number climbed to 3.7 million. And I think we can expect a much larger increase in the number of requests that are filed with the Department of Commerce over the coming weeks.

It's clear to me that the only way to avoid a massive disruption affecting 5.7

percent of the entire viewing public is to delay the transition and provide the funding in the meantime to assure that when the transition does occur, it occurs smoothly. In recognition of that reality, the Senate has now, on two occasions, by a unanimous vote both times, passed legislation to delay the transition until June 12. The most recent unanimously passed Senate bill moving the date to June the 12th is now the measure that is before the House.

My friends on the other side of the aisle will argue and have argued that if more money were provided for this program for converter boxes during the coming week, that the problems could be solved, and they have, in fact, put forward a proposal to do so.

But I want to make a very clear point. The provision of more money for this program now, without moving the transition date, could not avoid the disruption. It takes 1 week to process 1.6 million coupon requests at the Department of Commerce. That's what the independent contractor working for the Department of Commerce estimates its approval numbers to be. That company is IBM, and they've been handling this coupon program since the inception. They can process 1.6 million coupon requests every week. And so in the 13 days remaining between now and February 17, that backlog presently pending of 3.7 million requests could not be processed, even if more money were provided for that program today. And then, beyond processing the requests, more time is required for mailing the coupons to those who have requested them, and then more time still required for the television viewer to get the coupon out of the mail and take that coupon to a store and redeem it for a converter box. So even if more money were provided for the program today, the program would still be a failure and we would still have millions of homes dislocated in their television viewing.

Beyond the converter box program, which is at a standstill, more resources are also needed for the Federal Communication Commission's call center program where waiting times are long, where calls are frequently disconnected, and it's very difficult to ever speak to a live technical assistance representative. In fact, Commissioner McDowell at the Federal Communications Commission reported on these facts. He had tried himself to contact the FCC's call centers, and just as a test, determine what the real condition of those call centers happens to be. And he found that calls were disconnected, waiting times were unacceptably long, and it was virtually impossible to get a live technical assistant representative on the line.

Now, as that report reveals, the FCC's call center program is in complete disarray, and that program is vitally important. There is a virtual absence of technical assistance available for people to connect their converter

boxes; once they've connected them, if they still can't get a viewable picture, get some expert advice on what further steps they might take, testing their antenna, for example, to determine whether or not the antenna would have to be replaced, adjusting that antenna to determine whether or not a digital signal can, in fact, be received. And the FCC's call centers are the only vital point of contact and point of information that millions of people, primarily those in rural stretches of our Nation, are going to have available. And that program today is in disarray.

More resources are going to be necessary in order to make that call center program effective. Only by delaying the transition and utilizing the \$650 million that the stimulus measure provides for the DTV transition program, can these problems be addressed and can massive viewer disruption be avoided.

The 4-month delay that the bill before the House would accomplish has been endorsed by a broad range of organizations representing the very parties who could potentially be disaffected by the delay. And I'm going to take just a moment to go through an identification of some of these endorsing organizations.

Much has been said during the debate on the rule about public safety, and all of us share a concern about public safety. We want to make sure that spectrum is made available to first responders at the earliest possible time in order to deploy advanced communications equipment so that there will be full interoperability among first responders, police being able to talk to fire agencies, being able to talk to rescue agencies and to do so all across the country. That's the goal. We hope that goal will soon be achieved.

But the organizations that represent these public safety agencies nationwide, the great weight of them, have endorsed this delay. I'm just going to list these. The International Association of Fire Chiefs, the International Association of Police Chiefs, the National Emergency Number Association, that's the voice of 911 across the country, and also the organization that represents the information technology professionals who work in first responder agencies, they have all endorsed this delay.

□ 1430

I would suggest that they recognize that the greater threat to public safety would come in something like 6.5 million households losing all television coverage and, therefore, not being able to get the vital public safety information that local television broadcasters so effectively provide, and that will happen unless the delay and the transition are adopted. Speaking on behalf of local broadcasters, the National Association of Broadcasters and the major networks have all endorsed this delay and have sent letters or have made public statements to that effect.

Speaking for the purchasers of the commercial wireless spectrum, the two major winners in the government-sponsored auction for that spectrum—AT&T and Verizon—have both endorsed this delay.

Now, much was said during the debate on the rule about possible motivations for various parties having recommended the delay, including some comments, perhaps, about the motivation of the President in asking for this delay. It is very clear that the reason that this delay was asked was due to the loss of television viewing that would occur across this Nation if the delay were not accomplished. That is the real reason. If any party is going to be disadvantaged because of this delay on the commercial spectrum side, it would have been the major bidders in this auction—AT&T and Verizon—and both of them have sent letters endorsing this delay. They believe it is necessary to have a smooth transition, and they have endorsed the delay accordingly. The Consumers Union and the acting chairman of the Federal Communications Commission have also endorsed this delay.

Let me offer assurance that it will be a one-time-only delay. Our committee will simply not entertain requests for any delay beyond the 12th of June. Our chairman of the full committee, the gentleman from California (Mr. WAXMAN), has been very clear about that. No requests beyond the 12th of June for a delay will be considered.

Speaking on behalf of the subcommittee, I can say precisely the same thing. We will have time to get this program properly structured. We will have the resources necessary to make sure that the program can be smooth and effective when the transition occurs in June. Under no circumstances will we consider legislation to delay this program again. The delay that this bill will accomplish, teamed with the stimulus appropriation will be sufficient to ensure a smooth digital television transition.

So, Mr. Speaker, I urge approval of the measure pending before the House, and I reserve the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Mr. Speaker, before I speak, I want to ask a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. In the previous voice vote, the Speaker said the "ayes" have it. From visual inspection, it appeared that there were more "no" Congressmen on the floor than "aye" Congressmen. My parliamentary inquiry is:

Under the rules of the House, is it possible to ask for a show of hands without violating House rules or without asking for unanimous consent?

The SPEAKER pro tempore. Such a straw vote is not in order. A timely request for a division could have been entered.

Mr. BARTON of Texas. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. If a Member on the floor at the time the Chair calls the question feels the Chair called the question erroneously, then that Member would be required to ask for a roll-call vote. Is that your remedy?

The SPEAKER pro tempore. The Chair's call of a voice vote is not subject to challenge. Following the Chair's call a Member could request a record vote or a vote by division.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 5 minutes.

Let me start out by stating that the majority is trying to fix a problem that I do not think really exists. We have sent out 33 million coupons: 22 million of those coupons have been redeemed, and 11 million coupons are outstanding. The outstanding coupons are being redeemed, I think, by about 500,000 a week, something like that. In my opinion, you could keep the hard date and not have a problem, but if you think there is a problem, it is not from lack of money.

We have appropriated \$1.3 billion. About half of that is still in the Treasury, but as I pointed out before, it cannot be released for additional coupons because they assume that 100 percent of the coupons are going to be redeemed. So what this means is the redemption rate is only about 52 percent. Once you send out a coupon, you have to wait for 90 days until it is either redeemed or until it expires before you can release an additional coupon.

If we really, really think that we need to do something, the simple thing to do is not appropriate but to authorize \$250 million at \$40 a coupon box. That is \$240 million. You have authorized enough money to send out coupons, however many you can send, to these 6.5 million Nielsen household families that my good friend from Virginia talks about. Yet the majority has chosen not to do that. They have insisted that we have to delay the program.

So point one is: We have 33 million coupons that have been sent out. Twenty-two million have been redeemed. Eleven million are outstanding. If you want to eliminate the line, you authorize another \$250 million so you can send out the other coupons. You could also just say you do not need a coupon. As my good friend from Nebraska has pointed out, it is not the lack of converter boxes. You can go to any electronic store in America and find the converter box. We could just say, "If you have not gotten a converter box, go get one." There is no means test. Under the law, every household in America is entitled to two converter boxes. Go get them. Pay for them. Send us the receipt. The Treasury will pay you your money. You could do that.

My good friend talks about the technical problems. Well, I am going to educate the country right now on the technical problems. Here is how to do it: First, get the converter box. Second,

take it out of the box. Third, plug it in. Fourth, hook it up by cable to your TV set or to your antenna. Fifth, turn it on. Sixth, if you have a remote control, hit the scan button. Seventh, make sure that you tune your TV to channel 3.

What is technical about that? It works.

Eighth, if you do all of that and it does not work, call whomever you bought the converter box from. They will tell you, and they will walk you through it. If you are a senior citizen, in most States, you can dial 211, and they will even send somebody out to your house to make sure that it is plugged in, that it is hooked up, that it is turned on, that it is on channel 3, and that you hit the scan button. Now, that is not all that high-tech. If a Texas Aggie like me can understand it, I think the country can understand it.

Next, I want to point out, even though we are delaying this until June 12 if this bill becomes law, according to the acting chairman of the Federal Communications Commission, 61 percent of the television stations in America are going to go ahead and convert to digital. One hundred forty-three television stations already have converted, and in those areas where they have converted, I am not aware that there has been a huge problem.

As CLIFF STEARNS pointed out earlier in the rules debate, they did a pilot program down in North Carolina, and it was 99 percent effective. Regarding the time that they converted over, they had a handful of concerns down there to see if it would work.

So we have a situation here where we have had a hard date on the books since September of 2005. That hard date is February 17. Every broadcaster in America is ready to go; 143 three stations have already converted. Up to 61 percent of the remaining 1,000-some-odd stations say they are probably going to convert. The acting chairman says that, before June 12, probably 90 percent will. Now, to be fair, Acting Chairman Cox does say he supports the legislation that Mr. BOUCHER is bringing to the floor. He does support the delay.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, at this time, I am pleased to yield 3 minutes to the distinguished gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. I probably will not take the 3 minutes, but I thank him for his leadership on the committee. As well, I thank the chairman of the full committee, Mr. WAXMAN.

Mr. Speaker, this is an important issue. In my district, at least, it is very important. This is not an academic issue. It is very important. I am pleased that we now have another chance to pass this vitally important bill, because it has become increasingly clear that, with the digital transition deadline looming just days away, literally millions of Americans are at risk of being left in the dark.

With an estimated 6.5 million households still unprepared for the digital transition, it is clear that a short delay is necessary. There are 6,000 households on the waiting list for converter box coupons in my district alone, and that number grows daily. So a short implementation delay is necessary, and I do not see the problem in granting this request.

Without a delay, many of these people would be without television service and would be at risk in the event of a disaster or of a national emergency. I represent a rural area where many people rely on over-the-air television broadcasts. So this issue is particularly important for districts like mine. People clearly need more time to learn just what this transition will mean for them.

The distinguished ranking member of the committee says that they have had enough time and that there are procedures in place for making it happen, but people need more time to learn. Even my constituents who manage to buy the box could still be left without a signal. Analog signals travel further than digital signals, and many people may still need a new digital antenna to receive the signal.

So, Mr. Speaker, in closing, I wish the Energy and Commerce Committee had the opportunity to mark up this bill, because I believe there are still some issues that are unresolved in the legislation. However, I strongly support this bill as it is written, and I look forward to its swift passage this afternoon so that consumers can be given more time to prepare for this tremendous change in their lives.

Mr. BARTON of Texas. I would like to yield 3 minutes to the ranking member of the Telecommunications Subcommittee, Mr. STEARNS of Florida.

Mr. STEARNS. I also agree with you. I would like to have had the opportunity to have marked up this bill. Unfortunately, we did not mark up this bill, and I had six amendments—Mr. BARTON and I, Mr. BLUNT and Mr. WALDEN—and they were not accepted. It would have made the bill, I think, improved.

I rise in strong opposition to this bill because, for over 2 years, we have been promoting February 17, 2009 as the date of the DTV transition. Industry and government have prepared and have spent billions of dollars. When you look at some of the statistics from Mr. BOUCHER, he is using the Nielsen rating. Well, that Nielsen rating does show that a large percentage of Americans are ready to go, and most of the statistics he has collected are from a survey that is a month old. So, in this case, it has changed, and another 1 million people have already gotten coupons.

Frankly, a change in the date engenders skepticism among Americans, confusion and a distrust of the government because here they are again delaying something when they said for over 2 years that we are going to have an effective date. So, for that reason, I

think we should move ahead with the date and defeat this bill this afternoon.

There are lots of broadcasters who have spent all of this money preparing, and now they have unbudgeted expenditures from the private sector that are going to have to be used. At this particular point in our economy, which is weak, to have to take these unbudgeted amounts of money and find this new money to make this transition is going to be a hardship for these folks. So a delay is not necessary.

All we need to do is to give the manufacturing distribution cycle any short change of notice that they need, give them a little bit more money, and we can continue. The public is not served by delaying this because, in the end, the analog spectrum that is available could be used for first responders. Many, many carriers have already invested nearly \$20 billion in spectrum auctions, and they have been promised the deployment of innovative, new, next-generation, wireless, broadband services. Now, these, our Nation's first responders, direly need and they deserve the spectrum. They paid for it. So why can't we give it to them? Why are we delaying this another 3 or 4 months? It is only because there is a perceived problem when there is really no perceived problem.

□ 1445

As Mr. BARTON on the ranking side here has pointed out, there was a demonstration project in Wilmington, North Carolina, in which 99 percent of the people were happy. There's always going to be a segment that are not happy.

And on that note, we all were involved with the inauguration here. We know we thought that it was going to go perfect; yet a lot of our constituents could not get through to their seats because the metal detectors broke down. Now, the question I have for the Democrats, if we had the inauguration in place and it turned out about 3 or 4 percent of the people could not get through because of metal detectors, would you have shut down the swearing in of the President because of it? No, you would not have.

Any great event will continue, and there's always going to be a small percentage, but you can take care of those, just like they took care of it in Wilmington, North Carolina, in the demonstration which was totally successful.

Mr. BOUCHER. Mr. Speaker, at this time I'm pleased to yield 3 minutes to the gentleman from Michigan (Mr. STUPAK), chairman of the Oversight and Investigations Subcommittee of the House Energy and Commerce Committee.

Mr. STUPAK. Mr. Speaker, I thank the chairman for yielding me time on this important issue.

In the last 2 years, we've held over six hearings on this transition to digital television and highlighted the problems that we find across America

with this transmission date and the set date of February 17 and the need to extend the time. We need to extend the time because, in all honesty, the Department of Commerce has made many mistakes in this program, and to ensure that all Americans have an opportunity to make the transition and to get their converter boxes, we have to make this delay.

The other side has argued that converter boxes are readily available. Time and time again in my district in rural northern Michigan, we've gone to the stores. There are no converter boxes available. Our coupons are only good for 90 days, and then they expire, and we have got to start the process all over again.

Even though we repeatedly warned the Department of Commerce this would happen, they did nothing until Christmas Eve when they notified us that they've run out of money, there's no more converter boxes, and this is a disaster waiting to happen.

So I'm very pleased that the Obama administration has stepped forward, and this situation has now required that we delay the transition to allow this new administration the opportunity to properly prepare the Nation for DTV transition.

My colleagues on the other side of the aisle have stated that a delay would jeopardize public safety. This is simply not true.

As a former Michigan State police trooper and as a Member who's focused on strengthening our Nation's public safety and as a founder of the Law Enforcement Caucus way back in 1994, I've got to tell you the rhetoric about jeopardizing public safety is misplaced. And also as a member of the Energy and Commerce Committee, I've worked with my colleagues, public safety, and the FCC to promote the construction of a national, interoperable, wireless broadband network for law enforcement.

Congress must act quickly to modernize our public safety infrastructure, and we can do that. Basics such as access to television, before this transition and after the transition, we need access to the emergency alert system, as well as news information for local communities. This is access that's a critical component of public safety.

As a result of this legislation and our bill here today, a number of public safety groups support the delay of the DTV transition and have repeatedly said it would not jeopardize public safety. This legislation still preserves the right to make the switch, soon as you're ready, to make a switch from analog to the digital spectrum before the new transition date of June 12.

Public safety officials recognize that a one-time delay is necessary, and in a letter to us from public safety officials it says, "Specifically, the bill makes it clear that a public safety agency can use its existing license in the 700-megahertz band to commence operations after a broadcaster has voluntarily

ceased operations on a channel before June 12. All 50 States and some local governments have FCC licenses for the 700-megahertz spectrum."

It will not delay public safety. It will not jeopardize public safety. Vote "yes" on the legislation.

Mr. BARTON of Texas. I'd like to give 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank Mr. BARTON.

I was one that several years ago helped write this legislation that we're amending today, and the reason that we did it was because we listened to the 9/11 Commission, and their number one recommendation was our first responders need the analog spectrum. They have got to have that so that they can communicate with each other. The fire fighters have got to get the same message that the police folks got on that fateful day back in September.

In Katrina, the Coast Guard folks couldn't talk to the sheriffs as they tried to rescue people off the roofs, and we knew that it was because of the spectrum. They did not have the slice of the analog spectrum necessary so they could communicate.

So the 9/11 Commission made their report, and then they did a follow-up report a couple of years later, and they said Congress still hasn't acted, and they took all of us on. They gave us a flunking grade, E, and we came back and said, well, there was a number of things that had to happen.

We had to convert the television stations from analog to digital. We had to make sure that we stop selling analog TV sets. We had to be able to develop the technology and be able to get it out to these converter boxes, and we actually came up with a way that could help fund the consumer to pay for that box so that they could get the picture over the air.

Our broadcasters have done a marvelous job. They have spent more than \$1 billion across the country informing the Nation about the February 17 date, a date that we set, Chairman BARTON and myself, more than 3 years ago.

And our broadcasters, like my Channel 22 in South Bend, Indiana, which broadcasts in Indiana and Michigan wrote me almost a month ago and it says, "Anticipating the February 17 analog shutoff, WSBT is in the process of converting our backup analog transmitter to digital. This means there is currently no backup for our analog signal in the event of any technical failure to the primary transmitter. We do not stock any backup analog transmitter parts. We have been told that the age of the parts means they are likely to fail soon and replacements are either not in stock or exceptionally difficult and expensive to find."

The Fraternal Order of Police, understanding probably better than just about anyone else is relating to the need for access to analog spectrum,

says this particularly with the arguments that were made by some previous speakers in support of this bill. "While S. 328 would still allow broadcasters to voluntarily transition by 17 February, subject to current FCC regulations, and allow public safety to occupy this vacated spectrum, unless all the surrounding broadcast stations also voluntarily transition, it is unlikely anyone can move."

That's the point. They're ready. So are our consumers. The NTIA told this body in November that they were going to have trouble with the coupons, and we should have acted then to do a number of different things in terms of figuring out how to appropriate the money.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. I give the gentleman 1 additional minute.

Mr. UPTON. If we had acted then to figure out how we could send these coupons out, not use third-class mail but first-class mail, we could have easily fixed this without the costs so that our consumers, our broadcasters, and yes, our first responders would be able to have this spectrum available on February 17.

But we didn't do that job. We didn't do it, and here we are today now looking, after spending more than \$1 billion to inform the consuming public about February 17, we're just going to move it to June 12. Who knows if it moves again.

Dates have meaning. Americans know about the date called April 15, the date that we pay our taxes; yet there are still a number of folks who don't file on time.

We need to file on time. We need this analog transition date to stick so that if we do have another emergency, particularly in the next couple of months, whether it be our police, our fire fighters, our EMS folks, that they will begin to have that technology so they can communicate to save lives.

That's what this is about. Please vote "no."

Mr. BOUCHER. Mr. Speaker, may I inquire as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. BOUCHER) has 14 minutes remaining. The gentleman from Texas (Mr. BARTON) has 18 minutes remaining.

GENERAL LEAVE

Mr. BOUCHER. Mr. Speaker at this time, I ask unanimous consent that all Members shall have 5 legislative days to insert material in the RECORD, including their statements on this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BOUCHER. Mr. Speaker, at this time, I'm pleased to yield 2 minutes to the distinguished gentleman from Indiana (Mr. CARSON).

Mr. CARSON of Indiana. Mr. Speaker, I rise in strong support of this legislation and extending the DTV deadline.

As a father, I try and limit how much television my daughter watches. However, that does not mean that I want to completely deny her access to this very informative medium, but that's exactly what others would have us here believe. They would have us deny access to millions of Americans, Americans who rely on TV not only for their entertainment but for their safety.

Mr. Speaker, two major winter storms have passed through my district in the past 2 weeks, and thousands of people stayed off the icy roads during these storms because of the winter advisory alerts that went out on our local TV affiliates in Indianapolis. By having access to these alerts, thousands of my constituents were able to remain safe.

So I would implore the minority not to politicize this issue. This is a very serious issue that demands we act swiftly and responsibly. I encourage my colleagues to support this legislation.

Mr. BARTON of Texas. I'd like to yield 3 minutes to a member of the committee, Mr. TERRY of Nebraska.

Mr. TERRY. Mr. Speaker, I rise in opposition of this delay. I want to run through numbers, and I know it's hard to orally talk about numbers and have it sink in, but the Nielsen survey that was done showed there was about 6.5 million folks or households a month ago that weren't hooked up. And Mr. STEARNS from Florida mentioned that was 30 days ago, and many of those have already been hooked up, but let's just assume 30 days ago 6.5 million households.

Right now, out in our communities and households there's 10 million coupons, valid, non-expired coupons. Let's assume, since each household was allowed two, that's 5 million households. So, really, what we're talking about is 1.5 million that would be left without resources, evidently, on February 18.

For that, we're going to delay 4 months and also put up \$650 million to somehow say in the last 2-plus years and millions and millions and millions of dollars of advertising, not only nationally but by our local affiliates and broadcasters, and here's what we've been told, it's not within the stimulus bill how that 650 will be spent, but we're told that 90 million of it is going to be spent paying people to go door to door, 40 million for converter boxes ostensibly for the 1.5 million which way exceeds the amount—so we have to ask if it's really going for converter boxes or it will be slid over somewhere else—and 160 million more in consumer education. Again, to find the 1.5 million people on February 18 that would ostensibly be left.

And the other thing that confuses me is none of the public safety organizations of which our friend from Virginia mentioned in his opening remarks were coming to us in Congress, either side of the aisle, and saying, my goodness, you have to delay this.

□ 1500

And then, frankly, nobody was coming to us saying, "You have to delay this" until the President, 3 weeks ago, out of the blue, said we should delay this because he was advised by somebody in his transition team that the previous administration had messed it up and it's going to take 4 months to fix. And then we find out that perhaps a person on the transition team actually had maybe a conflict of interest that was not relayed to the President.

But the point that's here is that none of those folks that offered the letter had done so before the President asked for it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTON of Texas. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. TERRY. So what we also need to look at here is the \$650 million, an appropriate amount for the 1.5 million.

Are we, if we delay this another 4 months, even going to be able to find that 1.5 million? And I told a story the other day when we were discussing this about Tom Osborne, a Nebraskan icon, an idol. When he ran for Congress, a poll was done showing he had 95 percent name ID in the State of Nebraska when he ran for Congress. That means after 30 years of coaching and three national championships in the State of Nebraska, there were still 5 percent that had never heard of him.

So if the new standard is to reach 100 percent, Mr. Speaker, we're not going to get there on February 18 or in June or June of 2010.

So I don't understand why we're delaying this.

Mr. BOUCHER. I yield myself 1 minute.

Mr. Speaker, I do so for the purpose of placing in the RECORD a series of letters that the committee has received endorsing this delay, and among these letters are letters from the Association of Public Safety Communication Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, the National Emergency Number Association speaking for 911. And these are all associations that sent letters to the committee representing the public safety community, and they represent the great weight of public safety of first responders in the Nation endorsing this delay.

Also included in this submission will be a letter from the National Association of Broadcasters speaking on behalf of local broadcasters across the Nation. We have also received letters from AT&T and Verizon, the two major winners in the government-sponsored spectrum auction endorsing the delay, from the Consumers Union, the National Hispanic Media Coalition, Univision, and also the acting chairman of the Federal Communications Commission.

JANUARY 30, 2009.

Hon. HENRY A. WAXMAN,  
*Chairman, Committee on Energy and Commerce,  
 House of Representatives, Rayburn House  
 Office Building, Washington, DC.*

DEAR CHAIRMAN WAXMAN: We understand that the House of Representatives may soon consider S. 352, the DTV transition extension bill that passed in the Senate yesterday.

The bill the Senate passed yesterday included language to address the impact on public safety of a DTV transition delay. We expressed support for this language in a letter we sent on January 27, 2009, to Senate Commerce Committee Chairman Rockefeller and Ranking Member Hutchison.

Specifically, the bill makes it clear that a public safety agency can use its existing license in the 700 MHz band to commence operations after a broadcaster has voluntarily ceased operations on a channel before June 12. All 50 states and some local governments have FCC licenses for 700 MHz spectrum, and are waiting for the DTV transition date to modernize their communications systems and ensure public safety.

Although we have concerns about the impact of delaying the transition date on public safety, since this language is now included in the final version of the bill we support passage of this legislation.

We thank you and your colleagues for taking into account the concerns of public safety while considering this matter.

Respectfully,

CHRIS FISCHER,  
*President, Association  
 of Public-Safety  
 Communications Of-  
 ficials-International.*

RUSSELL B. LAINE,  
*President,  
 International Association  
 of Chiefs of Police.*

LARRY J. GRORUD,  
*President,  
 International Association  
 of Fire Chiefs.*

NATIONAL EMERGENCY  
 NUMBER ASSOCIATION,  
*Arlington, VA, February 2, 2009.*

Re: digital television transition.

Hon. HENRY WAXMAN,  
*Chairman, Committee on Energy and Commerce,  
 Rayburn House Office Building, Wash-  
 ington, DC.*

Hon. JOE BARTON,  
*Ranking Member, Committee on Energy and  
 Commerce, Rayburn House Office Building,  
 Washington, DC.*

DEAR CHAIRMAN WAXMAN AND RANKING MEMBER BARTON: I am writing on behalf of the National Emergency Number Association (NENA), the leading professional non-profit organization dedicated to the advancement of 9-1-1 emergency communications issues, as a follow up to our earlier letter regarding the digital television (DTV) transition. On behalf of NENA's 7,000 members, we again wish to thank you for your efforts to ensure that a significant element of the debate to extend the DTV transition date addresses the needs of public safety. NENA supports the Senate approach recently adopted in S352 that addresses public safety spectrum needs and we encourage the House to quickly adopt the measure.

While NENA again wishes to underscore the substantial importance of public safety access to this valuable spectrum and your willingness to work with public safety, we also are mindful of the greater societal debate and the impact on millions of consumers if the DTV transition is not properly handled. If there is a delay in the transition, then it is very important that public safety

agencies have the option to gain expedited access to channels that have been vacated by broadcasters before the new DTV transition deadline, an important aspect of the legislation adopted by the Senate that you are now preparing to consider.

Thank you again for your commitment to consider the potential impact on public safety of an extension of the DTV transition

Sincerely,

BRIAN FONTES,  
*CEO.*

NATIONAL ASSOCIATION  
 OF BROADCASTERS,  
*Washington, DC, February 2, 2009.*

Hon. HENRY WAXMAN,  
*House of Representatives, House Committee on  
 Energy and Commerce, Rayburn House Of-  
 fice Building, Washington, DC.*

Hon. RICK BOUCHER,  
*House of Representatives, House Committee on  
 Energy and Commerce, Rayburn House Of-  
 fice Building, Washington, DC.*

DEAR CHAIRMAN WAXMAN and CHAIRMAN BOUCHER: On behalf of America's broadcasters and the National Association of Broadcasters (NAB) Television Board of Directors, thank you for working to ensure that millions of Americans are able to successfully switch to digital television (DTV) and for your efforts to help consumers receive converter box coupons prior to the transition date.

As you know, America's full-power television stations have been working for the last two years to educate Americans about the switch to all-digital broadcasting. The DTV transition is the highest television priority of NAB, as broadcast networks and television stations across the country have contributed more than \$1 billion to educate Americans on the impending switch.

Free over-the-air broadcasting is important part of American life. Broadcasters understand this as well as the need to ensure that Americans are both prepared and equipped to make the switch to digital. To this end, we support your efforts to give viewers and the federal government more time to get ready for all-digital broadcasting. As you know, many Americans are already enjoying the benefits of digital television. Indeed, some markets have already commenced digital-only operations, some stations are already digital-only and other stations will need to cease analog operations on February 17 or sometime before June 12.

It is important that stations have the flexibility to go all digital before the new cutoff date. We understand that Congress does not intend to require stations to continue analog broadcasting just because the date is changing. Nor does it intend to have the Federal Communications Commission impose additional requirements on stations by either changing the current streamlined procedures for notifying the agency that the station is terminating analog service or insisting on 30 day notification for stations that would not have been required to provide notice if the date had not changed.

We appreciate your focus on flexibility for stations so that they can determine how best to provide the vital news, weather alerts and emergency information that free, local television provides to its viewers.

We hope the House will pass the legislation that was unanimously approved by the Senate. Thank you for your continued attention to this important matter.

Best wishes.

Sincerely,

DAVID K. REHR,  
*President and CEO.*

At this time, I am pleased to yield 2 minutes to the gentlelady from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Thank you, Chairman BOUCHER, and thank you for the leadership that has been given by a number of our committees in Energy and Commerce, and thank you very much, President Obama, for listening to the real reason for having this legislation, and that is that actually we had run out of money for these vouchers that are needed for many of the individuals who are economically in need. In actuality, there is a waiting list.

In my own community, there are 7,298 in the 18th Congressional District in Houston, Texas, and an increase of over 600 since we've indicated the possibility of being able to get these additional vouchers or to get in line.

My mother is 83 years old and has a television that needs this adaptation. And I can tell you the difficulty for seniors. That is why AARP is supporting this extension, this configuration. When you're ready, get on line. But if you're not ready, then you will not be in the dark until, of course, this extension. It makes sense.

Many times a television is a lifeline of a person living alone, a disabled person, a senior person, and frankly, I want to work with the FOP. We all have good relations with them, and I believe down the road we can work that out.

But the International Fire Chiefs are for this, the public safety officers are for this. We want to have interoperability. We want to be able to communicate, unlike the tragedy that occurred in 9/11. But at the same time, we can be multitasked. We can, in essence, do two things at once to ensure that we have a process that doesn't turn the lights out on a predominant number of Americans who cannot help being on a list with a coupon system that does not work. They were not able to get the coupons. If we don't do this bill, February 9 is D-day. It is a D-day in terms of what happens to many Americans.

I think this is a positive approach. It is an effective approach, and it will help us move the process forward. And let me thank the network stations for working as hard as they could locally, but they need help. This bill will help.

I ask my colleagues to support it.

Mr. Speaker, today I speak in strong support of S. 352, and I also want to thank my colleague Senator JAY ROCKEFELLER for authoring this insightful resolution.

The digital television transition is an unnecessary burden to be passed onto the American people at a time when the pressures of day to day life are heavy and growing.

To assist consumers through the conversion, the Department of Commerce through its National Telecommunications and Information Administration (NTIA) division handled requests from households for up to two \$40 coupons for digital-to-analog converter boxes beginning January 1, 2008 via a toll free number or a website.

However, the Commerce Department has run out of funds to cover the cost of coupons

ad there are millions of Americans who have yet to receive the boxes. These Americans should not be expected to purchase the converter box without the aid of the government, seeing as the entire nation is under extraordinary economic pressure caused by the recession.

Last week, President Obama's team joined a chorus of concerned voices requesting a delay because the National Telecommunications and Information Administration (NTIA), which is to provide education and \$40 vouchers for people to buy digital TV converter boxes, ran out of money on January 4. There is also concern that many people, especially poorer and more rural areas, have not yet heard that they will need a converter and a larger antenna.

Older homes can not be easily wired for cable. The house walls might be made of concrete, brick, or stone that is difficult to wire through. This has caused some local residents to opt for analog over-the-air TV instead of cable or FIOS. Other people have decided to only wire their living room, and still use analog over-the-air in other rooms. The old construction can also cause problems running an antenna to a window, roof, or attic. These older homes are generally owned by lower income families that are being hit particularly hard by the current economic recession.

On January 22, The Nielsen Company said 6.5 million Americans had not prepared for the switch, a startling number considering the Commerce Department's inability to assist these Americans in the purchase of the converter boxes. TV stations would face extra expenses, which is burden that they also cannot be expected to take on in times like these.

Mr. Speaker, I understand that the long-term effects of this transition will benefit the American people and support the eventual transition. Madam Speaker we are in a recession at best. Our seniors can barely afford their prescriptions and we are asking them to pay another 40–50 dollars for a convertor box. To some of us that may not seem like much but for many it is a small fortune. Especially for our senior population who may have only the television as company.

I ask that my colleagues support this legislation and give Americans more time to properly prepare for the conversion.

Mr. BARTON of Texas. Can I inquire as to the time remaining on each side, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from Texas has 14 minutes remaining. The gentleman from Virginia has 10 minutes remaining.

Mr. BARTON of Texas. I would like to yield 3 minutes to the distinguished former ranking member of the Ag Committee and the former chairman of that committee, Mr. GOODLATTE of Virginia.

(Mr. GOODLATTE asked and was given permission to revise and extend his remarks.)

Mr. GOODLATTE. Mr. Speaker, I thank the ranking member for yielding me this time and for his leadership on this very important issue. And I rise in strong opposition to this legislation.

Mr. Speaker, February 17, 2009, I bet if we took a poll we would find that 90 percent of the American people know the date that's been set for the digital

transition. February 17, as has already been noted, the television stations of the country have spent \$1 billion in advertising, the government has spent huge sums of money promoting transfer, and 98 or 99 percent—depending on who you talk to—the American people are ready.

If you're connected to a cable system, you're ready. If you're connected to satellite, you're ready. If you have a digital-ready television set, you're ready. Or if you're like a million of the people who listened to this message, went out and got the converter box, you're ready to make the transition now.

There is a much simpler solution to the problem of those who do not have the coupons today. We could fix it today. We could fix it right in this room today by simply saying, "Go buy the converter box. Save your receipt. When you get the coupon, return it with the receipt and you will get your \$40 back."

There are plenty of ways of solving this problem without a 4-month delay, and look at the consequences of that delay.

First of all, we have television stations today that are having to maintain two systems that are having to pay for the electricity of two systems. It's estimated that the 1,758 U.S. TV stations may face up to \$141 million in additional electric bills because of the delay.

Imagine the amount of CO<sub>2</sub> gas emissions that are occurring because we're going to extend this for 4 months and require most of those stations to continue to broadcast in both of these services.

Secondly, we have to reeducate the voters. Who knows what date it is in June that this is being extended until? The people don't know the answer to that question. And we shouldn't have to reeducate them and expend any more dollars reminding them that that deadline is coming up.

We have a problem with the fact that billions of dollars have been invested in this country in new equipment to take advantage of this spectrum by emergency responders—police, fire, emergency rescue organizations—all of which will have to delay the use of that equipment by 4 months because they don't have the ability to use this spectrum.

And then we have the companies that have bid billions of dollars to buy other portions of the spectrum to bring generation 3 and generation 4 wireless technology.

We're talking about a stimulus package. We're trying to stimulate the economy and create jobs. This is an anti-stimulus bill that would delay the efficiency and growth in our economy that comes about when you go ahead and stick to the date that this Congress voted for a long time ago.

It is time to move ahead, and I hope that my colleagues will join me in opposing this bad idea.

Mr. BOUCHER. Mr. Speaker, at this time I am pleased to yield 1 minute to the distinguished gentleman from Illinois (Mr. HARE).

Mr. HARE. Thank you.

Mr. Speaker, I rise today in strong support of S. 352, the DTV Delay Act. The deadline for the transition from analog to digital television is just weeks away and yet millions of Americans are still on a waiting list with the National Telecommunications and Information Administration to receive coupons for converter boxes.

It's highly unlikely that 3,000 of my constituents will receive their coupons before the February 17 deadline. Both the coupon program and other consumer education programs implemented by the former administration have clearly fallen short leaving many vulnerable populations—especially the elderly, low-income, and those living in the rural communities—at risk of seeing their TV screens go blank.

In an effort to protect American consumers and allow the time for more Americans to receive coupons and prepare for this important transition, it is essential to push back the date to June 12.

I urge all of my colleagues to support the legislation.

#### PARLIAMENTARY INQUIRIES

Mr. BARTON of Texas. Mr. Speaker, I would like to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. I have just been informed that my friends on the majority side want to go to the White House for the SCHIP signing ceremony and we have to finish the debate in the next 10 minutes. What does "finish the debate" mean? Actually call for a roll-call vote in the next 10 minutes, or actually have the vote finished in the next 10 minutes?

Mr. BOUCHER. Will the gentleman yield?

Mr. BARTON of Texas. I've got a parliamentary inquiry. I don't know how to address this.

If the Chair would advise, then I will address it in the appropriate way.

The SPEAKER pro tempore. The Chair does not control the program or the time that is remaining in the pending debate.

Mr. BARTON of Texas. That's your answer?

The SPEAKER pro tempore. It is.

Mr. BARTON of Texas. Then I would ask unanimous consent for an additional 3 minutes, equally divided, to engage in a dialogue with the distinguished Member from Virginia who's controlling the time on the majority side.

Mr. BOUCHER. Will the gentleman from Texas yield to me?

Mr. BARTON of Texas. If we accept unanimous consent that we have 3 minutes equally divided.

The SPEAKER pro tempore. The Chair will entertain that request only from the majority manager.

Does the gentleman from Virginia wish to propound that request?

Mr. BARTON of Texas. Further parliamentary inquiry.

Since when has it been the rules of the House that the minority cannot ask a unanimous consent request? When did that rule get changed? We're fixing to have a real problem here.

Now the majority can object to unanimous consent, but I at least have the right to offer a unanimous consent request.

The SPEAKER pro tempore. The gentleman will suspend.

The Chair would look to the majority manager for any request regarding the extension of time in debate.

The Chair recognized the gentleman from Texas for a parliamentary inquiry, but a unanimous consent request to extend the time of debate should be offered by the majority manager.

Mr. BARTON of Texas. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. BARTON of Texas. What are the limits of a unanimous consent request? Unanimous consent means it requires unanimous consent of the House.

I asked for a unanimous consent request for 3 additional minutes. What rule did I violate of the House in asking for a unanimous consent request as a member of the minority?

The SPEAKER pro tempore. The gentleman did not violate a rule. The gentleman was not recognized for a unanimous consent request to extend time in debate. Only the majority manager will be recognized for extensions of time in debate.

Mr. BARTON of Texas. So the minority has to be recognized to make the unanimous consent request?

The SPEAKER pro tempore. To extend debate, the majority manager must offer the unanimous consent request.

The gentleman from Texas controls the time.

Mr. BARTON of Texas. I reserve my time.

Mr. BOUCHER. Mr. Speaker, may I inquire as to the time remaining on both sides?

The SPEAKER pro tempore. The gentleman from Virginia has 9 minutes. The gentleman from Texas has 11 minutes remaining.

Mr. BOUCHER. In view of the fact that we have no further requests for time on this side and I do intend to close debate, at this time I would ask the gentleman from Texas if he has other speakers that he would like to recognize, or if he is prepared to close on his side.

Mr. BARTON of Texas. If the gentleman will yield.

Mr. BOUCHER. I would be pleased to yield.

Mr. BARTON of Texas. I have two additional speakers plus myself to close, and that would probably take 8 minutes, but I could do it in less.

□ 1515

Mr. BOUCHER. The gentleman has under the rule as much time as is allotted to him—and still remains—for his time allotted.

Mr. BARTON of Texas. I am just trying to facilitate the majority's request to go to the White House. Trying to be a good guy. I have now been muzzled on the House floor. We may decide to stay here all night.

Mr. BOUCHER. Well, reclaiming my time, I probably have about a 4-minute closing statement, and that is all the time we intend to consume on this side. If the gentleman would be amenable to a unanimous consent request that would limit his time to that same amount, I'm sure we would find that to be acceptable.

Mr. BARTON of Texas. We will expedite things on this side. We won't use all of our time.

Mr. BOUCHER. Let me ask the gentleman if he would like to recognize his speakers at this time.

Mr. BARTON of Texas. I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. I thank the gentleman from Texas.

I want to talk to this measure. I think part of the frustration those of us on the Republican side of the aisle feel is this: We are being asked to truncate the time to debate this bill, which was already limited to no amendments under a closed rule, a bill that has never had a hearing in this House or before the Energy and Commerce Committee or the subcommittee.

The Republicans were completely denied the opportunity to offer any amendment at any time. Now I am trying to figure out how that's democracy in action and how that is change for a better day. And now we are being asked to basically cut it quick, be quiet, go back to our offices so they can go to the White House for a media show.

Let me talk to this bill. Delaying the DTV date from February 17 to June puts it right in the middle of hurricane season, tornado season, and all that. It doesn't open up the spectrum any sooner for law enforcement to deal with the issues that the public safety community identified 5 years to the day of 9/11. Five years before, they said, You have got to give us some more spectrum so we can have interoperability. That is back in 2001. We are that to here. Now we are going to delay it some more.

For broadcasters in my State of Oregon, they are going to get to pay \$500,000 to \$1 million more in energy costs to run two transmitters, when they should only, and had counted on, only running one. So to keep their analog—most likely, a tube-driven transmitter fired up—that will add 4 million tons of carbon into the atmosphere at a time when I thought the majority and others in this Congress wanted to do something about carbon emissions.

So, it will cost \$1 million, it will cost jobs. You will burn more energy. They

will have to have engineers keep old transmitters hobbled together. We had a transmitter across the river in Washington State, an analog transmitter, burn up 2 weeks ago. Their analog transmitter. It's off the air. They switched. And they haven't had any real pushback from the community.

"The provisions in this new bill, according to Communications Daily," that purport to provide a safety valve for public safety agencies that want to make use of the 700 megahertz spectrum before the revised deadline are worse than provisions that raised public safety objections," industry officials said Friday. "This bill is totally of no value to public safety," said an industry official.

Mr. Speaker, I would like to put this report from Communications Daily into the RECORD so that Americans and our colleagues can see this.

Under the bill, a public safety agency can go on the air if a TV station vacates its channel in compliance with the various rules. And yet, it's so complicated in here, that isn't going to happen. We had Members say, Gee, we have got to do something to help public safety. This just delays that.

So you're going to burn more power, you're going to cost jobs. Then, most Americans, 93, 94, probably pushing up higher than that, have already made the conversion, that we know of. A million people have come off the waiting list for the coupons in the last 4 weeks.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mrs. BLACKBURN. I yield the gentleman 30 additional seconds.

Mr. WALDEN. A simple change in the law to allow budget authority of \$250 million to NTIA would allow them to flow these coupons out. The stimulus bill spends \$600 million more on the coupon conversion program, and yet that money isn't going to be out the door until April at the soonest.

So I am trying to figure out how if you move this to the middle of June, and you don't get the money out the door until April or May. I am not sure you have solved the coupon problem.

In closing, the Fraternal Order of Police, who represent a couple hundred thousand law enforcement officers, are opposed to moving this date. And so am I, Mr. Chairman. I think it's unnecessary and it's expensive.

[From Communications Daily, Feb. 2, 2009]

HOUSE TO VOTE ON DTV DELAY BILL, BUT OPPOSITION REMAINS

(By Anne Veigle and Howard Buskirk)

The House is set to vote on a revised DTV transition delay bill this week, following unanimous Senate passage Thursday night. The bill would set a new analog cutoff date of June 12 instead of Feb. 17. The House is expected to take the bill up under different rules than last week, when an earlier version failed to secure a two-thirds majority needed to suspend the normal rules. Opposition remains among Republican leaders, who could still try to block the bill, but Democrats believe they have enough votes for passage.

"I am hopeful they will pass this bill so we can send it to President Obama," said Senate

Commerce Committee Chairman Jay Rockefeller, D-W.Va., in a statement after the Senate passed an amended version (S-352) of its previous bill (S-328). "I have no doubt this is going to go through," Sen. Amy Klobuchar, D-Minn., said on C-SPAN's The Communicators, which airs Saturday on C-SPAN and Monday on C-SPAN 2. Klobuchar, who co-sponsored the Rockefeller bill, said the converter box coupon program's ballooning wait list ignited political momentum to delay the transition. "We thought let's give this new administration some time to fix the problems" with the coupons, she said.

The technical changes in S-352 clarify that households can get replacement coupons for those that expired without being redeemed once budget authority approval of new money for the converter box program is granted. House and Senate economic stimulus bills each propose \$650 million for the converter box program, and there has been no challenge to that proposal so far.

Until the money is appropriated, the converter box program will continue to grapple with a backlog of coupon requests. S-328 would have allowed emergency funds to kick in immediately. S-352 also makes clear that broadcasters wishing to shut down analog operations before June 12 can do so, and in cases where stations have made the switch, public safety can begin using the vacated spectrum.

#### PUBLIC SAFETY CONCERNS

The provisions in the new bill that purport to provide a safety valve for public safety agencies that want to make use of the 700 MHz spectrum before the revised deadline are worse than provisions that raised public safety objections, industry officials said Friday. Public safety officials declined comment.

"The bill is totally of no value to public safety," said an industry official. "Some of these things could be fixed, but they would just require the House to vote again and the Senate to vote again." Public safety concerns have figured prominently in Hill debate. Sen. John McCain, R-Ariz., in particular had said he couldn't support the legislation unless sponsors addressed public safety concerns.

Public safety officials had objected to a requirement in the original version of the bill which passed the Senate which required them to file an application to make use of the 700 MHz spectrum they'll get anyway after the transition. Rep. Henry Waxman, D-Calif., proposed an alternative that doesn't require public safety agencies to file an application. But it does require agencies to work within a relatively arcane and little utilized section of the FCC's rules—section 90.545—before they can use the airwaves.

Under the bill, a public safety agency can go on the air if a TV station vacates its channel in compliance with both a Dec. 31, 2007, FCC order and section 90.545 of the FCC's rules. But the TV station must air notices for at least 30 days prior to its shut down. Over the past week, numerous TV stations have filed requests to shut down by airing notices for fewer than 30 days. Under the legislation, the FCC would have no discretion to grant the requests.

In addition, under section 90.545 a public safety agency could go on the air only if its transmitters are sufficiently far away from those TV stations still on the adjacent channels—public safety agencies can't use the spectrum just because one station shuts down. But the separation requirement would be difficult to meet. As an alternative, the public safety agencies could negotiate agreements with TV stations, but they would have to submit the applications for FCC approval. A prior version of the legislation required

the FCC to rule within 14 days. The Senate-passed version has no such requirement, and there's no requirement in the FCC rule. In addition, public safety agencies can submit engineering studies, but again, the FCC would have to approve the studies, and there's no timetable for a FCC ruling. "They tried to fix something, but the fix actually made it worse," an industry official said.

Meanwhile, House Republicans continue to oppose the delay. "Moving back the date would put a financial burden on industry that will be hard for it to swallow in this difficult economic climate," Rep. Cliff Stearns, R-Fla., ranking member of the House Telecom Subcommittee, wrote in a Friday Washington Times Op-Ed. Stearns has co-sponsored a bill with Commerce ranking member Joe Barton, R-Texas, that would keep the February cutoff date while providing \$250 million for the converter box coupon program.

But Democratic leadership hasn't responded to Barton's plan, believing it can pass the extension bill despite Republicans' surprise blockage last week (CD Jan 29 pl). Thirteen Democrats voted with Republicans in Wednesday's 258-168 vote. Bypassing the rules requires a super-majority vote. But 22 Republicans joined with Democrats in favor of moving the DTV delay bill. Republicans may try to kill the bill by making a "motion to recommit," which, if approved, would send the bill back to committee. But a straight majority vote is required to do that, and most observers believe Democrats have a sufficient margin to defeat that procedure. The bill will go before the Rules Committee Tuesday to determine time limits and rules for amending the bill on the floor, Hill and industry officials said.

#### NATIONAL FRATERNAL ORDER OF POLICE,

*Washington, DC, 23 January 2009.*

Hon. NANCY P. PELOSI,  
*Speaker of the House, House of Representatives,*  
*Washington, DC.*

Hon. JOHN A. BOEHNER,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR SPEAKER PELOSI AND REPRESENTATIVE BOEHNER, I am writing on behalf of the members of the Fraternal Order of Police to express our concerns regarding S. 328, the "DTV Delay Act," as it relates to public safety access to spectrum.

Many of the arguments being made in favor of delaying this transition were made during the consideration of the Digital Transition and Public Safety Act in 2005. This is not a new issue, and was first recognized in a public safety report issued in September 1996. In 1997, Congress granted public safety access to this portion of spectrum under Title III, Section 3004 of the Balanced Budget Act of 1997, which directed the Federal Communications Commission (FCC) to authorize broadcasters currently occupying the spectrum to remain there until 2006. Public safety access to this area of spectrum was repeatedly pushed back until the enactment of the Digital Transition and Public Safety Act in 2005, which set a hard deadline of 17 February for analog broadcasters to allow public safety access to 24 MHz of spectrum on the 700MHz band. We are concerned that the staggered transition which would result if S. 328 is signed into law may jeopardize the channels that Congress promised to law enforcement and other public safety officers more than a decade ago.

For public safety to use the spectrum they have been promised, broadcast stations must stop analog broadcasts on those channels. Broadcast stations on the adjacent channels must also stop analog broadcasts to avoid interfering with the public safety communications we are trying to enable. For all

those broadcast stations to have somewhere to go, additional broadcast stations must stop their analog transmission. It is this chain of events that makes the hard deadline of 17 February 2009 the most realistic and responsible option for clearing the spectrum for public safety's use.

While S. 328 would still allow broadcasters to voluntarily transition by 17 February, subject to current FCC regulations, and allow public safety to occupy this vacated spectrum, unless all the surrounding broadcast stations also voluntarily transition, it is unlikely anyone can move. Moreover, under current FCC regulations, broadcasters generally would not be permitted to transition even voluntarily until three months before the delayed transition date, and even then the FCC has the discretion to refuse them authorization.

The American public has asked broadcasters to take difficult, time consuming, and costly steps to enable better public safety communications. These broadcasters have admirably risen to the call and say they are ready for 17 February. If this delay goes into effect, it opens the door for future delays. More than a decade of work has gone by since Congress authorized public safety communications to expand on the spectrum, and we are very close to achieving our goal. I urge you not to bring all of this progress to a halt less than thirty days from the finish line.

Thank you in advance for your consideration of the views of the more than 327,000 members of the Fraternal Order of Police. Our communications are our lifeline and we need to know that they will function properly at all times. If I can provide any additional information on this matter, please do not hesitate to contact me or Executive Director Jim Pasco in my Washington office.

Sincerely,

CHUCK CANTERBURY,  
*National President.*

Mr. BOUCHER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BARTON of Texas. I yield 2 minutes to the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the gentleman from Texas.

This is, again, as we are standing here today, just quite an amazing debate that we are having. How interesting it is that we get down to the finish line of something that has been in the works for years and the Federal Government wants to call a time out and say, Let's push it off for another 4 months.

Of course, we all know that one of the reasons appears to be giving one company a competitive advantage. We find that very unfortunate that you have someone who is reported as a lobbyist for a company, and they have been an advisor for the administration on this situation, and it is about a competitive advantage.

One of the things that I do want to mention is so much has been said about the national organizations that are supporting this. I find it very interesting, Mr. Speaker. When I am talking to my local law enforcement community, when I am talking to my local broadcasters, they are much in opposition to what we hear being expressed as the opinion of the national organizations.

But isn't that the way it goes on issue after issue? You have got the D.C. way and then you have got, as we say, the Tennessee way. The local way. And your local broadcasters have committed incredible resources to this. They have worked with their communities.

Seniors are prepared. We know that according to Nielsen, Seniors are more prepared than just about anybody for this. We know that the American public is ready for this to take place and we know that our first responders are saying let's get this done so that we have that interoperability that was missing on 9/11, we have interoperability that was missing at Katrina. We have a readiness and a timetable for solving a problem that the American people have said we want to see some action on this.

Mr. Speaker, it is wrong to delay this. Let's show the American people that the Federal Government can keep their word on something, and it is making this transition.

Mr. BARTON of Texas. I yield back the balance of my time, Mr. Speaker.

Mr. BOUCHER. Mr. Speaker, I yield myself the balance of my time.

I want to say just a few words in response to a couple of the arguments that were raised by my friends on the other side of the aisle. First, there was an effort to suggest that the Nielsen survey, which reports that 6.5 million homes are totally unprepared for the digital television transition, was an old survey. That it was a month old. In fact, that survey was taken the week of January 18. So it's only a bit more than 2 weeks old at this point. And, for practical purposes, those are very current numbers.

The argument also was made that more money could perhaps be provided for the converter box program during the coming week, and that that would solve the problem. That does not solve the problem for two very important reasons. Given the processing time for the request for coupons at the Department of Commerce, there literally is not enough time in the 13 days remaining between now and transition date to clear the backlog of 3.7 million coupon requests that are currently pending, much less the time it would take to mail the coupons to the TV viewers and the time it would then take for the TV viewers to take the coupons to a store and redeem them for converter boxes. So even if money were provided today for the converter box program, there would still be massive dislocation on February 17.

Beyond the converter box program, the call centers operated by the FCC are also in disarray. Long waiting times, busy signals, calls frequently disconnected. Virtually impossible to get a live technical assistance representative on the phone. These were facts reported on by one of the FCC commissioners, Commissioner McDowell, who called the call centers and found that that is the state of affairs.

More resources will be needed in order to appropriately staff the call centers and make sure that that vital point of information is available for the millions of Americans who are going to need that assistance when the conversion occurs.

Wilmington, North Carolina, where a test was conducted of an early shutoff of the analog signal did produce a good result, but there were very important circumstances at play in Wilmington that are simply not at play across the rest of the country.

First of all, a massive amount of advertising money was expended in advising people that the cutoff was coming, and telling them exactly what they had to do to prepare. The Federal Communications System set up a special field office in Wilmington. The FCC paid firefighters in that city to provide in-home technical assistance to people who were having problems. Most importantly of all, Wilmington is flat terrain—very different from the mountainous rural areas of America, where the primary problems with the transition are going to occur. So, yes, a good result did obtain in Wilmington, but Wilmington is very different from the rest of the country where the major problems are going to arise.

It was also mentioned by some in argument that the Department of Commerce has been saying for some time that it was running out of money for its converter box program. In fact, not until Christmas Eve—December 24—did the Department of Commerce send notice that the coupon program was out of money. Of course, Congress was in recess. And we have acted as expeditiously as we could since reconvening in order to correct the problem. And we are doing that now by proposing a delay.

This delay is absolutely necessary. It will be for one time only. It will ensure, in conjunction with the \$650 million to be provided in the stimulus legislation, that the problems that confront this program can successfully be addressed. Converter boxes can be supplied. The call centers can be staffed.

We can assure that when the transition occurs on June 12, that it does so smoothly, and for the benefit of the American public.

Mr. Speaker, I urge passage of this measure.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of The DTV Delay Act.

Two weeks from today, all full-power television broadcast stations are required to terminate analog signals and transmit only in digital. Congress mandated the transition to digital in response to requests by police, firefighters, and emergency personnel for the increased radio spectrum necessary for reliable, interoperable communications.

To help Americans prepare for the transition and to offset the associated cost for consumers, Congress established the TV Converter Box Coupon Program. But the program underestimated the number of requests for coupons and ran out of money. As a result, many Americans have not received coupons and are unprepared for transition.

Today 1.8 million households are on a waiting list to receive more than 3.3 million converter box coupons. Though funding was inserted in the Stimulus Package to pay for more coupons, unless the February 17th conversion date is delayed, few of these Americans will be able to receive their coupons and purchase their converter boxes in time.

The DTV Delay Act will help the Coupon Program to honor requests for coupons and enable those whose coupons may have expired, to receive new ones.

The bill does this by delaying the transition date to June 13th, 2009 and extending the period that the Coupon Program may operate until July 31st 2009.

According to the Nielsen Company, 6.5 million households will lose all TV reception on February 17, 2009. Television is the leading source Americans use to receive critical public safety information, news and entertainment. Yet millions of Americans, including many of the country's most vulnerable groups like seniors, the poor and minorities, still need to take steps to prepare for transition.

I encourage my colleagues to join me in support of The DTV Delay Act. The country is not yet prepared for digital transition. This bill will provide the time we need to ensure that all Americans are able to enjoy the full benefits that transition to digital can provide.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of S. 352, the DTV Delay Act, which postpones the date of the analog-to-digital television transition from February 17, 2009, to June 12, 2009.

Over the last several months I have received call after call and letter after letter from my constituents who rely on their analog televisions for news, emergency information and entertainment. They are very concerned that they have been unable to obtain the converter box they need for the upcoming digital transition.

My constituents tell me that they applied for coupons well in advance of the deadline, only to be told that coupons were no longer available or that the coupons they received had already expired. My constituents who live in group homes and single room occupancy buildings have also voiced concern that they have been denied coupons because they live in housing that does not fit the program's narrow definition of a "household."

My constituents are not the only ones affected by arbitrary expiration dates, coupon shortages or ineligibility. According to the National Telecommunications and Information Administration, NTIA, as of January 28, 2009, more than 14 million coupons have expired. The result is that millions of Americans will lose their television signal because they will be unable to purchase the equipment necessary for the transition. The NTIA also reported in early January that the \$1.34 billion that Congress appropriated for the coupons had run out. To date more than 3 million people are on the waiting list. This number includes nearly 7,000 of my constituents, who need these coupons before the transition takes effect and they lose their main source of communication.

It is clear that this country is not prepared for the February 17 transition. I am pleased that the DTV Delay Act postpones the digital transition for 115 days and will permit consumers holding expired coupons to reapply for replacement coupons. This bill is badly needed to help ensure that millions of Americans

do not lose a critical communications safety net when our country transitions from analog to digital television.

I urge the Energy and Commerce Committee and the NTIA to use this additional time to address the needs of Americans who are currently considered ineligible for the converter box program, such as those that live in single room occupancy buildings and other group homes across the nation. These are people who need the coupons most because they will not be able to afford converters without the help of this program. They are entitled to the same access to the digital converter program as all other Americans. Let's ensure that no Americans find themselves in the dark when the transition occurs.

Mr. REYES. Mr. Speaker, I rise in support of S. 352, the DTV Delay Act.

I am a strong supporter for a delay in the Digital Television, DTV, transition set to occur on February 17, 2009, because I believe that without a postponement many families and individuals will be left behind. Without this delay, millions of Americans may see their televisions "go dark" on February 18th, with a disproportionate impact on low-income, rural, and elderly Americans.

I am particularly concerned with this issue given the unique DTV transition challenges that exists in my congressional district and along the U.S.-Mexico border. Households on the U.S.-Mexico border already have low rates of cable or satellite television subscription. However, unlike other parts of the country, televisions in the border region will continue to work after the February transition, as viewers in the U.S.-Mexico border will maintain analog transmissions from Mexico. This presents a major obstacle for those trying to prepare analog-only viewers for this transition because many of these Spanish-speaking viewers will have little incentive to purchase the required digital converter box once they discover their television still works.

In addition, I am very concerned about the circumstances surrounding the National Telecommunications and Information Administration's, NTIA, implementation of the TV Converter Box Coupon Program. Specifically, I am troubled by the NTIA's creation of a wait list after issuing the maximum amount of coupons allowed under its budget.

According to Commerce Department data, in just the last two business days, the size of this waiting list has grown by 200,000 households. There are now more than two million households on the waiting list for coupons. In my congressional district alone, the waiting list numbers have grown from 5,605 on January 30th to 6,013 on February 2nd.

These developments raise serious questions as to the actual ability of many households to comply with the February deadline. As the transition date has drawn near, it has become increasingly apparent to me that the government programs to support the transition are insufficient and that the transition should be delayed.

Mr. MARKEY. Mr. Speaker, I want to commend you for quickly putting this Senate legislation, once again, before the House for immediate consideration.

In several weeks, without immediate action, millions of Americans may remain unprepared for the digital television transition. Mr. Speaker, as you know, I have had a long interest in the digital television transition. I held the very

first hearing on "High Definition TV" in October of 1987—more than 20 years ago. In 1990, I battled hard and successfully as then-Chairman of the House Telecommunications and Finance Subcommittee to get the Federal Communications Commission to switch from pursuing an "analog" HDTV standard to a "digital" standard.

Moreover, I fought to build into the Telecomm Act in 1996 the appropriate way in which broadcasters could utilize "spectrum flexibility" to multiplex the digital signal into several video programming channels or offer wireless interactive television or information services. And I pushed unsuccessfully in the context of the 1997 budget battles to prohibit the sale of "analog-only" televisions by the year 2000—an amendment that was opposed by every Republican in our Committee markup in 1997. The result was over a hundred million analog-only sets were sold into the marketplace even as the government was stipulating it intended to turn off the analog TV signal. The failure to mandate "dual tuner" TVs sooner has compounded the difficulty of this transition immeasurably by increasing the base of TV receivers that need converter boxes to receive digital TV signals.

Most recently, for the last two years as the Telecommunications and Internet Subcommittee Chairman, I convened six DTV hearings, requested and received three Government Accountability Office, GAO, reports, and wrote numerous oversight letters to the FCC, to NTIA, and to industry and consumer representatives in headlong pursuit of ensuring a successful digital television transition on February 17th.

At the last DTV hearing that we held the second week of September—just after the Wilmington, North Carolina switch-over test—the GAO testified:

NTIA is effectively implementing the converter box subsidy program, but its plans to address the likely increase in coupon demand as the transition nears remain unclear. . . . With a spike in demand likely as the transition date nears, NTIA has no specific plans to address an increase in demand; therefore, consumers might incur significant wait time before they receive coupons as the transition nears and might lose television service during the time they are waiting for the coupons.

In response, I asked the Acting NTIA Administrator to give the Subcommittee a contingency plan for dealing with the expected surge in coupons within 30 days. Now, that contingency plan did not arrive in 30 days. Instead, it arrived to us on November 6th—just after Election Day. The NTIA's "Final Phase" plan did not echo the GAO's alarm bells, but rather stated the following:

This Plan demonstrates that the Coupon Program has both sufficient funds and system processing capabilities to achieve this goal . . . and to do so without the creation a large backlog. Also, NTIA has built flexibility into the Program to respond to various or unexpected events. Moreover, based on actual, cumulative redemption data, NTIA would not exhaust the authorized \$1.34 billion in coupon funding despite increased demand leading up to the analog shut-down, on February 17th, and, in fact, may return as much as \$340 million to the U.S. Treasury.

That's from the NTIA just over two months ago. "No problem," the agency is saying. In essence the agency is telling Congress, "We have a plan to deal with the surge and we

don't need any more money. No large backlog. And we'll have hundreds of millions of dollars left over."

Now, why is this important? It is important because we were actually in session in November. We could have acted during the "lame duck" session if the Bush Administration had said, "yes, we will likely have a shortfall", or "please, Congress, let's err on the side of caution and budget a couple hundred million more just in case . . .". Yet NTIA told us all just the opposite. The agency said everything was fine and they didn't need additional money for coupons.

In late December, I asked for an urgent status update on the program. That's when NTIA wrote back to me—on December 24th—stating that a waiting list was going to begin in January of this year because the coupon program was hitting its funding ceiling. The agency indicated that to solve this issue and spend up to the \$1.34 billion in the underlying statute for coupons that another 250 million dollars at a minimum might be needed. And that amount would not necessarily reflect the actual demand for coupons the agency was newly projecting. The waiting list now represents approximately 3 million coupons.

In an attempt to respond quickly, I reached out the first week we returned here in January to Ranking Member JOE BARTON, R-TX, and said if we work together on an accounting fix we could start to address the waiting list issue and get the coupons flowing to consumers again and buy some time. I want to thank Rep. BARTON for his willingness to proceed on such a bill.

But that effort has simply become overtaken by events. If we passed it and also gave NTIA a couple hundred million dollars for additional coupons in a measure that passed through the House and through the Senate today, and arrived to the President's desk this evening, we simply wouldn't be able to address the backlog and get coupons out to people who have requested them by February 17th.

Not every media market will be as unprepared as others on February 17th. I know that in the Boston market, our local commercial and noncommercial broadcasters, as well as our local cable operators, have worked diligently to be ready on February 17th and I commend them for their model efforts. Yet even in Boston, it is important to note that a recent test brought a flood of calls to consumer call centers from citizens confused about or unprepared for the switchover. Many other media markets, in part due to the demographic makeup of such markets, will have an even greater risk of significant dislocation without immediate action. The Bush Administration has simply left us with so little time to make the needed adjustments on a national basis absent a short, one-time delay.

So, although this is the last place we all wanted to be, and in spite of the fact that we toiled mightily to make this effort work, it is my judgment that a short delay is in the public interest in order to protect consumers. I urge passage of this emergency DTV legislation.

Mr. BOUCHER. I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 108, the Senate bill is considered read and the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

## MOTION TO COMMIT

Mr. BARTON of Texas. Mr. Speaker, I have a motion to commit at the desk. The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARTON of Texas. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to commit.

The Clerk read as follows:

Mr. Barton of Texas moves to commit the bill (S. 352) to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new section:

**SEC. 6. CLEARANCE OF PUBLIC SAFETY SPECTRUM, ADJACENT CHANNELS, AND OTHER CHANNELS CAUSING INTERFERENCE.**

Notwithstanding any other provision of this Act, any amendments made by this Act, or any revision to any rule, regulation, or order pursuant to this Act or such amendments, no full-power television broadcast station shall be permitted, after February 17, 2009, to continue broadcasting—

(1) in the television service on channels 63, 64, 68, or 69 (764-806 megahertz, inclusive);

(2) on any channels adjacent to the channels described in paragraph (1), if cessation of broadcasting on such channels is determined by the Federal Communications Commission to be necessary to prevent interference with public safety communications; and

(3) on any other channel, if cessation of broadcasting on such channel is determined by the Federal Communications Commission to be necessary to ensure that—

(A) all public safety radio service licensees can relocate onto and begin operation on their respective licensed spectrum; or

(B) no full-power television broadcast station is subject to unacceptable interference or has its coverage area significantly reduced.

Mr. BARTON of Texas (during the reading). I ask unanimous consent that the motion be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas is recognized for 5 minutes in support of his motion.

Mr. BARTON of Texas. Mr. Speaker, I will try to make this as succinct as possible. The motion to commit before us says that notwithstanding any other provision in the bill that is before us, those stations that have spectrum that is going to be used by public safety officials and first responders have to relinquish that spectrum on February 17. If there's any station whose spectrum is adjacent to the public safety spectrum that would interfere with the public safety spectrum, those stations also have to relinquish their spectrum on February 17.

So what this motion to commit does is simply say that for first responders and public safety officials who have been waiting patiently for almost 7

years, they will get their spectrum on February 18. That is all it does.

I would point out that it's been brought to my attention that the entire State of Hawaii has been digital now for an entire month. They went digital to protect migrating birds who would be interfered with if they waited until February 17 to move one or two particular transmitters.

So, in the State of Hawaii, they have been all digital for a month, and there's been no problem; 143 stations on the mainland have already gone digital. There has been no problem.

The Acting FCC Chairman says that about 60 percent, and maybe as many as 90 percent of the TV stations, are going to go digital between February 17 and June 12. So I don't think there's a reason for the delay. But the motion to commit simply says that if we are going to pass the underlying bill, let's at least put the first responders at the front of the line to go ahead and get their spectrum on February 18.

With that, I would yield to the gentleman from Oregon (Mr. WALDEN) in support of the motion to commit.

□ 1530

Mr. WALDEN. Mr. Speaker, let's get this down.

On November 6, NTIA notified us that they may have a problem with money. At the end of December, they said they have got to start a waiting list. And today is February 4. So you had December, January, and now February, 3 months to work this out, and there was a simple accounting fix that could have been done early on that would have solved this problem. So at a minimum we could have addressed this earlier had the majority wanted to. Right now, our biggest concern, frankly, should be with law enforcement and our emergency services.

Five years to the day before America was attacked on September 11, 2001, the law enforcement community said: We need you to free up this spectrum, make this transition, and get it done; because if we have an attack or a problem in this country, we don't have the interoperable capability to communicate. And, unfortunately, we will learn the sad, tragic, and deadly reality of that failure to communicate as rescue workers tried to do their jobs in New York City.

So all this motion to commit says is that let's have the FCC make sure that we are not going to further hamper our emergency services personnel and their ability to have interoperable communications, so that fire and police can talk to each other when there is an emergency. That is all this says: FCC, make sure this gets done right; and, if there is a problem, move these stations so that we put the safety of our firefighters, the safety of our police first and the safety of our communities. Because, Lord knows, we may be the subject of another attack.

We all hope that does not occur. But if it does, there will be another com-

mission that says: How come you guys waited? Why didn't you do what we told you to do when we had the last commission, the 9/11 Commission? Why didn't you listen to the public service folks 5 years before the attack on 9/11? Why didn't you step up and do your job?

There is a simple accounting fix that initially there was reportedly even bipartisan for, until the transition team said, oh, no, let's just move the date. Then everything crumbled, and that is where we are today.

Last night my wife and I were watching TV, and here comes the ad on Comcast that says that: Congress has passed a law that says February 17, 2009, the analogue signal goes away, and you just subscribe to us or you do this converter box.

We are still having these folks advertise as of last night what the law is today. People, are confused. You think confusion? They are still being told, here is what you are supposed to do. And this is why people don't trust the government, because you get everybody marching, doing what they are supposed to do, the broadcasters, the industries that supply the boxes, everything else, and then we move the goalposts. And I don't think that makes sense. In this case, it doesn't have to happen. We can work through this process. You could make a simple accounting change; you would be \$250 million just authorized and you get the coupons out the door.

Mr. BOUCHER. Mr. Speaker, I rise in opposition to the motion to commit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. BOUCHER. Mr. Speaker, the primary reason that I am opposing this motion to commit is that it simply is unnecessary. And I want to address that in just a moment; but before I do that, I think a factual clarification is necessary. The Department of Commerce did not notify the Congress that the converter box program was out of money until Christmas Eve. Congress was in recess at that time. Ever since we have been back in session, we have been working to address the problem that that program running out of money has caused, and we have done that as expeditiously as the congressional schedule permits.

In November, in the communication to which the gentleman from Oregon referred, the Department of Commerce indicated that it was having to reschedule in a certain way the provision of coupons, but it also said that it had ample money to continue the program to successful conclusion at that time. The Department of Commerce said nothing about the program potentially running out of money. That message did not come until December 24th.

Mr. WALDEN. Mr. Speaker, would the gentleman yield?

Mr. BOUCHER. If I have time remaining after I finish my statement, I will be happy to yield to the gentleman.

The motion to commit would essentially require the broadcasters in the four channels that will be devoted to public safety and in a buffer zone around those four channels to terminate their analogue broadcast. That is the essence of what the motion accomplishes. And it simply is not necessary.

The first point to be made is that there are very few public safety agencies that immediately are even prepared to start using that spectrum for advanced communications. And that fact comes to us from David Furth, who is the official at the FCC, Acting Chief of the Public Safety and Homeland Security Bureau, who has told us that very few public safety agencies could even utilize the spectrum immediately.

We have placed in this legislation a provision that says that if broadcasters elect to turn off their analogue transmitters and vacate the spectrum prior to the transition date of June 12, they may do so; and, if they decide to do so, then public safety agencies that are prepared to begin to utilize the spectrum may have access to it, in accordance with standard Federal Communication Commission procedures. And so many broadcasters probably will take that option. I think numbers were provided on the other side about how many are likely to do that, and in those areas public safety agencies can go forward.

Beyond that, we have a very large list of endorsements for this delay coming from the associations that represent the great bulk of public safety agencies across the United States, and they are saying that there is a greater risk in shutting television off and having people lose vital public safety information that television provides than there is in delaying for a brief period the arrival of the spectrum for the use of public safety agencies. Letters have been received from the Association of Public Safety Communications Officials International, the International Association of Chiefs of Police, the International Association of Fire Chiefs, and the National Emergency Number Association, all speaking for public safety agencies and endorsing this delay.

As I indicated, there is a great public safety concern if people are not able to get the emergency information that is delivered so effectively by local broadcast stations. And kicking those stations out of the four channels in which they are broadcasting today to make room for public safety agencies that themselves are not prepared to utilize that spectrum simply is not a good policy. And so, Mr. Speaker, for all of these reasons I oppose the motion to commit and ask that it be rejected by the House.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. WALDEN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to commit will be followed by 5-minute votes on passage of S. 352, if ordered; and suspending the rules and passing H.R. 738, if ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 242, not voting 10, as follows:

[Roll No. 51]

YEAS—180

Akin	Giffords	Murphy (CT)
Altmire	Gingrey (GA)	Murphy, Tim
Austria	Gohmert	Myrick
Bachmann	Goodlatte	Neugebauer
Bachus	Granger	Nunes
Barrett (SC)	Graves	Nye
Bartlett	Guthrie	Olson
Barton (TX)	Hall (TX)	Paul
Biggett	Harper	Paulsen
Bilbray	Hastings (WA)	Pence
Bilirakis	Heller	Perriello
Bishop (UT)	Hensarling	Peters
Blackburn	Herger	Pitts
Blunt	Himes	Platts
Boehner	Hoekstra	Poe (TX)
Bonner	Hunter	Posey
Bono Mack	Inglis	Price (GA)
Boozman	Issa	Putnam
Boustany	Jenkins	Radanovich
Brady (TX)	Johnson (IL)	Rehberg
Broun (GA)	Johnson, Sam	Reichert
Brown (SC)	Jones	Rogers (AL)
Buchanan	Jordan (OH)	Rogers (KY)
Burgess	Kind	Rogers (MI)
Burton (IN)	King (IA)	Rohrabacher
Buyer	King (NY)	Rooney
Calvert	Kingston	Ros-Lehtinen
Camp	Kirk	Roskam
Cantor	Kline (MN)	Royce
Capito	Lamborn	Ryan (WI)
Carney	Lance	Scalise
Carter	LaTham	Schmidt
Cassidy	LaTourrette	Sessions
Castle	Latta	Shadegg
Chaffetz	Lee (NY)	Shimkus
Coble	Lewis (CA)	Shuster
Coffman (CO)	Linder	Smith (NE)
Cole	LoBiondo	Smith (NJ)
Conaway	Lucas	Smith (TX)
Crenshaw	Luetkemeyer	Souder
Culberson	Lummis	Stearns
Dahlkemper	Lungren, Daniel	Sullivan
Davis (KY)	E.	Teague
Deal (GA)	Mack	Terry
Dent	Manzullo	Thompson (PA)
Diaz-Balart, L.	Marchant	Thornberry
Diaz-Balart, M.	McCarthy (CA)	Tiahrt
Dreier	McCaul	Tiberi
Duncan	McCotter	Turner
Ehlers	McHenry	Upton
Emerson	McHugh	Walden
Fallin	McIntyre	Walz
Fleming	McMorris	Wamp
Forbes	Rodgers	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallely	Minnick	Young (AK)
Garrett (NJ)	Mitchell	Young (FL)
Gerlach	Moran (KS)	

NAYS—242

Abercrombie	Baird	Berman
Ackerman	Baldwin	Berry
Adler (NJ)	Barrow	Bishop (GA)
Andrews	Bean	Bishop (NY)
Arcuri	Becerra	Blumenauer
Baca	Berkley	Bocieri

Boren	Hill	Pastor (AZ)
Boswell	Hinchee	Payne
Boucher	Hinojosa	Perlmutter
Boyd	Hirono	Peterson
Brady (PA)	Hodes	Petri
Bralley (IA)	Holden	Pingree (ME)
Bright	Holt	Polis (CO)
Brown, Corrine	Honda	Pomeroy
Brown-Waite,	Hoyer	Price (NC)
Ginny	Inslee	Rahall
Butterfield	Israel	Rangel
Cao	Jackson (IL)	Reyes
Capps	Jackson-Lee	Richardson
Capuano	(TX)	Rodriguez
Cardoza	Johnson (GA)	Roe (TN)
Carnahan	Johnson, E. B.	Ross
Carson (IN)	Kagen	Rothman (NJ)
Chandler	Kanjorski	Royal-Allard
Childers	Kaptur	Ruppersberger
Clarke	Kennedy	Rush
Clay	Kildee	Ryan (OH)
Cleaver	Kilpatrick (MI)	Salazar
Clyburn	Kilroy	Sánchez, Linda
Cohen	Kirkpatrick (AZ)	T.
Connolly (VA)	Klein (FL)	Sanchez, Loretta
Conyers	Kosmas	Sarbanes
Cooper	Kratovil	Schakowsky
Costa	Kucinich	Schauer
Costello	Langevin	Schiff
Courtney	Larsen (WA)	Schrader
Crowley	Larson (CT)	Schwartz
Cuellar	Lee (CA)	Scott (GA)
Cummings	Levin	Scott (VA)
Davis (AL)	Lewis (GA)	Sensenbrenner
Davis (CA)	Lipinski	Serrano
Davis (IL)	Loebsock	Sestak
Davis (TN)	Lofgren, Zoe	Shea-Porter
DeFazio	Lowey	Sherman
DeGette	Lujan	Shuler
Delahunt	Lynch	Sires
DeLauro	Maffei	Skelton
Dicks	Maloney	Slaughter
Dingell	Markey (CO)	Smith (WA)
Doggett	Markey (MA)	Snyder
Donnelly (IN)	Marshall	Solis (CA)
Doyle	Massa	Space
Driehaus	Matheson	Speier
Edwards (MD)	Matsui	Spratt
Edwards (TX)	McCarthy (NY)	Stupak
Ellison	McClintock	Sutton
Ellsworth	McCollum	Tanner
Engel	McDermott	Tauscher
Eshoo	McGovern	Taylor
Etheridge	McMahon	Thompson (CA)
Farr	McNerney	Thompson (MS)
Fattah	Meek (FL)	Tierney
Filner	Meeks (NY)	Titus
Foster	Melancon	Tonko
Frank (MA)	Michaud	Towns
Fudge	Miller (NC)	Tsongas
Gonzalez	Miller, George	Van Hollen
Gordon (TN)	Mollohan	Velázquez
Grayson	Moore (KS)	Visclosky
Green, Al	Moore (WI)	Wasserman
Green, Gene	Moran (VA)	Schultz
Griffith	Murphy, Patrick	Waters
Grijalva	Murtha	Watson
Gutierrez	Nadler (NY)	Watt
Hall (NY)	Napolitano	Waxman
Halvorson	Neal (MA)	Weiner
Hare	Oberstar	Welch
Harman	Obey	Wexler
Hastings (FL)	Olver	Wilson (OH)
Heinrich	Ortiz	Woolsey
Herseth Sandlin	Pallone	Wu
Higgins	Pascrell	Yarmuth

NOT VOTING—10

Aderholt	Flake	Simpson
Alexander	Kissell	Stark
Campbell	McKeon	
Castor (FL)	Schock	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1604

Messrs. SCOTT of Georgia, SHERMAN, HONDA, ELLISON, SCHRADER, MELANCON, KUCINICH, MORAN of Virginia, THOMPSON of Mississippi, OBERSTAR, Ms. WASSERMAN SCHULTZ, Ms. EDWARDS of Maryland, Ms. SOLIS of California and Ms.

PINGREE of Maine changed their vote from “yea” to “nay.”

Messrs. YOUNG of Alaska, LEWIS of California, PERRIELLO and SAM JOHNSON of Texas changed their vote from “nay” to “yea.”

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 51, had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALDEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 264, nays 158, not voting 10, as follows:

[Roll No. 52]

YEAS—264

Abercrombie	DeLauro	Kaptur
Ackerman	Diaz-Balart, L.	Kennedy
Andrews	Diaz-Balart, M.	Kildee
Arcuri	Dicks	Kilpatrick (MI)
Baca	Dingell	Kilroy
Baird	Doggett	Kirkpatrick (AZ)
Baldwin	Donnelly (IN)	Klein (FL)
Barrow	Doyle	Kosmas
Bean	Driehaus	Kratovil
Becerra	Duncan	Kucinich
Berman	Edwards (MD)	Langevin
Berry	Edwards (TX)	Larson (CT)
Bilirakis	Ellison	LaTourette
Bishop (GA)	Ellsworth	Lee (CA)
Bishop (NY)	Emerson	Levin
Blumenauer	Engel	Lewis (GA)
Boccieri	Eshoo	Lipinski
Boren	Etheridge	LoBiondo
Boswell	Farr	Loebsack
Boucher	Fattah	Logren, Zoe
Boyd	Filner	Lowey
Brady (PA)	Foster	Lujan
Braley (IA)	Frank (MA)	Lynch
Bright	Fudge	Maffei
Brown, Corrine	Giffords	Maloney
Brown-Waite,	Gonzalez	Markey (CO)
Ginny	Gordon (TN)	Markey (MA)
Buchanan	Grayson	Marshall
Butterfield	Green, Al	Massa
Cao	Green, Gene	Matheson
Capps	Griffith	Matsui
Capuano	Grijalva	McCarthy (NY)
Cardoza	Gutierrez	McCintock
Carnahan	Hall (NY)	McCollum
Carney	Halvorson	McDermott
Carson (IN)	Hare	McGovern
Chandler	Harman	McHugh
Childers	Hastings (FL)	McIntyre
Clarke	Heinrich	McMahon
Clay	Herseth Sandlin	McNerney
Cleaver	Higgins	Meek (FL)
Clyburn	Hill	Meeks (NY)
Cohen	Himes	Michaud
Connolly (VA)	Hinchev	Miller (NC)
Conyers	Hinojosa	Miller, George
Cooper	Hirono	Minnick
Costa	Hodes	Mitchell
Costello	Holt	Mollohan
Courtney	Honda	Moore (KS)
Crowley	Hoyer	Moore (WI)
Cuellar	Inslie	Moran (VA)
Cummings	Israel	Murphy (CT)
Dahlkemper	Jackson (IL)	Murphy, Patrick
Davis (AL)	Jackson-Lee	Murtha
Davis (CA)	(TX)	Nadler (NY)
Davis (IL)	Johnson (GA)	Napolitano
Davis (TN)	Johnson, E. B.	Neal (MA)
DeFazio	Jones	Nye
DeGette	Kagen	Oberstar
Delahunt	Kanjorski	Obey

Oliver	Sánchez, Linda	Tanner
Ortiz	T.	Tauscher
Pallone	Sanchez, Loretta	Taylor
Pascarell	Sarbanes	Teague
Pastor (AZ)	Schakowsky	Thompson (CA)
Payne	Schauer	Thompson (MS)
Perriello	Schiff	Tierney
Peters	Schrader	Titus
Peterson	Schwartz	Tonko
Pingree (ME)	Scott (GA)	Towns
Polis (CO)	Scott (VA)	Tsongas
Pomeroy	Sensenbrenner	Turner
Posey	Serrano	Van Hollen
Price (NC)	Sestak	Velázquez
Rahall	Shea-Porter	Visclosky
Rangel	Sherman	Wasserman
Reyes	Shuster	Schultz
Richardson	Sires	Waters
Rodriguez	Skelton	Watson
Roe (TN)	Slaughter	Watt
Rogers (AL)	Smith (NJ)	Waxman
Rogers (KY)	Smith (WA)	Weiner
Ros-Lehtinen	Snyder	Welch
Ross	Solis (CA)	Wexler
Rothman (NJ)	Space	Wilson (OH)
Roybal-Allard	Speier	Woolsey
Ruppersberger	Spratt	Wu
Rush	Stupak	Yarmuth
Ryan (OH)	Sullivan	
Salazar	Sutton	

NAYS—158

Adler (NJ)	Gerlach	Miller, Gary
Akin	Gingrey (GA)	Moran (KS)
Altmire	Gohmert	Murphy, Tim
Austria	Goodlatte	Myrick
Bachmann	Granger	Neugebauer
Bachus	Graves	Nunes
Barrett (SC)	Guthrie	Olson
Bartlett	Hall (TX)	Paulsen
Barton (TX)	Harper	Pence
Berkley	Hastings (WA)	Perlmutter
Biggert	Heller	Petri
Bilbray	Hensarling	Pitts
Bishop (UT)	Herger	Platts
Blackburn	Hoekstra	Poe (TX)
Blunt	Holden	Price (GA)
Boehner	Hunter	Putnam
Bonner	Inglis	Radanovich
Bono Mack	Issa	Rehberg
Boozman	Jenkins	Reichert
Boustany	Johnson (IL)	Rogers (MI)
Brady (TX)	Johnson, Sam	Rohrabacher
Broun (GA)	Jordan (OH)	Rooney
Brown (SC)	Kind	Roskam
Burgess	King (IA)	Royce
Burton (IN)	King (NY)	Ryan (WI)
Buyer	Kingston	Scalise
Calvert	Kirk	Schmidt
Camp	Kline (MN)	Schock
Cantor	Lamborn	Sessions
Capito	Lance	Shadegg
Carter	Larsen (WA)	Shimkus
Cassidy	Latham	Shuler
Castle	Latta	Smith (NE)
Chaffetz	Lee (NY)	Smith (TX)
Coble	Lewis (CA)	Souder
Coffman (CO)	Linder	Stearns
Cole	Lucas	Terry
Conaway	Luetkemeyer	Thompson (PA)
Crenshaw	Lummis	Thornberry
Culberson	Lungren, Daniel	E.
Davis (KY)	E.	Mack
Deal (GA)	Mack	Manzullo
Dent	Marchant	Marchant
Dreier	McCarthy (CA)	McCaul
Ehlers	Fallin	McCotter
Fallin	McMahon	McHenry
Fleming	Fleming	McMorris
Forbes	Forbes	Rodgers
Fortenberry	Fortenberry	Melancon
Fox	Foxy	Mica
Franks (AZ)	Franks (AZ)	Miller (FL)
Frelinghuysen	Frelinghuysen	Miller (MI)
Galleghy	Galleghy	
Garrett (NJ)	Garrett (NJ)	

NOT VOTING—10

Aderholt	Flake	Simpson
Alexander	Kissell	Stark
Campbell	McKeon	
Castor (FL)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1612

Ms. FOXX changed her vote from “yea” to “nay.”

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. PETRI. Mr. Speaker, on rollcall No. 52, I inadvertently voted “nay.” I would like the RECORD to show that I meant to vote “yea.”

Stated against:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 52, had I been present, I would have voted “nay.”

DEATH IN CUSTODY REPORTING ACT OF 2009

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill, H.R. 738.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 738.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CARTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 24, as follows:

[Roll No. 53]

YEAS—407

Abercrombie	Brady (PA)	Costa
Ackerman	Brady (TX)	Costello
Adler (NJ)	Braley (IA)	Courtney
Akin	Bright	Crenshaw
Altmire	Brown (SC)	Crowley
Andrews	Brown, Corrine	Cuellar
Arcuri	Brown-Waite,	Culberson
Austria	Ginny	Cummings
Baca	Buchanan	Dahlkemper
Bachmann	Burgess	Davis (AL)
Bachus	Burton (IN)	Davis (CA)
Baird	Butterfield	Davis (IL)
Baldwin	Buyer	Davis (KY)
Barrett (SC)	Camp	Davis (TN)
Barrow	Cantor	Deal (GA)
Bartlett	Cao	DeFazio
Barton (TX)	Capito	DeGette
Bean	Capps	Delahunt
Becerra	Capuano	DeLauro
Berkley	Cardoza	Dent
Berman	Carnahan	Diaz-Balart, L.
Berry	Carney	Diaz-Balart, M.
Biggert	Carson (IN)	Dicks
Bilbray	Carter	Dingell
Bilirakis	Cassidy	Doggett
Bishop (GA)	Castle	Donnelly (IN)
Bishop (NY)	Chaffetz	Doyle
Bishop (UT)	Chandler	Dreier
Blackburn	Childers	Driehaus
Blumenauer	Clarke	Duncan
Blunt	Clay	Edwards (MD)
Boccieri	Cleaver	Edwards (TX)
Boehner	Clyburn	Ehlers
Bonner	Coble	Ellison
Bono Mack	Coffman (CO)	Emerson
Boozman	Cohen	Engel
Boren	Cole	Eshoo
Boswell	Conaway	Etheridge
Boucher	Connolly (VA)	Fallin
Boustany	Conyers	Farr
Boyd	Cooper	Fattah

Filner  
Fleming  
Forbes  
Fortenberry  
Foster  
Foxx  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Fudge  
Garrett (NJ)  
Gerlach  
Giffords  
Gingrey (GA)  
Gohmert  
Gonzalez  
Goodlatte  
Gordon (TN)  
Granger  
Graves  
Grayson  
Green, Al  
Green, Gene  
Griffith  
Grijalva  
Guthrie  
Gutierrez  
Hall (NY)  
Hall (TX)  
Halvorson  
Hare  
Harman  
Harper  
Hastings (FL)  
Hastings (WA)  
Heinrich  
Heller  
Hensarling  
Herger  
Herseht Sandlin  
Higgins  
Hill  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hodes  
Hoekstra  
Holden  
Holt  
Honda  
Hoyer  
Hunter  
Inglis  
Insee  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan (OH)  
Kagen  
Kanjorski  
Kaptur  
Kennedy  
Kildee  
Kilpatrick (MI)  
Kilroy  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Kirkpatrick (AZ)  
Klein (FL)  
Kline (MN)  
Kosmas  
Kratovil  
Kucinich  
Lamborn  
Lance  
Langevin  
Larsen (WA)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Lee (NY)  
Levin  
Lewis (CA)  
Lewis (GA)

Linder  
Lipinski  
LoBiondo  
Loeb  
Lofgren, Zoe  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Mack  
Maffei  
Maloney  
Manzullo  
Marchant  
Markey (CO)  
Markey (MA)  
Marshall  
Massa  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCaul  
McClintock  
McCollum  
McCotter  
McDermott  
McGovern  
McHenry  
McHugh  
McIntyre  
McMahon  
McMorris  
Rodgers  
McNerney  
Meek (FL)  
Meeks (NY)  
Melancon  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, George  
Minnick  
Mitchell  
Moore (KS)  
Moore (WI)  
Moran (KS)  
Moran (VA)  
Murphy (CT)  
Murphy, Patrick  
Murphy, Tim  
Murtha  
Myrick  
Nadler (NY)  
Napolitano  
Neal (MA)  
Neugebauer  
Nunes  
Nye  
Oberstar  
Obey  
Olson  
Olver  
Ortiz  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Pence  
Perlmutter  
Perriello  
Peters  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis (CO)  
Pomeroy  
Posey  
Price (GA)  
Price (NC)  
Putnam  
Rahall  
Rehberg  
Reichert  
Richardson  
Rodriguez  
Roe (TN)  
Rogers (AL)

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rooney  
Ros-Lehtinen  
Roskam  
Ross  
Rothman (NJ)  
Roybal-Allard  
Royce  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Salazar  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Scalise  
Schakowsky  
Schauer  
Schiff  
Schmidt  
Schock  
Schrader  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Sestak  
Shadegg  
Shea-Porter  
Sherman  
Shimkus  
Shuler  
Shuster  
Sires  
Skelton  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Snyder  
Solis (CA)  
Souder  
Space  
Speier  
Spratt  
Stearns  
Stupak  
Sullivan  
Sutton  
Tanner  
Tauscher  
Taylor  
Teague  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Titus  
Tonko  
Townsend  
Tsongas  
Turner  
Upton  
Van Hollen  
Velázquez  
Visclosky  
Walden  
Walz  
Wamp  
Wasserman  
Schultz  
Waters  
Watson  
Watt  
Waxman  
Weiner  
Welch  
Westmoreland  
Wexler  
Whitfield  
Wilson (OH)  
Wilson (SC)  
Wittman  
Wolf  
Woolsey  
Wu  
Yarmuth  
Young (AK)  
Young (FL)

## NAYS—1

Ellsworth  
NOT VOTING—24

Aderholt  
Alexander  
Broun (GA)  
Calvert  
Campbell  
Castor (FL)  
Flake  
Gallegly

Kissell  
Larson (CT)  
McKeon  
Miller, Gary  
Mollohan  
Paul  
Peterson  
Radanovich

Rangel  
Reyes  
Schwartz  
Simpson  
Slaughter  
Smith (WA)  
Stark  
Tiahrt

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1619

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SIMPSON. Mr. Speaker, on rollcall No. 53, had I been present, I would have voted "yea."

NOTICE OF INTENTION TO OFFER  
RESOLUTION RAISING A QUESTION  
OF THE PRIVILEGES OF  
THE HOUSE

Mr. CARTER. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

Whereas, the gentleman from New York, Charles B. Rangel, the fourth most senior Member of the House of Representatives, serves as chairman of the House Ways and Means Committee, a position of considerable power and influence within the House of Representatives; and,

Whereas, clause one of rule 23 of the Rules of the House of Representatives provides, "A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House;"

Whereas, The New York Times reported on September 5, 2008, that, "Representative Charles B. Rangel has earned more than \$75,000 in rental income from a villa he has owned in the Dominican Republic since 1988, but never reported it on his federal or state tax returns, according to a lawyer for the congressman and documents from the resort."; and,

Whereas, in an article in the September 5, 2008 edition of The New York Times, his attorney confirmed that Representative Rangel's annual congressional Financial Disclosure statements failed to disclose the rental income from his resort villa; and,

Whereas, The New York Times reported on September 6, 2008 that, "Representative Charles B. Rangel paid no interest for more than a decade on a mortgage extended to him to buy a villa at a beachfront resort in the Dominican Republic, according to Mr. Rangel's lawyer and records from the resort. The loan, which was extended to Mr. Rangel in 1988, was originally to be paid back over seven years at a rate of 10.5 percent. But within two years, interest on the loan was waived for Mr. Rangel."; and,

Whereas, clause 5(a)(2)(A) of House Rule 25 defines a gift as, ". . . a gratuity, favor, dis-

count, entertainment, hospitality, loan, forbearance, or other item having monetary value" and prohibits the acceptance of such gifts except in limited circumstances; and,

Whereas, Representative Rangel's acceptance of thousands of dollars in interest forgiveness is a violation of the House gift ban; and,

Whereas, Representative Rangel's failure to disclose the aforementioned gifts and income on his Personal Financial Disclosure Statements violates House rules and federal law; and,

Whereas, Representative Rangel's failure to report the aforementioned gifts and income on federal, state and local tax returns is a violation of the tax laws of those jurisdictions; and,

Whereas, the Committee on Ways and Means, which Representative Rangel chairs, has jurisdiction over the United States Tax Code; and,

Whereas, the House Committee on Standards of Official Conduct first announced on July 31, 2008 that it was reviewing allegations of misconduct by Representative Rangel; and,

Whereas, the House Committee on Standards of Official Conduct announced on September 24, 2008 that it had established an investigative subcommittee in the matter of Representative Rangel; and,

Whereas, The New York Times reported on November 24, 2008 that, "Congressional records and interviews show that Mr. Rangel was instrumental in preserving a lucrative tax loophole that benefited [Nabors Industries] an oil drilling company last year, while at the same time its chief executive was pledging \$1 million to the Charles B. Rangel School of Public Service at C.C.N.Y."; and,

Whereas, the House Committee on Standards of Official Conduct announced on December 9, 2008 that it had expanded the jurisdiction of the aforementioned investigative subcommittee to examine the allegations related to Representative Rangel's involvement with Nabors Industries; and,

Whereas, Roll Call newspaper reported on September 15, 2008 that, "The inconsistent reports are among myriad errors, discrepancies and unexplained entries on Rangel's personal disclosure forms over the past eight years that make it almost impossible to get a clear picture of the Ways and Means chairman's financial dealings."; and,

Whereas, Roll Call newspaper reported on September 16, 2008 that, "Rangel said he would hire a forensic accountant to review all of his disclosure forms going back 20 years, and to provide a report to the House Committee on Standards of Official Conduct, which Rangel said will then make public."; and,

Whereas, nearly five months after Representative Rangel pledged to provide a public forensic accounting of his tax and federal financial disclosure records, he has failed to do so; and,

Whereas, an editorial in The New York Times on September 15, 2008 stated, "Mounting embarrassment for taxpayers and Congress makes it imperative that Representative Charles Rangel step aside as chairman of the Ways and Means Committee while his ethical problems are investigated."; and,

Whereas, on May 24, 2006, then Minority Leader Nancy Pelosi cited "high ethical standards" in a letter to Representative William Jefferson asking that he resign his seat on the Committee on Ways and Means in light of ongoing investigations into alleged financial impropriety by Representative Jefferson.

Whereas, by the conduct giving rise to this resolution, Representative Charles B. Rangel has dishonored himself and brought discredit to the House; and,

Therefore, be it *Resolved*, Upon adoption of this resolution and pending completion of the investigation into his affairs by the Committee on Standards of Official Conduct, Representative Rangel is hereby removed as chairman of the Committee on Ways and Means.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the RECORD at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

#### LEGISLATIVE PROGRAM

(Mr. WESTMORELAND asked and was given permission to address the House for 1 minute.)

Mr. WESTMORELAND. Mr. Speaker, I yield to the gentleman from Florida for the purpose of announcing next week's schedule.

Mr. HASTINGS of Florida. I thank my good friend from Georgia for yielding.

On Monday, the 9th of February, the House will meet at 2 p.m. for legislative business, with votes postponed until 6:30 p.m. On Tuesday, the 10th, the House will meet at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. On Wednesday, Thursday and Friday, the House will meet at 10 a.m. for legislative business.

We will consider several bills under suspension of the rules. The complete list of suspension bills will be announced by the close of business on Friday.

We also expect to consider S. 22, the Omnibus Public Land Management Act of 2009; and in addition, pending Senate action on H.R. 1, the American Recovery and Reinvestment Act, we anticipate House action on that legislation.

Mr. WESTMORELAND. Mr. Speaker, reclaiming my time, as to the public lands omnibus bill, I want to note for the gentleman: The bill that he has announced for next week, the public lands omnibus bill, is a bill that actually contains 130 separate bills, and it authorizes \$10 billion in taxpayer spending. Given our current economy, I would think that Congress should engage in the same belt-tightening that so many Americans, our constituents, are having to do every day.

□ 1630

Next week, we'll consider an almost \$1 trillion stimulus and a \$10 billion massive lands bill, and at some point in the near future, we're going to have to

understand that we are going to have to streamline the amount of spending that we're doing.

I'd like to ask the gentleman, will there be a bill on the floor next week to offset at least some of the massive spending the Congress is considering? And I'd yield to the gentleman for the response.

Mr. HASTINGS of Florida. I thank the gentleman for yielding.

As the gentleman knows, we're very focused on fiscal discipline, and we're very concerned about our ever-increasing deficit. Now, we look forward to working with Chairman SPRATT and our new President on a budget that's going to reduce spending and bring down our deficit, and we look forward to working with the gentleman and his colleagues on fiscal issues in the future.

As you well know, among other things, our goal continues to be to find a balance for the need for action during an economic crisis with our desire to go through the legislative process.

I could go at length with my good friend regarding how we got where we are, but in anticipation of the need to continue the rest of the business of the day, I'll leave it at that.

Mr. WESTMORELAND. Thank you. And reclaiming my time, I'd like to remind the gentleman that is a history lesson, and I think the people of our country and our constituents right now are looking to the future and what we're going to be doing in the future. And in particular, the history that you're talking about about the past administration and the past Congresses, let me just remind my friend that we're spending about \$100 million a minute in this Congress, and so I'm glad to hear that the gentleman from Florida, my friend, is aware of the amount of money and the amount of deficit and the amount of debt that we're piling up.

And I'd like to remind the gentleman, also, that just down the road we will be considering a \$410 billion omnibus spending bill and likely another supplemental of the amount of work that was not done in the last Congress about coming up with these appropriation bills, and we're having to do it in one bundle, and I think the American people certainly have a concern about that spending.

But let me comment on something that my friend from Florida said, and that was the bipartisanship here. And like our new President, your fellow Democrats in Congress and you have often spoken optimistically about bipartisanship and about including Republican ideas in the stimulus. Well, I'd like to remind my friend that only 4 percent of Republican ideas were even considered on the floor of this House, the people's House, a house for open debate about such issues, especially of the importance of the type of spending that we've been doing. And of the few Republican amendments adopted in committee, the majority of those were

either dropped or altered before the bill ever got to the floor, and to me, that's not acting in a spirit of bipartisanship.

And worse yet, the Speaker is yet to meet with the Republicans to hear our ideas. President Obama has had about three meetings with our leadership and listened to our ideas, but yet, the Speaker of this body, the body we're a part of, has not even met with Republicans yet to get some ideas.

So you've announced that we're moving the convening time next week from Tuesday to Monday and this will ensure that negotiations on a \$1 trillion spending bill occurs while most Members are not even going to be in town.

I'd like to ask the gentleman, what opportunities will Republicans be given next week or anytime in the future, but especially next week, to increase tax relief in the bill and cut wasteful spending before the stimulus is voted on again? And I'd yield to my friend from Florida to answer.

Mr. HASTINGS of Florida. I thank the gentleman for yielding. You have raised two issues at least that give me an opportunity to express the views of the leadership.

As I said before, our goals continue to be to find a balance between the need for action while we have this economic crisis and our desire to go through the legislative process. The leadership has urged our colleagues in the other body to complete action on the recovery bill in a timely fashion, even if it means they have to work through the weekend.

In addition, we've scheduled an additional day, as you point to, of legislative business next week so we can begin the process of conferencing with the Senate.

Also, I would remind the gentleman that the Appropriations, Ways and Means, and Energy and Commerce Committees all held full markups.

Per the gentleman's request during our last colloquy, the Rules Committee, as I'm sure the gentleman knows that I'm privileged and honored to serve on, waived PAYGO points of order and made a Republican substitute in order. In addition, Chairwoman SLAUGHTER of the Rules Committee put out a call for amendments.

Speaking of bipartisanship, there was an evenly balanced number, at least 6-5. There were six Democratic amendments made in order, four Republican amendments, and one bipartisan amendment were considered last week on the floor.

Now, we're going to continue to listen to Republican ideas throughout the conference process and look forward to working with the gentleman and his colleagues.

Mr. WESTMORELAND. I reclaim my time, and I'd just like to say to the gentleman, I know that there was over 200 amendments offered.

Mr. HASTINGS of Florida. 206.

Mr. WESTMORELAND. 210 amendments offered, and about 95 of those were Republican, and so if I'm hearing



**BAILED OUT BANKS HIRE  
FOREIGN WORKERS**

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, not only are taxpayers bailing out Wall Street, but the robber barons are repaying the American people by giving away jobs to foreign workers.

That's right. Forget stimulating the economy by offering jobs to the taxpayers. It is reported by the Associated Press that the banks that received the largest amount of bailout money, more than \$150 billion, requested over 20,000 visas for foreign workers over the last few years.

As economic times have gotten worse, they requested even more visas. Last year, the same bleak economic period in which the "Big Banking Boys Gang" begged for a government hand-out, their foreign visa requests increased more than a third over the previous year.

And just to be clear, these jobs were not for the so-called jobs Americans won't do. Quite the opposite. They were for corporate lawyers, senior vice presidents, and analysts. The average annual salary for these American jobs given to foreigners was over \$90,000.

Mr. Speaker, the American taxpayers are being played as fools. First, The Wall Street fat cats took the people's money, and now they're taking their jobs.

And that's just the way it is.

**THE STIMULUS PLAN**

(Ms. JENKINS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JENKINS. Mr. Speaker, the folks in Kansas are struggling right now, and they are hoping Congress can provide some relief. Instead, this body introduced and passed a bill, spending nearly \$1 trillion, disguised as a stimulus package, without a single Republican vote in favor of it.

By large majorities, I am hearing from Kansans that while they are eager for action to stimulate the economy, they do not support the bill the House passed last week. They also express continued frustration with the "partisan rule" in Washington, as opposed to a balanced bipartisan approach to good government.

When discussion about this package began, it was all about infrastructure investment and job creation. But somewhere along the way, the Speaker and the majority have lost sight of that and instead decided to craft a massive pork-laden bill.

The Speaker's bill spends almost as much as Congress has appropriated for all war-related programs since 2001. And now we hear that the Senate wants to spend even more. This bill will take resources from the private sector, creating more government, not

more jobs. In the long-run, this extreme expense of Federal spending will burden our children.

This bill will take resources from the private sector, creating more government not more jobs. In the long run, this extreme level of federal spending will burden our children. That's not an economic stimulus. That's a crime.

What's more, many of the programs funded in this bill may have merit but they will not stimulate our economy. Before any program was included, two questions should have been asked. (1) Will this help the economy? And (2) Will it create jobs? If the answers were NO, then it should have been saved for another day.

The House Republicans had an alternative recovery package that, according to President Obama's economic advisors, cost less and created more jobs. It would have allowed fast-acting tax relief for working families and small businesses.

Immediate tax relief would allow Kansans to keep more of their paychecks to use however they want. My constituents in Kansas know better than Washington politicians and bureaucrats how to use their money to stimulate our economy.

A real stimulus needs to have a balance of tax relief and targeted investment in our crumbling roads and bridges. The majority party forced through a bill full of wasteful and irresponsible government spending, and it needs to be fixed.

□ 1645

**ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE**

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the resumption of further legislative business.

**SPECIAL ORDERS**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

**PUBLICATION OF THE RULES OF  
THE COMMITTEE ON SCIENCE  
AND TECHNOLOGY 111TH CONGRESS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. GORDON) is recognized for 5 minutes.

Mr. GORDON of Tennessee. Mr. Speaker, pursuant to House Rule XI(2)(a)(2) I hereby submit to the House the Rules of the Committee on Science and Technology for the 111th Congress as adopted by the Committee on January 28, 2009:

**RULES FOR THE COMMITTEE ON SCIENCE AND  
TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES,  
111TH CONGRESS**

**RULE 1.—GENERAL PROVISIONS**

(a) IN GENERAL.—The Rules of the House of Representatives, as applicable, shall govern the Committee and its Subcommittees, except that a motion to recess from day to day and a motion to dispense with the first

reading (in full) of a bill or resolution, if printed copies are available, are privileged motions in the Committee and its Subcommittees and shall be decided without debate. [House Rule XI 1(a)]

(b) SUBCOMMITTEES.—The rules of the Committee, as applicable, shall be the rules of its Subcommittees. [House Rule XI 1(a)]

(c) VICE CHAIR.—A Member of the majority party on the Committee or Subcommittee shall be designated by the Chair of the Committee as the Vice Chair of the Committee or Subcommittee, as the case may be, and shall preside during the absence of the Chair from any meeting. If the Chair and Vice Chair of the Committee or Subcommittee are not present at any meeting of the Committee or Subcommittee, the Ranking Majority Member who is present shall preside at that meeting. [House Rule XI 2(d)]

(d) ORDER OF BUSINESS.—The order of business and procedure of the Committee and the subjects of inquiries or investigations will be decided by the Chair, subject always to an appeal to the Committee.

(e) USE OF HEARING ROOMS.—In consultation with the Ranking Minority Member, the Chair of the Committee shall establish guidelines for the use of Committee hearing rooms.

(f) NATIONAL SECURITY INFORMATION.—All national security information bearing a classification of secret or higher which has been received by the Committee or a Subcommittee shall be deemed to have been received in Executive Session and shall be given appropriate safekeeping. The Chair of the Committee may establish such regulations and procedures as in the Chair's judgment are necessary to safeguard classified information under the control of the Committee. Such procedures shall, however, ensure access to this information by any Member of the Committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

(g) AVAILABILITY OF PUBLICATIONS.—To the maximum extent feasible, the Committee shall make its publications available in electronic form, including on the Committee website. [House Rule XI 2(e)(4)]

(h) COMMITTEE WEBSITE.—The Chair of the Committee shall maintain an official Committee website for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Minority Member of the Committee may maintain a similar website for the same purpose, including communicating information about the activities of the minority to Committee Members and other Members of the House.

(i) MOTION TO GO TO CONFERENCE.—The Chair is directed to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chair considers it appropriate. [House Rule XI 2(a)(3)]

(j) CONFERENCE COMMITTEES.—Recommendations of conferees to the Speaker shall provide a ratio of majority party Members to minority party Members which shall be no less favorable to the majority party than the ratio of the Committee.

(k) OTHER PROCEDURES.—The Chair of the Committee, after consultation with the Ranking Minority Member of the Committee, may establish such other procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee.

**RULE 2.—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS**

(a) REGULAR MEETINGS.—Unless dispensed with by the Chair of the Committee,

the meetings of the Committee shall be held on the second (2nd) and fourth (4th) Wednesdays of each month the House is in session at 10:00 a.m. [House Rule XI 2(b)]

(b) **ADDITIONAL MEETINGS.**—The Chair of the Committee may call and convene, as the Chair considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose under that call of the Chair. [House Rule XI 2(c)(1)]

(c) **SPECIAL MEETINGS.**—Rule XI 2(c) of the Rules of the House of Representatives is hereby incorporated by reference. [House Rule XI 2(c)(2)]

**RULE 3.—MEETINGS AND HEARINGS GENERALLY**

(a) **OPENING STATEMENTS.**—Insofar as is practicable, the Chair, after consultation with the Ranking Minority Member, shall limit the total time of opening statements by Members to no more than 10 minutes, the time to be divided equally between the Chair and Ranking Minority Member.

(b) **ADDRESSING THE COMMITTEE.**—The time any one (1) Member may address the Committee on any bill, motion, or other matter under consideration by the Committee or the time allowed for the questioning of a witness at hearings before the Committee will be limited to five (5) minutes, and then only when the Member has been recognized by the Chair, except that this time limit may be waived by the Chair. [House Rule XI 2(j)(2)]

(c) **REQUESTS FOR WRITTEN MOTIONS.**—Any motion made at a meeting of the Committee and which is entertained by the Chair of the Committee or the Subcommittee shall be presented in writing upon the demand of any Member present and a copy made available to each Member present.

(d) **OPEN MEETINGS AND HEARINGS.**—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a Subcommittee shall be open to the public, including to radio, television, and still photography, unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives. [House Rule XI 2(g)]

(e) **AUDIO AND VISUAL COVERAGE.**—

(1) Whenever a hearing or meeting conducted by the Committee is open to the public, these proceedings shall be open to coverage by audio and visual means, except as provided in Rule XI 4(f)(2) of the House of Representatives. The Chair of the Committee or Subcommittee may not limit the number of television, or still cameras to fewer than two (2) representatives from each medium (except for legitimate space or safety considerations, in which case pool coverage shall be authorized).

(2) Radio and television tapes, television films, and Internet recordings of any Committee hearings or meetings that are open to the public may not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(3) It is, further, the intent of this rule that the general conduct of each meeting or hearing covered under authority of this rule by audio or visual means, and the personal behavior of the Committee Members and staff, other government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the meeting or hearing, shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations, and may not be such as to:

(A) distort the objects and purposes of the meeting or hearing or the activities of Committee Members in connection with that meeting or hearing or in connection with the general work of the Committee or of the House; or

(B) cast discredit or dishonor on the House, the Committee, or a Member, Delegate, or Resident Commissioner or bring the House, the Committee, or a Member, Delegate, or Resident Commissioner into disrepute.

(4) The coverage of Committee meetings and hearings by audio and visual means shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this rule.

(5) The following shall apply to coverage of Committee meetings or hearings by audio or visual means:

(A) If audio or visual coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(B) The allocation among the television media of the positions or the number of television cameras permitted by a Committee or Subcommittee Chair in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(C) Television cameras shall be placed so as not to obstruct in any way the space between a witness giving evidence or testimony and any member of the Committee or the visibility of that witness and that member to each other.

(D) Television cameras shall operate from fixed positions but may not be placed in positions that obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(E) Equipment necessary for coverage by the television and radio media may not be installed in, or removed from, the hearing or meeting room while the Committee is in session.

(F) (i) Except as provided in subdivision (ii), floodlights, spotlights, strobelights, and flashguns may not be used in providing any method of coverage of the hearing or meeting.

(ii) The television media may install additional lighting in a hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in a hearing or meeting room to the lowest level necessary to provide adequate television coverage of a hearing or meeting at the current state of the art of television coverage.

(G) In the allocation of the number of still photographers permitted by a Committee or Subcommittee Chair in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a Committee or Subcommittee Chair for coverage of a hearing or meeting by still photography, that coverage shall be permitted on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(H) Photographers may not position themselves between the witness table and the members of the Committee at any time during the course of a hearing or meeting.

(I) Photographers may not place themselves in positions that obstruct unnecessarily the coverage of the hearing by the other media.

(J) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(K) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery.

(L) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner. [House Rule XI (4)]

**RULE 4.—CONSIDERATION OF MEASURE OR MATTER**

(a) **IN GENERAL.**—Bills and other substantive matters may be taken up for consideration only when called by the Chair of the Committee or by a majority vote of a quorum of the Committee, except those matters which are the subject of special call meetings outlined in Rule 2(c).

(b) **NOTICE.**—

(1) It shall not be in order for the Committee to consider any new or original measure or matter unless written notice of the date, place and subject matter of consideration and, to the maximum extent practicable, a written copy of the measure or matter to be considered and, to the maximum extent practicable, the original text of the measure to be considered for purposes of markup have been available to each Member of the Committee for at least 48 hours in advance of consideration, excluding Saturdays, Sundays and legal holidays.

(2) Notwithstanding paragraph (1), consideration of any legislative measure or matter by the Committee shall be in order by vote of two-thirds of the Members present, provided that a majority of the Committee is present.

(c) **SUBMISSION OF AMENDMENTS.**—To the maximum extent practicable, amendments to a measure or matter shall be submitted in writing to the Clerk of the Committee at least 24 hours prior to the consideration of the measure or matter.

(d) **SUSPENDED PROCEEDINGS.**—During the consideration of any measure or matter, the Chair of the Committee, or of any Subcommittee, may recess the Committee or Subcommittee, as the case may be, at any point. Additionally, during the consideration of any measure or matter, the Chair of the Committee, or of any Subcommittee, shall suspend further proceedings after a question has been put to the Committee or Subcommittee at any time when there is a vote by electronic device occurring in the House of Representatives. Suspension of proceedings after a record vote is ordered on the question of approving a measure or matter or on adopting an amendment shall be conducted in compliance with the provisions of Rule 6(d).

(e) **INVESTIGATIVE OR OVERSIGHT REPORTS.**—A proposed investigative or oversight report shall be considered as read in Committee if it has been available to the Members for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such a day). [House Rule XI 1(b)(2)]

(f) **GERMANENESS.**—The rules of germaneness shall be enforced by the Chair of the Committee or Subcommittee, as the case may be.

**RULE 5.—POWER TO SIT AND ACT; SUBPOENA POWER**

(a) **IN GENERAL.**—

(1) Notwithstanding paragraph (2), a subpoena may be authorized and issued in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers and documents as deemed necessary, only when authorized by majority vote of the Committee or Subcommittee (as the case may be), a majority of the Committee or Subcommittee being present. Authorized subpoenas shall be signed only by the Chair of the Committee, or by any Member designated by the Chair. [House Rule XI 2(m)(3)(A)]

(2) The Chair of the Committee, after consultation with the Ranking Minority Member of the Committee, or, if the Ranking Member cannot be reached, the Ranking Minority Member of the relevant Subcommittee, may authorize and issue such subpoenas as described in paragraph (1) during any period in which the House has adjourned for a period longer than seven (7) days. [House Rule XI 2(m)(3)(A)]

(3) A subpoena duces tecum may specify terms of return other than at a meeting or a hearing of the Committee. [House Rule XI 2(m)(3)(B)]

(b) SENSITIVE OR CONFIDENTIAL INFORMATION.—Unless otherwise determined by the Committee or Subcommittee, certain information received by the Committee or Subcommittee pursuant to a subpoena not made part of the record at an open hearing shall be deemed to have been received in Executive Session when the Chair of the Committee, in the Chair's judgment and after consultation with the Ranking Minority Member of the Committee, deems that in view of all of the circumstances, such as the sensitivity of the information or the confidential nature of the information, such action is appropriate.

#### RULE 6.—QUORUMS AND VOTING

##### (a) QUORUMS.—

(1) One-third (1/3) of the Members of the Committee shall constitute a quorum for all purposes except as provided in paragraphs (2) and (3) of this Rule. [House Rule XI 2(h)(3)]

(2) A majority of the Members of the Committee shall constitute a quorum in order to: (A) report any legislation, measure, or matter; (B) close Committee meetings or hearings pursuant to Rule 3(d); and (C) authorize the issuance of subpoenas pursuant to Rule 5(a). [House Rule XI 2(h)(1); House Rule XI 2(g); House Rule XI 2(m)(3)(A)]

(3) Two (2) Members of the Committee shall constitute a quorum for taking testimony and receiving evidence, which, unless waived by the Chair of the Committee after consultation with the Ranking Minority Member of the Committee, shall include at least one (1) Member from each of the majority and minority parties. [House Rule XI 2(h)(2)]

(b) VOTING BY PROXY.—No Member may authorize a vote by proxy with respect to any measure or matter before the Committee. [House Rule XI 2(f)]

(c) REQUESTS FOR RECORD VOTE AT COMMITTEE.—A record vote of the Members may be had at the request of three (3) or more Members or, in the apparent absence of a quorum, by any one (1) Member.

(d) POSTPONEMENT OF PROCEEDINGS.—The Chair of the Committee, or of any Subcommittee, is authorized to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment, and to resume proceedings on a postponed question at any time after reasonable notice. Upon resuming proceedings on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [House Rule XI 2(h)(4)]

#### RULE 7.—HEARING PROCEDURES

(a) ANNOUNCEMENT OF HEARING.—The Chair shall make a public announcement of the date, time, place, and subject matter of a hearing, and to the extent practicable, a list of witnesses at least one (1) week before the commencement of the hearing. If the Chair, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee so determines by majority vote,

a quorum being present for the transaction of business, the Chair shall make the announcement at the earliest possible date. Any announcement made under this Rule shall be promptly published in the Daily Digest, and promptly made available in electronic form, including on the Committee website. [House Rule XI 2(g)(3)]

#### (b) WITNESS STATEMENT; TESTIMONY.—

(1) Insofar as is practicable, no later than 48 hours in advance of his or her appearance, each witness who is to appear before the Committee shall file in printed copy and in electronic form a written statement of his or her proposed testimony and a curriculum vitae. [House Rule XI 2(g)(4)]

(2) To the greatest extent practicable, each witness appearing before the Committee shall include with the written statement of proposed testimony a disclosure of any financial interests which are relevant to the subject of his or her testimony. These include, but are not limited to, public and private research grants, stock or stock options held in publicly traded and privately owned companies, government contracts with the witness or the witness' employer, and any form of payment of compensation from any relevant entity. The source and amount of the financial interest should be included in this disclosure. [House Rule XI 2(g)(4)]

(3) Each witness shall limit his or her presentation to a five (5) minute summary, provided that additional time may be granted by the Chair of the Committee or Subcommittee when appropriate.

(c) MINORITY WITNESSES.—Whenever any hearing is conducted by the Committee on any measure or matter, the minority Members of the Committee shall be entitled, upon request to the Chair by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one (1) day of hearing thereon. [House Rule XI 2(j)(1)]

(d) EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.—Notwithstanding Rule 3(b), upon a motion, the Chair, in consultation with the Ranking Minority Member, may designate an equal number of Members from each party to question a witness for a period of time equally divided between the majority party and the minority party, not to exceed one (1) hour in the aggregate or, upon a motion, may designate staff from each party to question a witness for equal specific periods that do not exceed one (1) hour in the aggregate. [House Rule XI 2(j)(2)]

(e) ADDITIONAL QUESTIONS FOR THE RECORD.—Members of the Committee have two (2) weeks from the date of a hearing to submit additional questions for the record to be answered by witnesses who have appeared in person. The letters of transmittal and any responses thereto shall be printed in the hearing record.

(f) ADDITIONAL HEARING PROCEDURES.—Rule XI 2(k) of the Rules of the House of Representatives is hereby incorporated by reference. [House Rule XI 2(k)]

#### RULE 8.—PROCEDURES FOR REPORTING MEASURES OR MATTERS

##### (a) FILING OF REPORTS.—

(1) It shall be the duty of the Chair of the Committee to report or cause to be reported promptly to the House any measure approved by the Committee and to take or cause to be taken the necessary steps to bring the matter to a vote. To the maximum extent practicable, the written report of the Committee on such measures shall be made available to the Committee membership for review at least 24 hours in advance of filing. [House Rule XIII 2(b)(1)]

(2) The report of the Committee on a measure which has been approved by the Com-

mittee shall be filed within seven (7) calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the Clerk of the Committee a written request, signed by the majority of the Members of the Committee, for the reporting of that measure. Upon the filing of any such request, the Clerk of the Committee shall transmit immediately to the Chair of the Committee notice of the filing of that request. [House Rule XIII 2(b)(2)]

(b) SUPPLEMENTAL, MINORITY, OR ADDITIONAL VIEWS.—If, at the time of approval of any measure or matter by the Committee, any Member of the Committee gives notice of intention to file supplemental, minority, or additional views, that Member shall have two (2) subsequent calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that Member, with the Clerk of the Committee. No supplemental, minority, or additional views shall be accepted for inclusion in the report if submitted after two (2) subsequent calendar days have elapsed unless the Chair of the Committee or Subcommittee, as appropriate, decides to extend the time for submission of views, in which case the Chair shall communicate such fact, including the revised day and hour for submissions to be received, to the Members of the Committee without delay. All such views so filed by one (1) or more Members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter. [House Rule XI 2(I)]

##### (c) CONTENTS OF REPORT.—

(1) The report of the Committee on a measure or matter shall be printed in a single volume that shall—

(A) include all supplemental, minority, or additional views that have been submitted by the time of the filing of the report on that measure or matter; and

(B) bear on its cover a recital that any such supplemental, minority, or additional views (and any material submitted under rule 8(c)(3)(A)) are included as part of the report.

(2) The report of the Committee on a measure which has been approved by the Committee shall include the following, to be provided by the Committee:

(A) the oversight findings and recommendations required pursuant to Rule X 2(b)(1) of the Rules of the House of Representatives, separately set out and identified; [House Rule XIII 3(c)(1)]

(B) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and identified, if the measure provides new budget authority or new or increased tax expenditures as specified in Rule XIII 3(c)(2); [House Rule XIII 3(c)(2)]

(C) with respect to reports on a bill or joint resolution of a public character, a "Constitutional Authority Statement" citing the specific powers granted to Congress by the Constitution pursuant to which the bill or joint resolution is proposed to be enacted; [House Rule XIII 3(d)(1)]

(D) with respect to each recorded vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those Members voting for and against, shall be included in the Committee report on the measure or matter;

(E) the estimate and comparison prepared by the Committee under Rule XIII, clause

3(d)(2) of the Rules of the House of Representatives, unless the estimate and comparison prepared by the Director of the Congressional Budget Office prepared under subparagraph 3 of this Rule has been timely submitted prior to the filing of the report and included in the report; [House Rule XIII 3(d)(2)]

(F) in the case of a bill or joint resolution which repeals or amends any statute or part thereof, the text of the statute or part thereof which is proposed to be repealed, and a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended; [House Rule XIII 3(e)]

(G) a transcript of the markup of the measure or matter unless waived under Rule 12(a); and

(H) a statement of general performance goals and objectives, including outcome-related goals and objectives, for which the measure authorizes funding. [House Rule XIII 3(e)(4)]

(4) The report of the Committee on a measure which has been approved by the Committee shall further include the following, to be provided by sources other than the Committee:

(A) the estimate and comparison prepared by the Director of the Congressional Budget Office required under section 403 of the Congressional Budget Act of 1974, separately set out and identified, whenever the Director (if timely, and submitted prior to the filing of the report) has submitted such estimate and comparison of the Committee; [House Rule XIII 3(c)(3)]

(B) if the Committee has not received prior to the filing of the report the material required under subparagraph (A) of this Rule, then it shall include a statement to that effect in the report on the measure.

(d) IMMEDIATE PRINTING; SUPPLEMENTAL REPORTS.—This Rule does not preclude—

(1) the immediate filing or printing of a Committee report unless a timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this Rule; or

(2) the filing by the Committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that Committee upon that measure or matter.

(e) PRIVATE BILLS.—No private bill will be reported by the Committee if there are two (2) or more dissenting votes. Private bills so rejected by the Committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Committee.

(f) REPORT LANGUAGE ON USE OF FEDERAL RESOURCES.—No legislative report filed by the Committee on any measure or matter reported by the Committee shall contain language which has the effect of specifying the use of federal resources more explicitly (inclusively or exclusively) than that specified in the measure or matter as ordered reported, unless such language has been approved by the Committee during a meeting or otherwise in writing by a majority of the Members.

#### RULE 9.—OTHER COMMITTEE PUBLICATIONS

(a) HOUSE REPORTS.—Any document published by the Committee as a House Report, other than a report of the Committee on a measure which has been approved by the Committee, shall be approved by the Committee at a meeting, and Members shall have the same opportunity to submit views as provided for in Rule 8(b).

(b) OTHER DOCUMENTS.—

(1) Subject to paragraph (2) and (3), the Chair of the Committee may approve the publication of any document as a Committee print which in the Chair's discretion the Chair determines to be useful for the information of the Committee.

(2) Any document to be published as a Committee print which purports to express the views, findings, conclusions, or recommendations of the Committee or any of its Subcommittees, other than a report of the Committee on a measure which has been approved by the Committee, must be approved by the Committee or its Subcommittees, as applicable, in a meeting or otherwise in writing by a majority of the Members, and such Members shall have the right to submit supplemental, minority, or additional views for inclusion in the print within at least 48 hours after such approval.

(3) Any document to be published as a Committee print, other than a document described in subsection (2) of this Rule, shall—

(A) include on its cover the following statement: "This document has been printed for informational purposes only and does not represent either findings or recommendations adopted by this Committee;" and

(B) not be published following the sine die adjournment of a Congress, unless approved by the Chair of the Committee after consultation with the Ranking Minority Member of the Committee.

(c) JOINT INVESTIGATION OR STUDY.—A report of an investigation or study conducted jointly by the Committee and one (1) or more other Committee(s) may be filed jointly, provided that each of the Committees complies independently with all requirements for approval and filing of the report. [House Rule XI 1(b)(2)]

(d) POST ADJOURNMENT FILING OF COMMITTEE REPORTS.—

(1) After an adjournment of the last regular session of a Congress sine die, an investigative or oversight report approved by the Committee may be filed with the Clerk at any time, provided that if a Member gives notice at the time of approval of intention to file supplemental, minority, or additional views, that Member shall be entitled to not less than seven (7) calendar days in which to submit such views for inclusion with the report. [House Rule XI 1(b)(4)]

(2) After an adjournment sine die of the last regular session of a Congress, the Chair of the Committee may file the Committee's Activity Report for that Congress under clause 1(d)(1) of Rule XI of the Rules of the House with the Clerk of the House at any time and without the approval of the Committee, provided that a copy of the report has been available to each Member of the Committee for at least seven (7) calendar days and that the report includes any supplemental, minority, or additional views submitted by a Member of the Committee. [House Rule XI 1(d)(1)]

#### RULE 10.—GENERAL OVERSIGHT AND INVESTIGATIVE RESPONSIBILITIES

(a) OVERSIGHT.—

(1) IN GENERAL.—The Committee shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development. [House Rule X 3(k)]

(2) OVERSIGHT PLAN.—Not later than February 15 of the first session of a Congress, the Committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on Oversight and Government Reform and the Committee on House Administration, in accordance with the provisions of clause 2(d) of Rule X of the House of Representatives. [House Rule X 2(d)]

(b) INVESTIGATIONS.—

(1) IN GENERAL.—The Chair of the Committee may undertake any formal investigation in the name of the Committee after consultation with the Ranking Minority Member of the Committee.

(2) SUBCOMMITTEE INVESTIGATIONS.—The Chair of any Subcommittee shall not undertake any formal investigation in the name of the Committee or Subcommittee without formal approval by the Chair of the Committee, in consultation with other appropriate Subcommittee Chairs, and after consultation with the Ranking Minority Member of the Committee. The Chair of any Subcommittee shall also consult with the Ranking Minority Member of the Subcommittee before undertaking any investigation in the name of the Committee.

#### RULE 11.—SUBCOMMITTEES

(a) ESTABLISHMENT AND JURISDICTION OF SUBCOMMITTEES.—The Committee shall have the following standing Subcommittees with the jurisdiction indicated.

(1) SUBCOMMITTEE ON ENERGY AND ENVIRONMENT.—Legislative jurisdiction and general oversight and investigative authority on all matters relating to energy research, development, and demonstration and projects therefor, commercial application of energy technology, and environmental research, including:

(A) Department of Energy research, development, and demonstration programs;

(B) Department of Energy laboratories;

(C) Department of Energy science activities;

(D) energy supply activities;

(E) nuclear, solar and renewable energy, and other advanced energy technologies;

(F) uranium supply and enrichment, and Department of Energy waste management and environment, safety, and health activities, as appropriate;

(G) fossil energy research and development;

(H) clean coal technology;

(I) energy conservation research and development;

(J) energy aspects of climate change;

(K) pipeline research, development, and demonstration projects;

(L) energy and environmental standards;

(M) energy conservation, including building performance, alternate fuels for and improved efficiency of vehicles, distributed power systems, and industrial process improvements;

(N) Environmental Protection Agency research and development programs;

(O) the National Oceanic and Atmospheric Administration, including all activities related to weather, weather services, climate, the atmosphere, marine fisheries, and oceanic research;

(P) risk assessment activities; and

(Q) scientific issues related to environmental policy, including climate change.

(2) SUBCOMMITTEE ON TECHNOLOGY AND INNOVATION.—Legislative jurisdiction and general oversight and investigative authority on all matters relating to competitiveness, technology, standards, and innovation, including:

(A) standardization of weights and measures, including technical standards, standardization, and conformity assessment;

(B) measurement, including the metric system of measurement;

(C) the Technology Administration of the Department of Commerce;

(D) the National Institute of Standards and Technology;

(E) the National Technical Information Service;

(F) competitiveness, including small business competitiveness;

(G) tax, antitrust, regulatory and other legal and governmental policies as they relate to technological development and commercialization;

(H) technology transfer, including civilian use of defense technologies;

(I) patent and intellectual property policy;

(J) international technology trade;

(K) research, development, and demonstration activities of the Department of Transportation;

(L) surface and water transportation research, development, and demonstration programs;

(M) earthquake programs (except for NSF) and fire research programs, including those related to wildfire proliferation research and prevention;

(N) biotechnology policy;

(O) research, development, demonstration, and standards-related activities of the Department of Homeland Security;

(P) Small Business Innovation Research and Technology Transfer; and

(Q) voting technologies and standards.

(3) SUBCOMMITTEE ON RESEARCH AND SCIENCE EDUCATION.—Legislative jurisdiction and general oversight and investigative authority on all matters relating to science policy and science education, including:

(A) the Office of Science and Technology Policy;

(B) all scientific research, and scientific and engineering resources (including human resources), math, science and engineering education;

(C) intergovernmental mechanisms for research, development, and demonstration and cross-cutting programs;

(D) international scientific cooperation;

(E) National Science Foundation, including earthquake programs;

(F) university research policy, including infrastructure and overhead;

(G) university research partnerships, including those with industry;

(H) science scholarships;

(I) computing, communications, and information technology;

(J) research and development relating to health, biomedical, and nutritional programs;

(K) to the extent appropriate, agricultural, geological, biological and life sciences research; and

(L) materials research, development, and demonstration and policy.

(4) SUBCOMMITTEE ON SPACE AND AERONAUTICS.—Legislative jurisdiction and general oversight and investigative authority on all matters relating to astronomical and aeronautical research and development, including:

(A) national space policy, including access to space;

(B) sub-orbital access and applications;

(C) National Aeronautics and Space Administration and its contractor and government-operated labs;

(D) space commercialization, including commercial space activities relating to the Department of Transportation and the Department of Commerce;

(E) exploration and use of outer space;

(F) international space cooperation;

(G) the National Space Council;

(H) space applications, space communications and related matters;

(I) earth remote sensing policy;

(J) civil aviation research, development, and demonstration;

(K) research, development, and demonstration programs of the Federal Aviation Administration; and

(L) space law.

(5) SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT.—General and spe-

cial investigative authority on all matters within the jurisdiction of the Committee on Science and Technology.

(b) RATIOS.—A majority of the majority Members of the Committee shall determine an appropriate ratio of majority to minority Members of each Subcommittee and shall authorize the Chair of the Committee to negotiate that ratio with the minority party; Provided, however, that the ratio of majority Members to minority Members on each Subcommittee (including any ex-officio Members) shall be no less favorable to the majority party than the ratio for the Committee.

(c) EX-OFFICIO MEMBERS.—The Chair of the Committee and Ranking Minority Member of the Committee shall serve as ex-officio Members of all Subcommittees and shall have the right to vote and be counted as part of the quorum and ratios on all matters before the Subcommittee.

(d) REFERRAL OF LEGISLATION.—The Chair of the Committee shall refer all legislation and other matters referred to the Committee to the Subcommittee or Subcommittees of appropriate primary and secondary jurisdiction within two (2) weeks of the matters being referred to the Committee, unless the Chair of the Committee deems consideration is to be by the Committee. Subcommittee Chairs may make requests for referral of specific matters to their Subcommittee within the two (2) week period if they believe Subcommittee jurisdictions so warrant.

(e) PROCEDURES.—

(1) No Subcommittee shall meet to consider for markup or approval any measure or matter when the Committee or any other Subcommittee of the Committee is meeting to consider any measure or matter for markup or approval.

(2) Each Subcommittee is authorized to meet, hold hearings, receive testimony or evidence, mark up legislation, and report to the Committee on all matters referred to it. For matters within its jurisdiction, each Subcommittee is authorized to conduct legislative, investigative, forecasting, and general oversight hearings; to conduct inquiries into the future; and to undertake budget impact studies.

(3) Subcommittee Chairs shall set meeting dates after consultation with the Chair of the Committee and other Subcommittee Chairs with a view toward avoiding simultaneous scheduling of Committee and Subcommittee meetings or hearings wherever possible.

(4) Any Member of the Committee may have the privilege of sitting with any Subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no Member who is not a Member of the Subcommittee shall vote on any matter before such Subcommittee, except as provided in subsection (c) of this Rule.

(5) During consideration of any measure or matter for markup or approval in a Subcommittee proceeding, a record vote may be had at the request of one (1) or more Members of that Subcommittee.

(f) CONSIDERATION OF SUBCOMMITTEE REPORTS.—After ordering a measure or matter reported, a Subcommittee shall issue a Subcommittee report in such form as the Chair of the Committee shall specify. Reports and recommendations of a Subcommittee shall not be considered by the Committee until after the intervention of 48 hours, excluding Saturdays, Sundays and legal holidays, from the time the report is submitted and made available to the Members of the Committee and printed hearings thereon shall be made available, if feasible, to the Members of the Committee, except

that this Rule may be waived at the discretion of the Chair of the Committee after consultation with the Ranking Minority Member of the Committee.

#### RULE 12.—COMMITTEE RECORDS

(a) TRANSCRIPTS.—The transcripts of those hearings conducted by the Committee and Subcommittees shall be published as a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved. Transcripts of markups shall be recorded and published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chair of the Committee. [House Rule XI 2(e)(1)(A)]

(b) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action, which shall include a record of the votes on any question on which a record vote is demanded. The result of each record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and the names of those Members present but not voting. [House Rule XI 2(e)(1)]

(c) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The Chair of the Committee shall notify the Ranking Minority Member of the Committee of any decision, pursuant to Rule VII 3(b)(3) or clause 4(b) of the Rules of the House of Representatives, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee. [House Rule XI 2(e)(3)]

(d) PROPERTY OF HOUSE.—

(1) Except as provided for in paragraph (2), all Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as its Chair. Such records shall be the property of the House, and each Member, Delegate, and the Resident Commissioner, shall have access thereto.

(2) A Member, Delegate, or Resident Commissioner, other than Members of the Committee on Standards of Official Conduct, may not have access to the records of the Committee respecting the conduct of a Member, Delegate, Resident Commissioner, officer, or employee of the House without the specific prior permission of the Committee. [House Rule XI 2(e)(2)]

#### PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR), is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Speaker, pursuant to clause 2(a)(2) of rule XI of the Rules of the House of Representatives and clause (b) of Rule I of the Rules of the Committee on Transportation and Infrastructure, I submit the Rules of the Committee on Transportation and

Infrastructure for the 111th Congress for publication in the CONGRESSIONAL RECORD. On January 15, 2009, the Committee on Transportation and Infrastructure met in open session and adopted these Committee Rules by voice vote with a quorum present.

**Rules of the Committee on Transportation and Infrastructure,  
United States House of Representatives,  
111th Congress**

(Adopted January 15, 2009)

**RULE I. GENERAL PROVISIONS.**

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable. Pursuant to clause 2(a)(3) of Rule XI of the Rules of the House, the Chairman is authorized to offer a motion under clause 1 of Rule XXII of the Rules of the House whenever the Chairman considers it appropriate.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

**RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.**

(a) REGULAR MEETINGS.—

(1) IN GENERAL.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) NOTICE.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting. To the maximum extent practicable, the Chairman shall provide such notice at least 3 days prior to such meeting.

(3) CANCELLATION OR DEFERRAL.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) APPLICABILITY.—This paragraph shall not apply to meetings of any subcommittee.

(b) ADDITIONAL MEETINGS.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business.

The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) SPECIAL MEETINGS.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) PROHIBITION ON SITTING DURING JOINT SESSION.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

**RULE III. MEETINGS AND HEARINGS GENERALLY.**

(a) OPEN MEETINGS.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) MEETINGS TO BEGIN PROMPTLY.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) ADDRESSING THE COMMITTEE.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) PARTICIPATION OF MEMBERS IN SUBCOMMITTEE MEETINGS AND HEARINGS.—All members of the Committee who are not members of a particular subcommittee may, by unanimous consent of the members of such subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the subcommittee may not vote on any matter before the subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) BROADCASTING.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee Internet broadcast system shall be fair and non-partisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) ACCESS TO THE DAIS AND LOUNGES.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a

meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) USE OF CELLULAR TELEPHONES.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

**RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.**

(a) AUTHORITY TO SIT AND ACT.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) AUTHORITY TO CONDUCT INVESTIGATIONS.—

(1) IN GENERAL.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) MAJOR INVESTIGATIONS BY SUBCOMMITTEES.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) OATHS.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) ISSUANCE OF SUBPOENAS.—

(1) IN GENERAL.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) ENFORCEMENT.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) EXPENSES OF SUBPOENAED WITNESSES.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

**RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES**

(a) WORKING QUORUM.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5)

of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c), and (d) of this rule.

(b) **QUORUM FOR REPORTING.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) **APPROVAL OF CERTAIN MATTERS.**—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase, or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers (section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding \$15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) **QUORUM FOR TAKING TESTIMONY.**—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) **RECORD VOTES.**—A record vote may be demanded by one-fifth of the members present.

(f) **POSTPONEMENT OF VOTES.**—

(1) **IN GENERAL.**—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) **RESUMPTION OF PROCEEDINGS.**—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

#### **RULE VI. HEARING PROCEDURES.**

(a) **ANNOUNCEMENT OF HEARING.**—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at

the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) **WRITTEN STATEMENT; ORAL TESTIMONY.**—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) **MINORITY WITNESSES.**—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) **SUMMARY OF SUBJECT MATTER.**—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) **QUESTIONING OF WITNESSES.**—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) **PROCEDURES FOR QUESTIONS.**—

(1) **IN GENERAL.**—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) **EXTENDED QUESTIONING OF WITNESSES BY MEMBERS.**—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) **EXTENDED QUESTIONING OF WITNESSES BY STAFF.**—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit Committee staff for its majority and minority party members to question a witness for equal specified periods. The time for ex-

tended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) **RIGHT TO QUESTION WITNESSES FOLLOWING EXTENDED QUESTIONING.**—Nothing in subparagraph (2) or (3) affects the right of a member (other than a member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) **ADDITIONAL HEARING PROCEDURES.**—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

#### **RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.**

(a) **FILING OF REPORTS.**—

(1) **IN GENERAL.**—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) **REQUESTS FOR REPORTING.**—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) **QUORUM; RECORD VOTES.**—

(1) **QUORUM.**—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) **RECORD VOTES.**—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) **REQUIRED MATTERS.**—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) **ADDITIONAL VIEWS.**—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) **ACTIVITIES REPORT.**—

(1) **IN GENERAL.**—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) **CONTENTS.**—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) **OVERSIGHT SECTION.**—The oversight section of such report shall include a summary of the oversight plan submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to such plan, and a summary of any

additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) OTHER COMMITTEE MATERIALS.—

(1) IN GENERAL.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on Transportation and Infrastructure (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(4) COMPILATIONS OF LAWS.—To the maximum extent practicable, the Committee shall publish a compilation of laws under the jurisdiction of each subcommittee.

(g) AVAILABILITY OF PUBLICATIONS.—Pursuant to clause 2(e)(4) of Rule XI of the Rules of the House, the Committee shall make its publications available in electronic form to the maximum extent feasible.

**RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.**

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (43 Members: 26 Majority and 17 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (16 Members: 10 Majority and 6 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (20 Members: 12 Majority and 8 Minority).

(4) Subcommittee on Highways and Transit (55 Members: 33 Majority and 22 Minority).

(5) Subcommittee on Railroads, Pipelines, and Hazardous Materials (45 Members: 27 Majority and 18 Minority).

(6) Subcommittee on Water Resources and Environment (40 Members: 24 Majority and 16 Minority).

(b) EX-OFFICIO MEMBERS.—The Chairman of the Committee shall serve as an ex-officio voting member on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex-officio member of the subcommittees.

**RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.**

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set

dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

**RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.**

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

**RULE XI. RECOMMENDATION OF CONFEREES.**

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

**RULE XII. OVERSIGHT.**

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in

those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plan for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

**RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.**

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

#### RULE XIV. RECORDS.

(a) KEEPING OF RECORDS.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) PUBLIC INSPECTION.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) PROPERTY OF THE HOUSE.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) AVAILABILITY OF ARCHIVED RECORDS.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) AUTHORITY TO PRINT.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

#### RULE XV. COMMITTEE BUDGETS.

(a) BIENNIAL BUDGET.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) ADDITIONAL EXPENSES.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) TRAVEL REQUESTS.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) MONTHLY REPORTS.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

#### RULE XVI. COMMITTEE STAFF.

(a) APPOINTMENT BY CHAIRMAN.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) APPOINTMENT BY RANKING MINORITY MEMBER.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) INTENTION REGARDING STAFF.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

#### RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) APPROVAL.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) SUBCOMMITTEE TRAVEL.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for

the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee, from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) INITIATION OF REQUESTS.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) REPORTS BY STAFF MEMBERS.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) APPLICABILITY OF LAWS, RULES, POLICIES.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### STIMULATE THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE of Texas. Mr. Speaker, we've heard a lot about stimulating the economy. We've passed legislation to stimulate the economy. The Senate is doing the same thing. It's all in the effort to get us out of this economic slump that we are going to supposedly pass legislation of \$800 billion to move America forward to stimulate the economy, to have pro-growth.

But if you look at this massive bill a little closer, I would like to ask this question: There are some programs in

this bill—just a few that I've picked out; there are a lot more—that I question whether or not these will stimulate the economy. By Congress taking taxpayer money and giving it to certain entities, does it stimulate the economy or is it just more pork? Is it just more favoritism to certain entities?

In the new Stimulation Economy Act, there's \$4 billion that goes to neighborhood stabilization activities. What is that? That's the community groups like ACORN. You know ACORN. That's the one being investigated for voter fraud in several States, yet to be prosecuted, of course, but money to give to these organizations. How does that stimulate the economy? I don't know.

Three billion dollars goes to wellness programs; how we can take care of ourselves better. Does that stimulate the economy? Maybe not.

One billion dollars for census follow-up. What that means is after the census is taken, then a billion dollars is given to follow up on that.

Eight hundred million dollars goes to Amtrak. You know, Amtrak loses money every year. We have to give them money of the taxpayers to fund this subsidy.

Four hundred million dollars for climate change research. Now, I'm sure we all think we ought to study the climate and global warming and that sort of thing, but does that stimulate the economy to give \$400 million to certain special interest groups to study climate change?

Six billion dollars to colleges. No question about it. Universities and colleges need money. But shouldn't a bill that appropriates money to the universities go in an appropriations bill rather than a bill that stimulates the economy?

Six hundred million dollars is going for new cars for government workers—not the average taxpayer but just government workers.

Fifty million dollars goes to the National Endowment of the Arts. Don't see how that's going to stimulate our economy.

I like this one a lot: \$250 million for tax breaks for Hollywood movie producers so they can buy more film. Now, I don't know that those people in Hollywood need taxpayer money, but they're going to get it. And how that stimulates the economy, we'll let the taxpayers decide.

The Coast Guard is getting a new ice breaker, \$88 million. Stimulate the economy? Maybe not.

Homeland Security is getting new furniture in the amount of \$250 million taxpayer expense.

Seventy-five million dollars for stop-smoking programs. I'm not sure that will stimulate the economy.

And the one I like the most is \$25 million for tribal, alcohol, and substance abuse reduction.

Now, this is taxpayer money. This doesn't belong to the Congress, it be-

longs to the people. And we have the obligation to take the people's money and use it wisely; in this case, to make the economy better. I doubt if these programs that I mentioned—and many, many others that are in this massive pork bill—will stimulate the economy. It's just another way of giving taxpayer money out to different groups.

What can we do to stimulate the economy? We ought to do the simple things. There are two things that I would suggest. One of those is a bill that Mr. GOHMERT has sponsored, my cohort from Texas. It's no taxes for 2 months. Everybody in the United States that works, no W-2 taken out of their income for 2 months. When we have our own money—that's the taxpayers—we will spend the money how we see fit, not how the government sees fit. Don't you think that might stimulate the economy in the short term?

And in the long term, rather than spend money that we do not have, that we have to go in debt for, that we have to borrow from the Chinese of all people, and saddle that debt to our kids and our grandkids and our great-grandkids, why don't we have a tax break for everybody that pays taxes? Straight across-the-board income tax reduction. People keep their own money. They will decide how to spend it. They will decide better than government how to spend the money.

These suggestions won't cost the government anything. Won't cost the people anything. It's an approach that I think that it's worth that we have a lively debate about on the House floor.

It's important that we get out of this economic decline, but the way to do it is not to spend more money and make government bigger. And the stimulus package is a big spending bill for government. More government control, more government involvement in our lives, and it doesn't help the economy a bit.

And that's just the way it is.

#### RECOGNIZING JANUARY AS POVERTY IN AMERICA AWARENESS MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to recognize this past January as Poverty in America Awareness Month and to thank the young intern in my office, Ms. Foster, for developing this very excellent statement.

Mr. Speaker, Nelson Mandela once proclaimed, "Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right: the right to dignity and a decent life."

During this season of economic crisis, we policymakers have an obligation to promote justice and to protect our citizens who are struggling. Poverty is a reality for far too many peo-

ple in Chicago, Illinois, and throughout the Nation.

In the United States, 36 percent of our Nation is considered low income, with 17 percent living in poverty. In Illinois, 33 percent of the population is low income, with about 15 percent living in poverty.

In 2007, 21 percent of Chicagoans lived in poverty, with another 21 percent teetering on its edge.

The current economic crisis is exacerbating these conditions. The unemployment rate in Illinois in the Nation is over 7 percent. Hundreds of thousands of jobs in Illinois have been lost in recent months. There are more than 500,000 foreclosures, 50,000 foreclosures in Cook County alone.

And due to an almost \$4 billion State budget gap, programs vital to assisting the public, such as mental health centers, are facing funding reductions in the range of millions of dollars.

Poverty is most harmful to children, especially young children. Children in poverty are more likely to experience child abuse or neglect. Families in poverty often cannot provide appropriate resources for healthy child development. Children's physical health and cognitive abilities can be compromised. When compared with wealthier children, poor children have poorer outcomes in the areas of school achievement, emotional control, and behavior.

Living in poverty affects the quality of education, health care, and living conditions.

Mr. Speaker, I'm proud to be a part of a Congress that has crafted an economic recovery package that provides critical aid to families experiencing poverty. The substantial increases in the food stamp program will directly help families make ends meet. The provisions providing health care for those who lost their jobs during this crisis will help many in Chicago and throughout the Nation.

The one-time payment for families who rely on supplemental security income for the poor, elderly, and individuals with disabilities will provide a lifeline for families that are barely making it. The increases in the child tax credit will help families stand on their own feet.

In addition to these provisions of the American Recovery Bill that will help alleviate the effects of poverty, I look forward to moving towards a system of universal health coverage during this Congress to help all Americans have access to health care. I also anticipate that Congress will consider ways in which to improve public assistance programs, such as simplifying enrollment procedures for Medicaid and other safety net programs.

During this economic downturn, it is critical that we continue to support safety net programs to assure that those in need are assisted. The role of the Federal Government is especially necessary given that many State governments are cutting vital support programs to comply with State balanced-budget requirements.

And Mr. Speaker, as Mr. Mandela recognized, we have a responsibility to work to minimize the harm of poverty. Therefore, I join with my colleagues in recognizing January as Poverty in America Awareness Month and promise to continue to promote programs—no matter what else it is that I do—that are designed to help eliminate and reduce poverty in America.

I thank you, Mr. Speaker.

**ONE TEAM—ONE FIGHT—ONE NAME: THE DEPARTMENT OF THE NAVY AND MARINE CORPS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, thank you very much.

Mr. Speaker, last month I introduced H.R. 24, legislation to redesignate the Department of the Navy to be the Department of Navy and Marine Corps.

For the past 7 years, the language of this bill has been part of the House version of the National Defense Authorization Act, and I would like to thank the former chairman of the House Armed Services Committee, DUNCAN HUNTER, the current chairman of the Armed Services Committee, IKE SKELTON, and all of the members of the committee for their support.

Each year, the full House of Representatives have supported this change. This year I hope the Senate will support the change and adopt the House position and join in bringing proper respect to the fighting team, the Navy and Marine Corps.

There is much I could say about the history of both great services, but the reason for this legislation always comes down to one issue—whenever a chief of Navy operations or commandant of the Marine Corps has come to testify before the Armed Services Committee, I've heard the Navy and the Marine Corps say, "We are one fighting team." This is true, and I believe this. Then why should not the team be named "Navy and Marine Corps"?

Changing the name of the Department of the Navy to the Department of the Navy and Marine Corps is a symbolic gesture, but it is important to the team.

This legislation is not about changing the responsibilities of the Secretary of the Department, reallocating resources between the Navy and Marine Corps, or altering their mission. The Navy and Marine Corps have operated as one entity for more than 2 centuries, and H.R. 24 would enable the name of their department to illustrate this fight.

Over the years, I have been encouraged by the overwhelming support I have received for this change from so many members of the United States Armed Forces. I will quote one supporter of this change, the Honorable Wade Sanders, Deputy Assistant Sec-

retary of the Navy for Reserve Affairs from 1993 to 1998, who said, "As a combat veteran and former Naval officer, I understand the importance of the team dynamic, and the importance of recognizing the contributions of team components. The Navy and Marine Corps team is just that: a dynamic partnership, and it is important to symbolically recognize the balance of that partnership."

Mr. Speaker, I would like to submit for the RECORD a list of others who have supported this effort to provide proper recognition for the Marine Corps. With their backing, I will continue to work diligently to see this bill through the House and push for the Senate's support. The Marines who are fighting today deserve this recognition. Mr. Speaker, in closing, I would like to show what this change could mean to a family of a fallen Marine.

Mr. Speaker, first, this is a copy of a letter to a Marine family, a Marine captain who was killed for this Nation. The Secretary of the Navy sent this letter. We have removed the name respectfully, and it says, "The Secretary of the Navy."

"On behalf of the Department of the Navy"—this is a proud team. "On behalf of the Department of Navy," the captain, Marine captain's wife received this letter of condolences. And I do commend the Secretary of the Navy for writing the letter of condolences.

But Mr. Speaker, if this bill should ever become the law of the land—and I hope this will be the year—that Marine family who gave a loved one for this country will receive the letter from the Department of Navy and Marine Corps and it will say in the heading, "Dear Marine Corps Family, on behalf of the Department of Navy and Marine Corps, please accept my very sincere condolences."

Mr. Speaker, this is what it should be: one Department of Navy and Marine Corps.

I hope, again, the House will send this to the Senate. I hope this year the Senate will accept the House position. It is the right thing to do for the team.

God bless America, and God bless our men and women in uniform, and please, God, continue to bless America.

**H.R. 24: SUPPORTERS OF THE REDESIGNATION OF THE DEPARTMENT OF THE NAVY TO BE THE DEPARTMENT OF THE NAVY AND MARINE CORPS**

In the past eight years, the following have supported the change:

**INDIVIDUALS**

Secretary of the Navy Paul Nitz (1963-1967); Assistant Secretary of the Navy H. Lawrence Garrett, III (1989-1992); Acting Secretary of the Navy Daniel Howard (1992); Secretary of the Navy John Dalton (1998-2001); General Carl Mundy, 30th Commandant of the Marine Corps; General Charles Krulak, 31st Commandant of the Marine Corps; Admiral Stansfield Turner; Rear Admiral James T. Carey (Chairman, National Defense PAC); Deputy Asst. Secretary of the Navy for Reserve Affairs Wade Sanders (1993-1998); James Zumwalt, Jr., (Son of the former CNO).

**ASSOCIATIONS**

Fleet Reserve Association; Marine Corps League; National Defense PAC; National As-

sociation of Uniformed Services; Veterans of Foreign Wars.

□ 1700

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

**OUR BRAVE VETERANS NEED GOOD JOBS**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there are many reasons to support the President's economic recovery package. Today, I rise to talk about one especially good reason, a reason that will help our Nation's brave veterans to get good jobs.

As we know, President Obama has ordered his military commanders to draw up plans for the withdrawal of our troops from Iraq. Many of them will be returning to civilian life. Making the transition from battlefield to the civilian workforce is always challenging. But, in these hard times, it's going to be harder than ever.

Last March, the Veterans' Affairs Department reported that returning veterans were having a harder time finding work than their civilian counterparts, and were earning less. That, Mr. Speaker, was before the economic crisis hit with full force.

We got another look at the problem in November, when the recruitment Web site, Monster.com, surveyed veterans about their experiences in the job market. It found that 81 percent of veterans don't feel fully prepared to enter the workforce and, of that number, 76 percent said they were having trouble translating their military skills to the civilian world. In addition, hundreds of thousands of veterans are struggling with fiscal and mental problems, making it that much more difficult to get and to keep a job.

Mr. Speaker, veterans and their advocates have begun to report that some employers are ignoring the Federal law requiring them to give returning soldiers their jobs back—their jobs back, at the same pay. To make matters even worse, many military family members have taken time off from their own jobs or even left those jobs completely in order to take care of their injured loved ones.

I was proud to sponsor the bill in the last Congress that doubled the amount of time that a military family member could take off under the Family and Medical Leave Act. But it's still unpaid leave, Mr. Speaker, and few Americans can afford that, particularly now. That is why we need to revisit the law and to amend it to provide paid leave under FMLA.

Mr. Speaker, there are many other things that we must do to help our brave veterans. Our new Veterans' Affairs Secretary, former General Eric Shinseki, has promised to make employment to veterans a top priority. He also wants to fast-track implementation of the new GI Bill, which will help more veterans to get the education they will need to succeed in the workforce.

I also know that my good friend, HILDA SOLIS, will make veterans' employment a priority when she becomes our new Secretary of Labor. She has seen firsthand the challenges that the servicemen and women face when they try to get jobs. I know that she will work to expand the Department of Labor's programs and job training and job search assistance for veterans.

Most importantly, Congress must move with a sense of urgency to pass an effective and far-reaching economic recovery package. The President's proposal is a very good start, but it needs to do even more to create jobs for veterans, because veterans have a lot to offer employers. They are mature, they are skilled, hardworking, dedicated, respectful of authority, and they know how to be part of a team. And they have proven that they can do their job even under the toughest of circumstances.

All they need, Mr. Speaker, is a chance. They did their job in Iraq and Afghanistan. Now it's time for us to do our job and to send an economic recovery package to the President's desk that will give our veterans and their families the bright future that they deserve.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

(Mr. PENCE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### BRING FEDERAL SPENDING UNDER CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, when a family is deeply head-over-heels in debt, they don't go out and borrow even more so they can double or triple spending, even if it would help the economy. And that is exactly the situation our government is in in regard to the so-called stimulus package, which we will take up again next week.

I voted against the big bailout of our financial firms both times. But the majority voted for this, and raised our national debt limit to an astounding \$11.315 trillion. No one can comprehend a figure like \$11.315 trillion. However, even worse, the Government Accountability Office has told us that we have over \$55 trillion in unfunded future pension liabilities.

If we don't bring Federal spending under control, we will soon not be able to pay all of our Social Security, veterans' pensions, and all the other things we have promised our own people with money that will buy anything.

The Federal Government has become addicted to spending. The stimulus is a short-term fix that will cause even more serious problems in the very near future. Drug addicts prove every day that short-term fixes do not satisfy for very long.

When another Member of this body was asked a few days ago on MSNBC that, since our house was on fire, did we not need to pour water on it? He replied, Yes, but what we are doing with this stimulus package is like pouring kerosene on that fire.

The bill has some good things in it, but we simply cannot afford them. Probably the falsest charge made against those who oppose this stimulus is that we have to do something, and that if you vote against this, you're voting to do nothing.

First of all, we have, through the Treasury Department and the Federal Reserve, taken hundreds of billions of dollars worth of action in just the last few months. Because we rushed into some of those moves, we have been finding out that some of that money has been spent in ways that are simply ridiculous and in ways that justifiably angered the taxpayers.

One example. In fact, the Bank of America took \$7 billion of the first \$15 billion it received and increased its investment in a bank in China.

Now we are rushing through this stimulus package, and the taxpayers will find out over the next few weeks or months some of the ridiculous or wasteful things this money will be spent on.

What we should do is give these hundreds of billions in actions already taken some time to work, coupled with some really effective stimulus moves, like a cut in the payroll tax and a tax credit for people who buy or build homes or purchase cars or equipment.

Now, some of our leaders seem to be looking back in a dreamily but blind way to the New Deal. Most historians do not seem to realize this, but most economists realize that the New Deal delayed our recovery during the Depression.

In fact, in today's Washington Times, Mr. Speaker, 203 leading university economists have signed a full page ad which says, "We, the undersigned, do not believe that more government spending is a way to improve economic performance. More government spending by Hoover and Roosevelt did not pull the United States economy out of the Great Depression in the 1930s. More government spending did not solve Japan's "lost decade" in the 1990s. As such, it is a triumph of hope over experience to believe that more government spending will help the U.S. today."

These economists continue, "To improve the economy, policymakers

should focus on reforms that remove impediments to work, saving, investment and production. Lower tax rates and a reduction in the burden of government are the best ways of using fiscal policy to boost growth."

That is an ad signed by 203 leading university economists in today's Washington Times.

Unemployment—just speaking about that—unemployment averaged over 17 percent a year all through the 1930s, and even averaged 10 percent during World War II. The Nation did not really begin the return to prosperity until after World War II ended.

Those who do not believe this should read a 2003 book by Jim Powell, called FDR's Folly—How Roosevelt and his New Deal Prolonged the Great Depression. Mr. Powell quotes David Kennedy, who wrote a Pulitzer Prize-winning book in 1999, called Freedom From Fear, about the Great Depression.

Mr. KENNEDY wrote, "Whatever it was, the New Deal was not a recovery program or, at least at any rate, not an effective one."

Economists Richard Vedder and Lowell Gallaway wrote in 1977 that New Deal policies raised, "labor costs, prolonging the misery of the Great Depression, and creating a situation where many people were living in rising prosperity at a time when millions of others were suffering severe deprivation."

Vedder and Gallaway estimated that by 1940, unemployment was eight points higher than it would have been in the absence of higher payroll costs imposed by New Deal policies.

Economists Thomas Hall and J. David Ferguson reported, "It is difficult to ascertain just how much the New Deal programs had to do with keeping the unemployment rate high, but surely they were important. A combination of fixing farm prices, promoting labor unions, and passing a series of antibusiness tax laws would certainly have had a negative impact on employment."

Economist David Bernstein reported, "New Deal labor policies contributed to a persistent increase in African American unemployment."

Historian Michael Bernstein made a case that New Deal agriculture policies "sacrificed the interests of the marginal and the unrecognized to the welfare of those with greater political and economic power."

Mr. Powell summed his book up by saying, "A principle lesson for us today is that if economic shocks are followed by sound policies, we can avoid another Great Depression. A government will best promote a speedy business recovery by making recovery the top priority, which means letting people keep more of their money, removing obstacles to productive enterprise, and providing stable money and a political climate where investors feel that it's safe to invest for the future."

#### WE CANNOT SUBSIDIZE OR BORROW OUR WAY TO GROWTH

The SPEAKER pro tempore (Mr. BOCCIERI). Under a previous order of

the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, when is the group in charge of the U.S. economy here in Washington going to wake up and take notice our trade accounts are as out of balance as our mortgage market?

Congress can't keep tweaking consumer purchasing with stimulus checks and then crossing its fingers in hopes that by some miracle it will actually lift our economy. More borrowed money simply means more short-term palliatives.

Hardworking families in our country do not need a consolation prize. They demand a real solution. What they need is a workable path by which they can become part of a growing economy. When recovery dollars are spent on goods largely imported from somewhere else, the promised bang to rescue our economy is received but as a mere whimper.

Congress must address the greater trade and tax structure problems pulling on our purse strings. Take, for example, trade deficits growing between our Nation and industrialized economies from other parts of the world. Those are just getting worse. Like the outsourcing of U.S. jobs. What are we going to do about that? Like global closed markets. Who's going to open those up? And, like the value added tax, which creates such a damper on U.S. production.

A trillion dollars more in spending by Congress will miss the real mark of healing our economy by adding the important legs of tax reform and trade reform. While trade laws and tax laws remain as critical components of real long-term recovery, we cannot subsidize or borrow our way to growth. We are already paying over \$200 billion on borrowed money to foreign interests, and those numbers are going to grow. And they are more than willing to put America in hock.

Wake up and take notice. If we want to see the benefits of growth, America must produce, not placate its way to prosperity.

As we approach NAFTA's 15-year anniversary, let's take a look at a textbook example of failed promises of prosperity. When NAFTA passed Congress by a tiny margin in 1993, proponents like President Clinton said that this new trade agreement would bring unprecedented prosperity and create millions of jobs across America. It was said the agreement would lock in trade surpluses, expand trade gains, and solve many of the social and economic ills facing North America, like illegal immigration.

Let's take a look at the record. On its 10th anniversary, the U.S.-Mexico trade surplus wallowed into an estimated \$40 billion deficit.

□ 1715

And U.S. jobs reported lost? 879,000. And workers' wages? They failed to

keep pace with productivity gains. We have not seen a single year of trade balance with Mexico since 1994, much less a surplus as was promised.

The growing trade deficit with Mexico is just one staggering figure in our trade deficit accounts. Wages in Mexico have fallen dramatically, and the drug trade has snuggled up against our border and yielded murder as well as violent crime that has surged over into our country in places like Phoenix. And there is an upheaval churning on both sides of the border.

Fifteen years ago, NAFTA was sold by the Clinton administration as a development strategy for Mexico, promising alleviation of poverty and inequity, while simultaneously halting illegal border crossings because it promised so much opportunity at home for Mexicans. Sound familiar? It is no surprise that many of the Wall Street proponents of the bailout were the same ones who wrote NAFTA 15 years ago and fought on the side of big business, just like today. Take Citigroup, for example, or Goldman Sachs. They were in there with both fists.

Mr. DREIER. Mr. Speaker, will the gentlewoman yield?

Ms. KAPTUR. I will be pleased to yield to the gentleman when I am finished.

A healthy economy will require policy changes, not cough drops. We need products on our shelves that are produced by Americans. We need real wealth creation here at home. We need trade that is prosperous and balanced, in the black, not in the red. And, we must infuse the power of our marketplace here at home to produce long term, to spur the necessary social and physical infrastructures to restore economic strength to our Nation rather than growing weakness. We need free trade among free people. America needs balanced trade accounts, not more trade deficits and one-sided trade agreements. And America needs production, not subsidy.

Most of all, we need changes in our trade policies and our tax policies that create real investment and long-term growth in our Nation so we don't have to continue borrowing our way forward and making our children and grandchildren debtors into the vast part of this new century and millennium.

Now, the gentleman, who was a chief opponent to my views on NAFTA, what does he have to report as he asks for some of this time?

Mr. DREIER. I thank the gentlewoman for yielding. I wanted to rise and congratulate her for making some very good points, and to say that I completely concur with her argument in support of free trade among free peoples.

And I believe that if you look at the dramatic changes that have taken place, still very serious problems, the gentlewoman is absolutely right in focusing on narcotrafficking, which has been one of the most serious challenges. And President Felipe Calderon,

the relatively new president of Mexico, has been very bold and courageous in standing up to those narcotraffickers.

And it is true, much of that has spilled over into the United States. But I believe that the fact that we are working together, Mexico and the United States, to try and focus on narcotrafficking and to try and encourage greater commerce so that we can sell more into Mexico is in fact a very good policy for us to pursue. We have the North American Free Trade Agreement. It is my hope, Mr. Speaker, that we will be able to build on that so that we can address the very correct concerns that my colleague has raised. And I thank my friend for yielding.

Ms. KAPTUR. I thank the gentleman for his comments, and just say I just wish that the main product that was being sent here wasn't illegal narcotics.

#### DEFICIT SPENDING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, I do appreciate my friend from Ohio pointing out the problems that arise with the trade deficit. That has been a problem.

When I first came here and was sworn in on this House floor back January of 2005, what I began to hear from the other side of the aisle, correctly, was that the Republicans controlled the White House, they controlled the House, and controlled the Senate, and they are spending too much money. They are engaged in deficit spending, and it has to stop. And they were right.

In my first 2 years here, we had on some bills the White House asking for way too much money; and, to try to be a party that went along with the President, many of my colleagues would say we have got to do this, we are in charge, and money got spend when it shouldn't have been spent. And we should have been better about not having deficit spending, but we blew it, and the American voters called us on it, properly.

I say us. I was often not happy and on the contrary, and some in my party called me a troublemaker and still do. But we call them the way we see them. And the fact is, deficit spending was wrong when it was being done by a Republican White House and Congress, or requesting from the Congress and the Republican Congress was doing it, because it is the Congress that does the appropriations, and it is wrong today. And so in November of 2006, when the Democrats were put in the majority in both the House and the Senate, I was hoping we would see the end of deficit spending, just as they promised. But that is not what happened. The deficit spending has gotten increasingly higher, and now in the first few weeks of this new term it has hit an all-time high.

You can't spend your way to prosperity. It doesn't work when you are

spending your grandchildren and your great grandchildren's money. And you know, you have to know some day when we are dead and gone they are going to be cussing our names: Why did you run us up into such debt so we couldn't live like you did because you wouldn't control your spending? That is our obligation, and we owe so much better to the children and the generations to come.

There was a Rasmussen poll today that came out, and it says 45 percent of the American public are in favor of a tax cut-only stimulus bill. Stop the run-away spending on things that aren't stimulus. Why would Congress do that? Why did Congress do it, and why is it increasing in such a dramatic scale?

Well, there is an atmosphere of arrogance that is growing all the time in Washington that the people out there who are stimulating the economy, they are working, they are doing all they can, well, there are some in Washington who think they are just too stupid to spend the money so that it stimulates the economy, so we must have people in Washington, who know so much more and are so much better at spending other people's money, let the people in Washington spend the hard-working folks' money.

In the last couple of weeks we had \$350 billion, the second half of that bailout that was such a mistake back in September, that other half has been allocated and approved. Then you add the \$819 billion plus whatever the Senate is going to add, you put those together, it is around \$1.2 trillion. Why is that a significant number? Because \$1.2 trillion happens to be the amount basically that every individual income taxpayer in America will pay for 2008 income tax. You want to see the economy stimulated? You give back every dime that every individual taxpayer paid in 2008, you will see the economy stimulated.

I am not even advocating that. I am just saying, give people back their money in their next two paychecks, the next two months' paychecks, a 2-month tax holiday, a 16½ percent tax cut for this year. A study by Moody's Economy says that will increase the GDP more in 1 year than any other tax proposal out there. It would be a 2-month tax holiday. And for those who don't make enough to pay income tax, you get to keep your FICA, so everyone, just like President Obama promised, will get an income tax holiday. You will get your money back.

But I was told last week when President Obama—and you can't be in a room with that guy and not really like him. He is a likeable, smart, congenial man. And when I was telling him about the tax holiday idea, it is not 3 months, 6 months, next year, it is in your next paycheck. He wanted the idea talked about, and now Larry Summers won't call me back.

#### EXECUTIVE COMPENSATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. I am all for the private sector paying executives whatever the private sector wants to, but it is very different when the so-called private sector firms, the firms that demand hundreds of billions of dollars in Federal funds, decide that they want to pay executives lavish salaries and enormous bonuses. That is why I have come to this floor often to talk about the executive compensation of those firms that have benefited from the \$700 billion bailout also known as the TARP.

Why is this executive compensation issue important for those companies that have received TARP funds?

First, because of fairness. Executives who have driven their companies into the ditch so badly that they need a Federal bailout shouldn't be receiving enormous salaries.

Second, our constituents demand it. And if you don't think they demand it, see what happens when the administration comes, having gotten the second \$350 billion and asks for another one-half trillion dollars, a third installment on the TARP. We will hear from our constituents.

Third, the law we passed demands that there be reasonable standards of executive compensation at every company that receives TARP funds. I thought the Bush administration would fail to follow that law, one of the many reasons I voted against it, and Section 111 of the TARP bill continues not to be applied.

And finally, and most importantly, our economy demands that we be tough with those who are coming to Washington for bailouts, because otherwise every executive and every industry is going to be coming here asking for a bailout.

So I was surprised this morning when my staff called me and said, "Congressman, announce victory. President Obama and the Secretary of the Treasury have announced that we are going to have a \$500,000 limit on executive compensation of those who have received TARP funds." That was even stricter than the limit that I was proposing.

Unfortunately, the Treasury Department has now issued a detailed statement of how they are going to carry out this \$500,000 limit, and they have made a mockery of the solemn pledge made today by the President of the United States to the American people. The headline is, "\$500,000 Limit." However, the text of the Treasury announcement has three giant loopholes that make a nullity out of the statement of the President.

First, the limit has no application to those companies who have already received money unless they come back for even more. So Citigroup and AIG, who have already received well over \$40 billion apiece in government money,

have no limits, and they can pay \$1 million a month, \$2 million a month, to whatever executive they choose.

But, second, what about those companies that are going to get more money in the future? How are they affected by the Treasury Department's interpretation of the President's statement? Well, they can pay any amount they want as long as they have a shareholder vote. And here is the beautiful part. They can pay it even if the shareholders vote against paying it. It is a nonbinding resolution. So you can get a huge amount of money from the government before today, then get another helping of TARP money after today and pay any executive anything you want as long as you have a nonbinding resolution of your shareholders which you are free to ignore.

Now, there are a few companies that are going to face a real limit, not the ones who got the first helping like the \$25 billion that went to the major banking institutions; not those who got their second helping, an extraordinary amount of money that they may have gotten prior to today; not those who got the third helping of TARP funds, the "ordinary" amount that might be distributed in the future. But if you come back for a fourth helping, then and only then do you face a real \$500,000 limit on executive compensation.

Finally, the proposal is supposed to contain limits on luxury perks. But what does the proposal really contain in the fine print? It says that the board of directors of these companies has got to adopt a policy dealing with such items as private jets and lavish parties. Well, these are the boards of directors who have already approved every private jet and the concept behind every lavish party that these companies have already had. So what good is it to have these same board of directors adopt new policies which will simply mirror their own old policies on luxury perks?

I look forward to working with the administration, with the Treasury Department, so that the words of the President of the United States to the American people today are not rendered moot, but rather are actually carried out. We need a real \$500,000 limit on all those firms that are holding our TARP funds, our taxpayer money. And I hope those companies choose to return the money to the Treasury, then they can pay their executives whatever they want.

□ 1730

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE BUDGET, 111TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Mr. Speaker, pursuant to House Rule XI clause 2, I am submitting the Committee on the Budget's rules for the 111th Congress. The rules were adopted during our Committee's organizational meeting, which was held January 22, 2009.

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET, HOUSE OF REPRESENTATIVES OF THE UNITED STATES, 111TH CONGRESS  
GENERAL APPLICABILITY

*Rule 1—Applicability of House Rules*

Except as otherwise specified herein, the Rules of the House are the rules of the committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

MEETINGS

*Rule 2—Regular meetings*

(a) The regular meeting day of the committee shall be the second Wednesday of each month at 11 a.m., while the House is in session.

(b) The chairman is authorized to dispense with a regular meeting when the chairman determines there is no business to be considered by the committee. The chairman shall give written notice to that effect to each member of the committee as far in advance of the regular meeting day as the circumstances permit.

(c) Regular meetings shall be canceled when they conflict with meetings of either party's caucus or conference.

*Rule 3—Additional and special meetings*

(a) The chairman may call and convene additional meetings of the committee as the chairman considers necessary, or special meetings at the request of a majority of the members of the committee in accordance with House Rule XI, clause 2(c).

(b) In the absence of exceptional circumstances, the chairman shall provide written notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

*Rule 4—Open business meetings*

(a) Each meeting for the transaction of committee business, including the markup of measures, shall be open to the public except when the committee, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of the meeting on that day shall be closed to the public in accordance with House Rule XI, clause 2(g)(1).

(b) No person other than members of the committee and such congressional staff and departmental representatives as the committee may authorize shall be present at any business or markup session which has been closed to the public.

*Rule 5—Quorums*

A majority of the committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

*Rule 6—Recognition*

Any member, when recognized by the chairman, may address the committee on any bill, motion, or other matter under consideration before the committee. The time of such member shall be limited to 5 minutes

until all members present have been afforded an opportunity to comment.

*Rule 7—Consideration of business*

Measures or matters may be placed before the committee, for its consideration, by the chairman or by a majority vote of the members of the committee, a quorum being present.

*Rule 8—Availability of legislation*

The committee shall consider no bill, joint resolution, or concurrent resolution unless copies of the measure have been made available to all committee members at least 6 hours prior to the time at which such measure is to be considered. When considering concurrent resolutions on the budget, this requirement shall be satisfied by making available copies of the complete chairman's mark (or such material as will provide the basis for committee consideration). The provisions of this rule may be suspended with the concurrence of the chairman and ranking minority member.

*Rule 9—Procedure for consideration of budget resolution*

(a) It shall be the policy of the committee that the starting point for any deliberations on a concurrent resolution on the budget should be the estimated or actual levels for the fiscal year preceding the budget year.

(b) In the consideration of a concurrent resolution on the budget, the committee shall first proceed, unless otherwise determined by the committee, to consider budget aggregates, functional categories, and other appropriate matters on a tentative basis, with the document before the committee open to amendment. Subsequent amendments may be offered to aggregates, functional categories, or other appropriate matters, which have already been amended in their entirety.

(c) Following adoption of the aggregates, functional categories, and other matters, the text of a concurrent resolution on the budget incorporating such aggregates, functional categories, and other appropriate matters shall be considered for amendment and a final vote.

*Rule 10—Roll call votes*

A roll call of the members may be had upon the request of at least one-fifth of those present. In the apparent absence of a quorum, a roll call may be had on the request of any member.

HEARINGS

*Rule 11—Announcement of hearings*

The chairman shall make a public announcement of the date, place, and subject matter of any committee hearing at least 1 week before the hearing, beginning with the day in which the announcement is made and ending the day preceding the scheduled hearing unless the chairman, with the concurrence of the ranking minority member, or the committee by majority vote with a quorum present for the transaction of business, determines there is good cause to begin the hearing sooner, in which case the chairman shall make the announcement at the earliest possible date.

*Rule 12—Open hearings*

(a) Each hearing conducted by the committee or any of its task forces shall be open to the public except when the committee or task force, in open session and with a quorum present, determines by roll call vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, or would compromise sensitive law enforcement information, or would tend to defame, de-

grade, or incriminate any person, or would violate any law or rule of the House of Representatives. The committee or task forces may by the same procedure vote to close one subsequent day of hearing.

(b) For the purposes of House Rule XI, clause 2(g)(2), the task forces of the committee are considered to be subcommittees.

*Rule 13—Quorums*

For the purpose of hearing testimony, not less than two members of the committee shall constitute a quorum.

*Rule 14—Questioning witnesses*

(a) Questioning of witnesses will be conducted under the 5-minute rule unless the committee adopts a motion pursuant to House Rule XI clause 2(j).

(b) In questioning witnesses under the 5-minute rule:

(1) First, the chairman and the ranking minority member shall be recognized;

(2) Next, the members present at the time the hearing is called to order shall be recognized in order of seniority; and

(3) Finally, members not present at the time the hearing is called to order may be recognized in the order of their arrival at the hearing.

In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

*Rule 15—Subpoenas and oaths*

(a) In accordance with House Rule XI, clause 2(m) subpoenas authorized by a majority of the committee may be issued over the signature of the chairman or of any member of the committee designated by him, and may be served by any person designated by the chairman or such member.

(b) The chairman, or any member of the committee designated by the chairman, may administer oaths to witnesses.

*Rule 16—Witnesses' statements*

(a) So far as practicable, any prepared statement to be presented by a witness shall be submitted to the committee at least 24 hours in advance of presentation, and shall be distributed to all members of the committee in advance of presentation.

(b) To the greatest extent possible, each witness appearing in a nongovernmental capacity shall include with the written statement of proposed testimony a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or sub-grant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

PRINTS AND PUBLICATIONS

*Rule 17—Committee prints*

All committee prints and other materials prepared for public distribution shall be approved by the committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the committee.

*Rule 18—Committee publications on the Internet*

To the maximum extent feasible, the committee shall make its publications available in electronic form.

STAFF

*Rule 19—Committee staff*

(a) Subject to approval by the committee, and to the provisions of the following paragraphs, the professional and clerical staff of the committee shall be appointed, and may be removed, by the chairman.

(b) Committee staff shall not be assigned any duties other than those pertaining to

committee business, and shall be selected without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions.

(c) All committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official committee records, leave, and hours of work.

(d) Notwithstanding paragraphs a, b, and c, staff shall be employed in compliance with House rules, the Employment and Accountability Act, the Fair Labor Standards Act of 1938, and any other applicable Federal statutes.

#### *Rule 20—Staff supervision*

(a) Staff shall be under the general supervision and direction of the chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule X, clause 9(c)) and job titles, and, at his discretion, arrange for their specialized training.

(b) Staff assigned to the minority shall be under the general supervision and direction of the minority members of the committee, who may delegate such authority, as they deem appropriate.

#### RECORDS

#### *Rule 21—Preparation and maintenance of committee records*

(a) A substantially verbatim account of remarks actually made during the proceedings shall be made of all hearings and business meetings subject only to technical, grammatical, and typographical corrections.

(b) The proceedings of the committee shall be recorded in a journal, which shall among other things, include a record of the votes on any question on which a record vote is demanded.

(c) Members of the committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof, except that any changes shall be limited to technical, grammatical, and typographical corrections.

(d) Any witness may examine the transcript of his own testimony and make grammatical, technical, and typographical corrections.

(e) The chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for correction, and that further delay would seriously impede the committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

(f) Transcripts of hearings and meetings may be printed if the chairman decides it is appropriate, or if a majority of the members so request.

#### *Rule 22—Access to committee records*

(a)(1) The chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by members to committee records (in accordance with House Rule XI, clause 2(e)).

(2) Access to classified testimony and information shall be limited to Members of Congress and to House Budget Committee staff and staff of the Office of Official Reporters who have appropriate security clearance.

(3) Notice of the receipt of such information shall be sent to the committee members. Such information shall be kept in the committee safe, and shall be available to members in the committee office.

(b) The records of the committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House of Representatives. The chairman shall notify the ranking minority member of

any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the committee for a determination on the written request of any member of the committee.

#### OVERSIGHT

#### *Rule 23—General oversight*

(a) The committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject of which is within its jurisdiction.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under clause (1)(d) of Rule X of the Rules of the House, and, subject to the adoption of expense resolutions as required by clause 6 of Rule X, to incur expenses (including travel expenses) in connection therewith.

(c) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Oversight and Government Reform in accordance with the provisions of clause (2)(d) of House Rule X.

#### REPORTS

#### *Rule 24—Availability before filing*

(a) Any report accompanying any bill or resolution ordered reported to the House by the committee shall be available to all committee members at least 36 hours prior to filing with the House.

(b) No material change shall be made in any report made available to members pursuant to section (a) without the concurrence of the ranking minority member or by a majority vote of the committee.

(c) Notwithstanding any other rule of the committee, either or both subsections (a) and (b) may be waived by the chairman or with a majority vote by the committee.

#### *Rule 25—Report on the budget resolution*

The report of the committee to accompany a concurrent resolution on the budget shall include a comparison of the estimated or actual levels for the year preceding the budget year with the proposed spending and revenue levels for the budget year and each out year along with the appropriate percentage increase or decrease for each budget function and aggregate. The report shall include any roll call vote on any motion to amend or report any measure.

#### *Rule 26—Parliamentarian's Status Report and Section 302 Status Report*

(a)(1) In order to carry out its duty under sections 311 and 312 of the Congressional Budget Act to advise the House of Representatives as to the current level of spending and revenues as compared to the levels set forth in the latest agreed-upon concurrent resolution on the budget, the committee shall advise the Speaker on at least a monthly basis when the House is in session as to its estimate of the current level of spending and revenue. Such estimates shall be prepared by the staff of the committee, transmitted to the Speaker in the form of a Parliamentarian's Status Report, and printed in the Congressional Record.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Parliamentarian's Status Report described above.

(b)(1) In order to carry out its duty under sections 302 and 312 of the Congressional Budget Act to advise the House of Representative as to the current level of spending

within the jurisdiction of committees as compared to the appropriate allocations made pursuant to the Budget Act in conformity with the latest agreed-upon concurrent resolution on the budget, the committee shall, as necessary, advise the Speaker as to its estimate of the current level of spending within the jurisdiction of appropriate committees. Such estimates shall be prepared by the staff of the committee and transmitted to the Speaker in the form of a Section 302 Status Report.

(2) The committee authorizes the chairman, in consultation with the ranking minority member, to transmit to the Speaker the Section 302 Status Report described above.

#### *Rule 27—Activity report*

After an adjournment of the last regular session of a Congress sine die, the Chair of the committee may file any time with the Clerk the committee's activity report for that Congress pursuant to clause (1)(d)(1) of rule XI of the Rules of the House without the approval of the committee, if a copy of the report has been available to each member of the committee for at least seven calendar days and the report includes any supplemental, minority, or additional views submitted by a member of the committee.

#### MISCELLANEOUS

#### *Rule 28—Broadcasting of meetings and hearings*

(a) It shall be the policy of the committee to give all news media access to open hearings of the committee, subject to the requirements and limitations set forth in House Rule XI, clause 4.

(b) Whenever any committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 4.

#### *Rule 29—Appointment of conferees*

(a) Majority party members recommended to the Speaker as conferees shall be recommended by the chairman subject to the approval of the majority party members of the committee.

(b) The chairman shall recommend such minority party members as conferees as shall be determined by the minority party; the recommended party representation shall be in approximately the same proportion as that in the committee.

#### *Rule 30—Waivers*

When a reported bill or joint resolution, conference report, or anticipated floor amendment violates any provision of the Congressional Budget Act of 1974, the chairman may, if practical, consult with the committee members on whether the chairman should recommend, in writing, that the Committee on Rules report a special rule that enforces the Act by not waiving the applicable points of order during the consideration of such measure.

#### REVISION TO BUDGET ALLOCATIONS AND AGGREGATES FOR CERTAIN HOUSE COMMITTEES FOR FISCAL YEARS 2008 AND 2009 AND THE PERIOD OF FISCAL YEARS 2009 THROUGH 2013

Mr. SPRATT. Madam Speaker, under section 201 of S. Con. Res. 70, the Concurrent Resolution on the Budget for fiscal year 2009, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal years 2008 and 2009

and the period of fiscal years 2009 through 2013. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of the Senate amendment to the bill

H.R. 2 (Children's Health Insurance Program Reauthorization Act of 2009). Corresponding tables are attached.

Under section 323 of S. Con. Res. 70, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect

upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 323 of S. Con. Res. 70 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2008 <sup>1</sup>	Fiscal Year 2009 <sup>1,2</sup>	Fiscal Years 2009–2013
<b>Current Aggregates:</b>			
Budget Authority .....	2,564,244	2,532,592	n.a.
Outlays .....	2,466,685	2,572,179	n.a.
Revenues .....	1,875,401	2,029,659	11,780,293
<b>Change in the Childrens' Health Insurance Program Reauthorization Act (H.R. 2):</b>			
Budget Authority .....	0	10,621	n.a.
Outlays .....	0	2,387	n.a.
Revenues .....	0	3,801	32,826
<b>Revised Aggregates:</b>			
Budget Authority .....	2,564,244	2,543,213	n.a.
Outlays .....	2,466,685	2,574,566	n.a.
Revenues .....	1,875,401	2,033,460	11,813,119

n.a. = Not applicable because annual appropriations Acts for fiscal years 2010 through 2013 will not be considered until future sessions of Congress.

<sup>1</sup> Current aggregates include spending covered by section 301(b)(1) (overseas deployments and related activities) that has not been allocated to a committee.

<sup>2</sup> Current aggregates do not include Corps of Engineers emergency spending assumed in the budget resolution, which will not be included in current level due to its emergency designation (section 301(b)(2)).

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

	2008		2009		2009–2013 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
<b>House Committee:</b>						
<b>Current allocation:</b>						
Energy and Commerce .....	89	81	884	847	3,153	3,148
<b>Change in the Childrens' Health Insurance Program Reauthorization Act (H.R. 2):</b>						
Energy and Commerce .....	0	0	10,621	2,387	50,060	32,817
<b>Revised allocation:</b>						
Energy and Commerce .....	89	81	11,505	3,234	53,213	35,965

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. INGLIS) is recognized for 5 minutes.

(Mr. INGLIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

AMERICA'S FINANCIAL CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Missouri (Mr. AKIN) is recognized for 60 minutes as the designee of the minority leader.

Mr. AKIN. Mr. Chairman, it is a pleasure to be able to join with some of my colleagues here tonight. And we're going to be talking about a subject that is, I believe, near and dear to many people's hearts, or at least of concern to many people. And I suppose one way to introduce this subject would be to take a look at something that has been in the news now for 6 and 7 years, and that would be the subject of how much money we have spent in the war in Iraq.

Many people were observing that we were spending way too much money, that the budget was out of balance and we are just wasting money over in Iraq and in Afghanistan. And yet ironically, in the very first month of this new administration and this new Congress, we spent more money in that first month than what we spent in 2 years in the two different wars for 6 and 7 years added together. If you add all of the money spent in Iraq, all of the money spent in Afghanistan and add it all to-

gether, it is less than what we spent in the first couple of months of Congress this year.

Now, how do we get to that point? What brought this about? If you want to try to take a look at how much money does that mean, that says that we spent in the first month more money than the entire tax revenue that we're planning to collect for the year 2008. It would be as if you had your own family budget, and in January you spent all of your income for the year. You have got 11 very lean months to take a look at.

So how is it that we got to this point? That is what we are going to be talking about. We're going to have a nice kind of roundtable discussion with many people from different States. And so I want to back up just a little bit and take a look at how did we get to this point that we have the economy in the condition that it's in?

Well, the story goes back quite a ways. It goes back to the Carter years. People found that as people were trying to get mortgages, particularly in certain areas of economically disadvantaged areas in various cities, that it was hard for them to get home loans. And so they put together the Community Reinvestment Act. And in a sense, what it was saying to banks is, you have got to take a few of your loans and loan them to people who it's not clear that they will be able to pay it back, because somehow or another people everywhere need to have a chance to buy a home and to own a home.

Well, that idea was then followed up with the creation of a couple of quasi-

governmental but also quasi-private organizations that were little known at the time called Freddie Mac and Fannie Mae. And those organizations were in the same business of trying to help people that were sort of middle-income buyers or lower-income buyers to be able to buy a house. And so they helped to write loans and underwrite loans. The theory was, at least implicit, that the government IOU was behind the things that Freddie and Fannie took care of.

Then as we moved along further, we moved up to the Clinton era. Toward the end of Clinton's days, what he did was increased the percentage of the loans that Freddie and Fannie had to make and increased the percentage of them that were very risky loans. In other words, essentially what he was saying was that the government is forcing Freddie and Fannie to make loans and that we know an awful lot of them are not going to be paid. And of course when you start to mandate that quasi-governmental groups are going to make bad loans, then pretty soon you're going to have trouble.

Well, this coincided then, as we move along a couple further years, to the era when Alan Greenspan drops the interest rates extremely low because the economy is tanking. In 2000, Greenspan started dropping the interest rates. And then you create this idea of, well, hey, if we have got all of this money at tremendously low interest rates, where are you going to park it? Well, let's park it in real estate because real estate always goes up. You can't make a mistake in real estate.

In my first early days here at Congress, boy, did I feel stupid that I hadn't bought a great big multimillion-dollar house, because if I could have just afforded the interest payments on it for 4 years, it would have doubled in value between 2000 and 2004 or 2005. Of course, I would have to have been smart enough to buy it in 2000 and smart enough to sell it by 2005.

Well, as everybody knows, that old bubble popped. And increasingly all of these loans that were being made started in the process of defaulting. And it was not just people in economically disadvantaged areas that were making these loans. No. Wall Street got into the deal. And so did the speculators. And so what started to happen was you had people going out there and selling all of these loans. The local banks went through the Community Reinvestment Act and would make the loans. But as soon as they made the loan, they turned it right on over to Fannie and Freddie, assuming that if anything goes wrong, the Federal Government is going to bail them out.

Then you get to the point where people are running around who are mortgage brokers. And they don't care what kind of job you have. If you want to borrow a half a million bucks, fine, because they simply write the loan, make the commission on the loan, and the loan is passed on largely to Freddie and Fannie.

In the meantime, Wall Street was taking all of these loans, packaging them together and slicing and dicing them and selling them all over the world and making a great deal of money in the process as the housing bubble was going up and up. Everything looked pretty good.

And then you had the rating agencies, such as Standard & Poor's or the other one would be Moody's. They were all giving these things Triple A ratings. This is good stuff. Everybody around the world, buy all of these loans that are made to people who we know really don't have the ability to pay these loans.

And so now you get this situation where you're spiraling upward and upward. The bubble is about to pop. Did anybody see it coming? Well, the answer is, yes, as a matter of fact they did. President Bush saw it coming. He saw it coming in 2003. And he approached the legislature. He said, I have got to have the legislative authority to rein Freddie and Fannie in because these guys are going crazy making these loans, and it's going to mess the whole economy up.

And so Congress, while we were in the majority in 2004, we passed a bill that allowed the President to have the authority to regulate Freddie and Fannie to stop this runaway train. It went to the Senate, and it was killed by the Democrats.

Now let's take a look at what appeared in the New York Times, not exactly a right-wing oracle, about that very time, September 11, 2003. And this

is part of the quote, September 11, 2003, New York Times, "These two entities, Fannie Mae and Freddie Mac, are not facing any kind of financial crisis." Who would say that? Representative BARNEY FRANK of Massachusetts, the ranking Democrat on the Financial Services Committee. "The more people exaggerate these problems, the more pressure there is on these companies, the less we will see in terms of affordable housing."

Mr. BROUN of Georgia. Would the gentleman yield?

Mr. AKIN. I would yield to the gentleman from Georgia who is quite an authority on this subject. Thank you for joining us tonight, gentleman.

Mr. BROUN of Georgia. Mr. AKIN, I just appreciate your yielding time. I would like to clarify something you said here just for my own personal edification and I hope the edification of the people who are watching tonight. You said just a few moments ago that the President of the United States asked for more regulatory authority over Freddie and Fannie. Is that correct?

Mr. AKIN. That's correct. That was 2003 in the New York Times, September 11, the President sees this coming, he says that we've got to regulate them more.

I'm reclaiming my time. People are saying that this is a failure of free enterprise. This has nothing to do with the failure of free enterprise. This is a failure of socialism.

Mr. BROUN of Georgia. That is what I wanted to clarify, if you don't mind yielding back a second. But the thing is, the President of the United States, President Bush, who I have not always been in agreement with on many things, but he was asking to regulate these GSEs, government-sponsored enterprises, Freddie Mac and Fannie Mae. And it was actually Freddie and Fannie, along with the Community Reinvestment Act, plus the low interest rates that were out there so that these subprime loans could be made. This is what created our housing bubble that just rose so quickly and then burst so rapidly that the housing prices went down. If I remember correctly, the Republicans in the House, we also, in fact, passed a bill. Is that not correct?

Mr. AKIN. That's correct. We passed a bill. Reclaiming my time, we did pass a bill. And this is something that we saw as a problem. But as you will recall, the way that the Senate body works, while we sent legislation over to them, this article goes on to say the Democrats opposed it. And we did have the 60 votes to get it passed. So nothing was done. And perhaps if there is any blame that needs to be made on the economy being in the condition it's in, it really rests with the U.S. Congress, with the House and the Senate.

Now these other rating agencies that said that you're going to give a Triple A rating to this trash, certainly they ought to have to be accountable as well. And certainly Wall Street was

knowing that they were selling trash and rating it Triple A and selling it all over the world. It wasn't that they hadn't done some things wrong, but to allow that to happen, first of all, the Congress was out to lunch.

Mr. BROUN of Georgia. But it was not the free enterprise system. It was not deregulation. It was not anything except for the Democrats here in Congress that blocked regulation. And it was, actually, there were programs that were established by Congress. If I remember correctly, the Carter administration passed the Community Reinvestment Act initially. And under the Clinton administration it was markedly expanded to force banks to make these loans where people couldn't pay. Is that not correct?

Mr. AKIN. Reclaiming my time, my understanding was what Clinton did was not so much in the Community Reinvestment Act, although that was done with ACORN and all, but more particularly he specifically required that Fannie and Freddie make loans that essentially we knew weren't going to be any good. I yield.

Mr. BROUN of Georgia. I appreciate that. So, the Community Reinvestment Act, and that is where I was going, and I appreciate your mentioning that, and ACORN became a bunch of thugs using extortion. That is what I hear from my bankers at home in Georgia, that ACORN folks would come in and threaten them because they couldn't expand their services and they couldn't put in ATM machines unless they would make these bad loans. And that is what created this whole financial debacle. And the blame, though, lies right at the feet of the people who are pushing this stimulus package saying it was free enterprise.

Mr. ACKERMAN. Reclaiming my time, gentlemen. I think you struck something that strikes me as being a tremendous irony. The people who created the problem now are charged with fixing it. And that leaves us in kind of an interesting—and I think that the reason that I wanted to take a little bit of time with you, gentlemen, and knowing that you know this subject, the reason I want to take time on it is because sometimes people want to say, oh, we don't want to go witch-hunting or go looking at who we are going to blame. But on the other hand, if we don't understand how we got into the problem, we will end up doing the same dumb thing over again. And that is my concern.

Mr. BROUN of Georgia. Absolutely. If the gentleman will yield, I'm a physician, as the gentleman knows. And in medical practice we look at problems and we try to find solutions to those problems. In fact, it is quite different from what lawyers do. Lawyers generally just argue problems. We try to fix problems. We try to find solutions to those problems. And so we look at all the symptoms. We look at the causative factors that come to bear in any disease entity.

Now we've got a horrible disease problem of a poor economy. The American people are hurting, hurting terribly. And we're right now in a debate about a bill that the House passed last week, the Senate is taking it up now. But there is in my opinion a tremendous amount of blindness by our colleagues, particularly on the other side, about what are the causation factors of the housing burst that has really created this economic problem that we have in this Nation.

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And I commend the gentleman for bringing this up because that statement that the New York Times put in place, I think, is very indicative of what's going on now. And I heard the same people who were arguing back in 2003 and earlier against regulating Fannie and Freddie, those same people, when we were talking about the TARP funds, the Wall Street bailout, kept making a case that we need to make more of these loans in the name of affordable housing, make those loans to people who cannot afford to pay them.

Mr. AKIN. Reclaiming my time, you know, gentlemen, somehow or other people want to try and package this as compassionate. I'm trying to think of people such as myself or other people in my district and what happens if you put someone into a house, and maybe they can afford a \$250,000 house, and you put them in a \$400,000 house, and all of a sudden, every month they've got that mortgage payment coming due; and the financial pressure, it starts to drive the husband and wife apart and make the children's lives hell as eventually they end up on a street side with their sofa on the sidewalk because they can't afford it. How is that compassionate? I don't understand.

But gentleman, I note that we have some other distinguished guests here. Could we come back to you in just a minute?

Mr. BROUN of Georgia. Well, I have to leave in a second.

Mr. AKIN. I will yield.

Mr. BROUN of Georgia. I'd like to tell you and the American public a story if you yield just another minute or two.

Mr. AKIN. I yield.

Mr. BROUN of Georgia. Okay. Thank you. I've got a friend who's in the timber land business. He buys and sells timber land. And he was telling me a story during this whole period of time when real estate prices were going up. He had a piece of property in my district on the market for \$1.3 million. A gentleman came in and said, I want to buy your land. My buddy said fine. Here's the contract. The buyer signed it. Went to closing.

My good friend, when he got to closing, of course, got his check for the \$1.3 million. But he found out because of the problems with the banking industry making these sub prime low doc, no doc, low documentation, no docu-

mentation loans, that the buyer actually borrowed \$1.7 million for a \$1.3 million piece of property. So he put \$400,000 cash money in his pocket.

Now, if the property went up to \$2 million or 2.1 or \$2 million then the bank would be happy. Both the buyer, and the seller in this deal would have been happy, and everybody would have been fine.

But my friend found out that the buyer had no job. He had no assets. He had no way to pay for this loan for \$1.7 million.

Mr. AKIN. So reclaiming my time, you're just giving an example of this absolutely crazy runaway policy that we have. It's basically a free money, you don't have any job, you don't have any money, borrow whatever you want and speculate and hope things work out right.

Mr. BROUN of Georgia. Well, that's the point I was trying to make if the gentleman would yield.

Mr. AKIN. I yield.

Mr. BROUN of Georgia. That's exactly the point I'm trying to make is that this whole banking industry debacle was crazy and it was set up by policy that Congress established, and Republicans tried to do something about it because we, as the Republican Party, people here in the House, members of the Banking Committee in the Senate, Financial Services over here on the House side, realized that this was a disaster in the making and they tried to do something about it. And every effort that we did was blocked by the Democrats, who, right now, today want to force down the throat of the American people this stimulus bill that, in reality, is nothing, nothing but a steam roller of socialism that's being shoved down the throat of the American public and it's going to strangle to death the American economy, as well as the American people.

Mr. AKIN. Reclaiming my time, gentleman, we are going to get to that very point that you're making, and I thank you so much, Congressman BROUN from Georgia. And I sometimes think of it as doctor, but now you're congressman. You've got a couple of different hats. I appreciate your just straightforward approach. This is what we're talking about that's hurting a whole lot of very small, very average people. And the thing that really makes me sick about it is we saw the thing coming, and not only has the American economy got a cold, we've given pneumonia to the rest of the world, and there are people starving because of these very policies.

And somehow, putting somebody in a house that they can't afford, I don't see how there's anything compassionate about that.

But we are joined by another doctor from the great State of Georgia as well, Dr. GINGREY, but maybe we should call him Congressman GINGREY. I would be happy to yield to you sir.

Mr. GINGREY of Georgia. And I thank the gentleman from Missouri for

yielding. And I thank my colleague from Georgia, Dr. BROUN, for his timely and insightful comments.

It's good to join with you this hour, Mr. Speaker, to try to shed some light on this issue, a terribly important issue to the American people when we're in these rather dire economic circumstances. But the big problem, of course Representative AKIN and Representative BROUN, Mr. Speaker, spent time explaining how we got into this mess. And I think it's very important that they did this and kind of set the stage for where we are today, why we're here, how we got there, what the problem is and basically, who's to blame. And certainly, if you do the math, connect the dots, it's pretty clear. I won't go back through that important information.

But we're now trying to decide, Mr. Speaker, what to do about it, how to get out of this recession that we're in. And unfortunately, what the Democratic majority and what President Obama has recommended, I just don't think passes the smell test. I really feel that the likelihood of this being successful, when you look, Mr. Speaker, at the spending in this bill, this economic stimulus bill as it's called, where's the beef? I mean, the old expression—I don't see where there's anything or hardly anything in \$825 billion that's going to do a whole lot of stimulating.

Mr. AKIN. Reclaiming my time just a minute. What you're doing is you're fast forwarding a little bit. We started by talking about how did we get in this mess. I was going to make just a comment. Sometimes people say this is as bad as the Great Depression. Certainly it's not. It's not as bad as what things were under Jimmy Carter when we had double digit unemployment and double digit inflation. But we can make it that bad if we work at it and do the wrong things. So that's scaling it.

Now, what you're talking about is we've got a solution that's being proposed. It's a solution that's proposed by the Pelosi Democrat Congress. We saw the vote on that last week. Not a single Republican voted for it. But they had a proposal, and I think it's great that we do have a problem. We acknowledge there's a problem, and they made a proposal. And that's what you're talking about, Doctor, and you're talking about the mechanics of what they're proposing, and I think we need to take a look at that. And what you're saying, from what I'm hearing you say is, you don't think it's going to work. And I yield.

Mr. GINGREY of Georgia. Well, if the gentleman will yield to me again and I appreciate it. He said it exactly right. It is the Pelosi proposal, the Democratic majority proposal, the Harry Reid proposal. But it's certainly not the Congressional proposal, because we Republicans, Mr. Speaker, are part of that mix. And as the gentleman from Missouri points out, we were never consulted. There was no essentially no markup, no regular order.

And as Representative AKIN says, the importance of getting it right—you know, some people use the expression for goodness sake, don't just sit there, do something. Well, I happen to be a doctor too, an OB/GYN doctor, and I know a lot of times it's better to not just do something, sit there. The baby will come.

But we're not recommending though that we do nothing, Mr. Speaker. We're just saying that when you've got a bill with 825, more in the Senate, billions of dollars in it, it needs to stimulate the economy for sure. And it needs to put people back to work for sure, not just maybe.

And as the gentleman from Missouri said, we could make matters far worse than they were in the late 70s under President Jimmy Carter, and we could even get as bad as it was back in 1929, 30, 31, 32, so we want to get it right.

And if the gentleman will bear with me just for a minute, I would appreciate it. I wanted to show a poster or two to just to kind of put the spending, the so-called stimulus, in perspective. And if my colleagues will look at this first poster, and the question at the top says, can you afford to pay for the Democratic spending bill? And basically, at \$825 billion, the economic stimulus plan that's sailing through Congress would cost each American family more than \$10,000 on average. More than \$10,000. In fact \$10,500.

Mr. AKIN. Reclaiming my time, you're saying this is \$10,000 for every family in America is what this thing is going to cost?

Mr. GINGREY of Georgia. Exactly. If the gentleman will yield further. Exactly that's what I'm saying. And to put that in more perspective, the average family, for food, clothing and health care, an expensive line item in the family budget, food, clothing and health care, they spend \$10,400 and for shelter, \$11,600. Fully a third of that cost is what we're putting on their backs.

Listen, colleagues on both sides of the aisle, wouldn't we be better off just giving every family in America a check for \$3,000? And we could probably end up doing it a whole lot cheaper than \$825 billion. And by golly, that would work.

So that's what we're trying to do here tonight, Mr. Speaker, is just point out that there's a better way of doing this. We, in the Republican minority, who have not been included, not been asked except asked to vote for this thing, no questions asked, no amendments, we do have a better idea. And I know as we get further into the hour tonight, Mr. Speaker, we'll be talking about that. And I will look forward to that opportunity. I will yield back to the gentleman. I know there's others here on the floor that would like to speak on this issue.

Mr. AKIN. Reclaiming my time, I appreciate, Doctor, and Congressman your joining us and your perspective. I think when you start talking about

\$800 billion or \$1 trillion, those are such box car size numbers, it's a little bit tricky to put them in perspective. I think you've done a great job when you bring it down to the fact that the stimulus package that was just passed last week by the Democrats, that would be your medical care and your food and clothing for an average family. That's what that would be. That's how much it's going to cost an average family. Or you could say it's what it costs you to have your house. Those are significant numbers. I think it brings it home, and we really to ask ourselves what are we getting for this stimulus package?

And with that, I note that we have a distinguished colleague of mine from all the way out on the West Coast, Congressman DREIER, who has been here a number of years and is really on top of these issues. It's an honor to have you joining us. I yield to the gentleman.

Mr. DREIER. Thanks for reminding me that I've been around a long time. I appreciate that very much.

Let me, Mr. Speaker, express my appreciation to my very good friend from St. Louis for taking this time to talk about what obviously is priority number one for working families all across this country, and that is survival; survival, because we all know how difficult it is out there. We're regularly hearing from our constituents that they are losing their homes, they are having a difficult time making ends meet.

This afternoon I had the chance to meet with some local officials from one of the counties that I'm privileged to represent. And in San Bernardino County in California, the numbers of homes that have gone into foreclosure, it is mind boggling to see the challenges.

And I will tell you, when you think of a young family out there, working, trying to hold things together and they're losing their home and having a difficult time making ends meet, we all know, Democrat and Republican alike, that it is absolutely essential that we put into place government policies that will help to address those challenges.

Now, Mr. Speaker, my friend from St. Louis just brought to my attention an amazing quote that his 88-year old father brought to mind for him since he had lived through this period of time, that being the Great Depression. And it's a quote from the Treasury Secretary, I appreciate his putting this chart up there because I actually scribbled it down, and I don't know if I could read my scribbling of it. But I'd like to share it with our colleagues.

The Secretary of the Treasury, Henry Morgenthau, in 1939, as we were tragically headed into the great World War II, and as we were, in large part because of the war, able to emerge from the Great Depression, had an amazing statement that he, as Franklin Delano Roosevelt's Treasury Secretary, at the end of the Great Depression in 1939, in his testimony provided before the House Ways and Means Committee.

And in that, and Mr. Speaker, I commend this to my colleagues. He said, "We have tried spending money. We are spending more than we have ever spent before and it does not work. I say, after 8 years of the administration," that being the Roosevelt administration, "we have just as much unemployment as when we started, and an enormous debt to boot." What an incredible statement that was made by Franklin Delano Roosevelt's Treasury Secretary in 1939. And the last line, Mr. Speaker, an enormous debt to boot, of course, brings to mind the fact that in 1939, the American people and financial interests in this country were financing that debt.

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Today, we know that that debt is coming from all over the world, that it is held by peoples all over the world, and that creates another very unique challenge for us.

So I would say that, as we know that our constituents are hurting, I believe very, very strongly that the answer to the problem of the families who have lost their homes and of the people who are losing their jobs is not to put into place a \$1.1, \$1.2, \$1.3 trillion spending package. We don't know what the size of it is going to be because, with \$1.1 trillion, if you take the \$347 billion in servicing, that would have been an \$825 billion program over the next decade. It is being debated on by our friends, our colleagues, in the Senate now.

As we look at that challenge, it seems to me that people understand that that is not the panacea, and nowhere is that made clearer than in the words of the Treasury Secretary who served under the great President Franklin Roosevelt when he said that we have tried spending money, that we are spending more than we have ever spent before, and it does not work. I say, after 8 years of the Roosevelt administration, there was just as much unemployment as when we started and an enormous debt to boot.

Mr. AKIN. Reclaiming my time for just a minute, I appreciate your perspective because we can stand here and talk about boxcar numbers and economic theory and policy, but you are bringing it down to what it has to do with the guy in the street, what it has to do with me.

There is a picture that always sticks in my mind. I don't know. You know, sometimes you take in mental pictures, and there is a picture that sticks in my mind. When we get talking about these charts and everything, I always want to come back to this picture, and that is a picture of a house, and sitting right there on the sidewalk is somebody's sofa. I think about the young dads who have just gotten married and who may have a kid or two, and they are struggling, and they are trying to keep their heads above water, and they tell their wives not to buy any food, and they tell their kids not to buy any toys. They are still trying to pay this

debt off, and they keep getting worse and worse behind. Finally, they go out there, and that is when they end up with that sofa that's sitting on a sidewalk.

That is what we are talking about with these socialistic policies. Here it all started with this "give somebody something," and somehow or other, Uncle Sam and socialism are going to make it work.

Mr. DREIER. Would my friend yield for just one moment again?

Mr. AKIN. I would yield.

Mr. DREIER. I will say that, as I look at that last line once again, an enormous debt to boot, it brings to mind that child who is there. It is that child who is going to be shouldering the burden of a \$1.1, \$1.2, \$1.3 trillion spending package that has been put before us, and that package has already passed through this House. Speaker PELOSI has announced that it is going to be completed by the end of next week.

I wish very much that we would spend some time looking at what it is that we have offered as an alternative to create jobs and to allow people to keep dollars in their pockets.

I thank my friend for yielding. I suspect that he is going to outline the very, very viable package which can provide that immediate boost which the American people want and need.

Mr. AKIN. Reclaiming my time, yes. Gentlemen, thank you for coming to that point, because I don't like people to come in here and be critical and say that it's no good, that it will not work, and then don't offer a better alternative. The good news is that there is a better alternative. We don't have to be doing what we are doing.

I noticed that my colleague from Georgia, again Dr. GINGREY, Congressman GINGREY, has got a chart here.

Would you like me to yield, and do you want to explain what you have?

Mr. GINGREY. I very much appreciate the gentleman's yielding. I thank him for that. I do have a chart I want to reference.

First of all, Mr. Speaker, I want to say that the American people are beginning to realize that this is unlikely to work and that there is a tremendous burden that it is going to put on them. As I pointed out on the previous chart, it is \$10,400 per family. Now, they don't get that. That is not any money that comes to them. That is the debt burden.

Now, in fact, in a recent Gallup Poll—the very reliable Gallup Poll. Everybody has heard of Gallup—there was a survey of 1,000 adult people nationwide; thirty-eight percent were in opposition to this bill as proposed, and another 17 percent said no matter what they do with it, no matter what changes they make, this is not the way to go. It is just as Secretary Morgenthau knew back in 1939. I wish Secretary Paulson and Secretary Geithner could understand that. Just throwing more money at this indiscriminately is

not going to solve the problem. It is just going to sink us deeper and deeper into a recession and possibly even into a depression.

So, yes, we have some ideas, and of course, my colleagues are here, and they are going to present some of these ideas.

I want to yield back to the gentleman from Missouri, but let me quickly reference the poster.

"Sizing up the Stimulus" is the title of the poster. Again, just to put this into perspective, the proposed stimulus is \$1.2 trillion when you include the debt service over 10 years. So it's \$825 billion and then the debt service. Then you compare that to other expenditures—to very important expenditures—to the Vietnam War, which was \$111 billion with a B, not a T; to the invasion of Iraq, which was \$551 billion with a B, not a T; and to the New Deal. We were referencing that, and that is what Mr. Morgenthau was talking about. It was \$32 billion, and he said it was way too much spending, and here we're talking about \$1.2 trillion.

Again, I think it would be better to cut taxes for everybody. We'll get into that later. I know the gentleman will do that, and maybe we'll give everybody a check for \$2,500 rather than what we are doing.

So I yield back to the gentleman, and I thank him for the time.

Mr. AKIN. Reclaiming my time, I am also joined here today with Congressman LATTA from Ohio. I believe he has got some charts and can help cast a little bit more light on exactly what this bill is that was just passed last week and what it means.

It has \$500 million for the National Endowment for the Arts. I wonder if that's going to get the economy going. It has got \$54 billion for 19 programs that the OMB—that is the Office of Management and Budget—said were completely ineffective programs. Yet we are going to put \$54 billion into programs that, by our own definition, do not work. Particularly if you want to take a look at another one, there is \$355 million for STD funding. That may put a totally different meaning on the word "stimulus."

Anyway, we are joined here by Congressman LATTA from Ohio. Thank you for joining us, gentlemen, and I am interested in your perspective. I yield.

Mr. LATTA. I appreciate the gentleman for yielding, and I also appreciate the comments that we have already heard from the gentleman from Georgia and also from the gentleman from California.

Just to follow up, I was not going to speak to this, but if I may, I just happen to have in front of me the unemployment numbers during the Great Depression and the numbers leading into the Great Depression. I think about the statement from the Secretary of Treasury in 1939 and what he said about what the spending had done. When President Roosevelt was sworn into office in 1933, according to the Bu-

reau of Labor Statistics, we had a 24.9 percent unemployment rate.

Mr. AKIN. Reclaiming my time, let's get this number down. As to the number of unemployed when we started into the first big recession that was going to become the Great Depression, what was the percentage?

Mr. LATTA. According to the Bureau of Labor Statistics, in 1933, when he was sworn in, there was 24.9 percent unemployment.

Just to kind of jump forward a little bit to the statement that was made to the House Ways and Means Committee by FDR's Secretary of the Treasury in 1939, that number was at 17.2 percent unemployment in this country. So, when they were talking of their trying the spending and of their trying to see how much they could do by spending more and more and more to get these numbers down, it did not work.

Just fast-forwarding a little bit, unfortunately, when we got close to entering World War II in 1941—when the United States was becoming that arsenal of democracy—we had an unemployment rate of 9.9 percent. Then through the main war years of '42, '43, '44, and '45, we saw our unemployment rate go down to 4.7, 1.9, 1.2, and 1.9 percent. Again, let's just think about that. We had 16 million Americans in uniform at that time. We had everybody working—we had everybody in the war plants. All of the women were working—so Rosie the Riveter was everywhere. That unemployment rate dropped, but it was because of World War II, not because of what was going on in the Roosevelt administration in the 1930s.

Mr. AKIN. Reclaiming my time, your point is just what was observed by the guy who was doing all of this Keynesian economics, this guy Morgenthau. After spending us into tremendous debt, he just basically said, after 8 years, we weren't able to create any jobs, and you're saying it was basically World War II that generated the jobs; am I correct? I yield.

Mr. LATTA. I appreciate the gentleman for yielding.

That is absolutely correct. I don't think there is any economist out there who will say there was anything until we got into World War II when we saw the Great Depression break. Before Pearl Harbor in 1941, December 7, the unemployment rate was going down. Why? Because we had Americans working in those defense plants, who were making those arms that we were shipping overseas at the time, for example, under Lend-Lease. So we watched those numbers start to drop, and they really dropped, of course, during World War II when Americans were out there in uniform and in the defense plants.

As the gentleman had mentioned a little bit earlier, one of the things that concerns me is: Where are we going with this debt? Because we just keep adding to it in this country.

Mr. AKIN. I hate to interrupt you. Could I reclaim my time for just a minute?

We are joined here on the floor by another expert we have got, and I want to get right back to you, but Congressman SCALISE is trying to catch an airplane pretty soon. I wanted to try to fit him in because I think he has an interesting perspective that just ties in beautifully with where you were going, Congressman LATTA.

So I yield to you, Congressman SCALISE.

Mr. SCALISE. I thank the gentleman from Missouri for yielding. I thank the gentleman from Ohio for yielding.

What we have been talking about is a discussion we have been having here on this floor for the last few weeks. I am very encouraged that so many people across this country have started to really look at this bill closely and to recognize that, in fact, the bill that has been moving through the legislature here in Congress in the last few weeks is not, in fact, a stimulus bill. It is a massive spending bill, a bill that really will not do much to help get the economy started.

The Congressional Budget Office reports, of course, show that very little of this money will go into the economy, but what it will do is add a massive additional national debt to a debt that is already over \$11 trillion. We are already hearing that this bill is already approaching \$900 billion. Some reports show over \$1 trillion. In addition, the budget that is going to be presented in just a few weeks by President Obama is expected to be \$1 trillion out of balance.

All of this money that would be added to the national debt could add over 25 percent in 1 year to the total national debt of this country, whether or not it would actually provide stimulus to the economy. Most reports show it would not create any jobs. What it would do is increase inflation, devalue the dollar and put a tremendous burden on our children and grandchildren. I think that is why it is so important that we have worked so hard to come up with an alternative plan, a better way to solve this problem. That is, to go and look at tax cuts that will actually help middle-class families and small businesses that will create the jobs, not government spending, which in many cases has been spent on programs that have failed in the past and that create more government jobs. We need to be creating jobs in the private sector, and that is what I think is so encouraging.

As we have been presenting these alternatives, I think people across the country have seen and have realized that this is a much better way. It is so important after the failed bailouts of the last year that we get this right, and that is why it is important that we have been talking about this as people are seeing it. I think they are realizing some of the same things that we saw in that bipartisan vote last week when not only all Republicans voted "no" but when, in fact, nearly a dozen Democrats also could not even stomach

some of the spending by their own leadership and said "no" as well, because there is a better way.

I appreciate the fact that you have been highlighting this, as have other Members, to show that there are better ways to solve this problem for the American people and to show how the American people have, I think, galvanized and have said the same thing. Big government spending in Washington is not going to solve this problem. Let's let middle-class families who are out there tightening their belts already in States that are trying to balance their own budgets show the better way as opposed to the failed old approaches of liberal, big government spending.

So I think the fact that we need to look out for our children and grandchildren is an extra highlight and why it is so important that we get this right and that we solve this problem the correct way. That is what this alternative plan does.

I yield back.

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Mr. AKIN. Reclaiming my time, Congressman SCALISE, thank you very much for your perspective, and I appreciate your optimistic and positive approach.

We're not here just to say something won't work. We've got a better way to solve the problem. We've got something that has worked time after time historically, and the approach that is being proposed, which is just massive government spending, not only did it not work for Morgenthau, who was the guy who was the champion of this Keynesian economics for FDR, but it's never worked subsequently. It didn't work for the Japanese for 10 years, as they ran up huge debts, spent a whole lot of money.

And the average American in this country has got enough common sense to realize that just dumping a whole lot of money, if you're in financial trouble and you're the captain of your own little family, you're not going to go out and buy brand new cars and run up a whole lot of debt. It doesn't make any sense. And for government to do that, the public knows that won't work either.

But I want to get back to my good friend, Congressman LATTA from Ohio, and I did interrupt you, and I yield to the gentleman.

Mr. LATTA. I appreciate you yielding back, and I think what you're talking about is, when we're running up these debts, I'd just like to run across just numbers.

Let's just go back. If you look at this number on this chart right now, we're looking at over \$10 trillion, \$10.6 trillion of debt that this country owes, but let's just go back a few years, and it doesn't take us very long to do this.

In 1979, the United States debt was at \$829 billion; 1989, it was \$2.8 trillion; 1999, \$5.6 trillion. And here we are 10 years later just doubling this number, when you look from 1999 to where we are today at \$10.6 trillion.

But the real question that really concerned me is this, not only that massive huge debt but who owns this debt, you know, and you start looking at this chart right here. Right now, \$682 billion of our debt today is owned by China. Going across, you're looking at Japan. Japan owns \$577 billion; the United Kingdom, \$360 billion; the Caribbean Banking Centers, \$220 billion; the oil exporters—we send our money over to them. They're using our money to buy our debt. They have \$198 billion; Brazil, \$129 billion.

But it always wasn't this way. You know, in 1979, let's just go back a few years again. 1979, we had foreign debt of \$119 billion; 1989, \$429 billion; 1999, \$1.2 trillion. These numbers are just escalating.

And the problem we have today is this. We're having a situation out there is what happens when these other countries start stimulating their own economy and they start saying, you know what, we can't buy that American debt, who's going to be out there to buy that debt? And we have a couple of alternatives; either not issue that debt or have to put a higher interest rate out there to make these other countries want to buy our debt. Americans are saying we're not buying it; these other countries are.

So I have a real concern of these problems, that other countries are owning our debt, that they could actually start dictating to the United States. The Chinese are telling us that we have to do something about our economy, you know.

Mr. AKIN. Reclaiming my time, I think the gentleman, what you are saying is—and you're saying it in a pretty sophisticated way, but just some poor old guy from Missouri, what I think you are saying, just like when we issued all of these loans that people couldn't pay, what we're doing, in a national sense, is we're like running down a dead-end street, and pretty soon, as we keep printing more and more money and keep getting more and more foreign countries buying our debt, there's going to become a time, a reckoning, and boy, it's really going to be unpleasant when we hit that stone wall at 70 miles an hour. Is that getting in the direction of what you're saying, Congressman? I yield.

Mr. LATTA. I appreciate the gentleman for yielding again.

Again, you are absolutely correct. We're hitting that situation right now. The rest of the world is looking at the same problems that we're having in this country, but we're issuing this massive debt out there, saying, please, buy our debt.

And all we can do is, there's been very few articles in the national papers about this, and one of the few times we've seen some of the articles, they're saying, well, we have to make it attractive enough to keep people wanting to buy it out there. Well, how far is that and when are we going to get to that?

My good German grandmother used to tell her grandkids this one saying, that he who goes a borrowing goes a sorrowing. And you know, we're at that point.

And the real question is how are the future generations of this country, not just this generation but the next generation, and the one right after that, going to pay for this debt and how are they going to do that?

Mr. AKIN. Reclaiming my time, that is the question, isn't it? How is this going to work? And I think that really there are two theories here in terms of the way you handle the problem that we're in with the economy.

One is you spend money like mad, which is what FDR tried to do and turned a recession into a Great Depression, and the Japanese followed that same example, went down the same street for 10 years, had a great big depression over there because they had a bunch of these guys thinking you could, quote, stimulate the economy by spending money like mad that you don't have.

But that raises the question in that we already have the amount of debt that you're talking about. We should have great economy if that theory worked, shouldn't we?

Mr. LATTI. Absolutely.

Mr. AKIN. I mean, we've got a tremendous amount of debt; therefore, we shouldn't have any economic troubles. And just as Henry Morgenthau found out, it doesn't work. And the approach that is being done by the Pelosi Congress and what is being asked for by our new President is based on this Keynesian model of economics which really doesn't work.

I also promised my good friend, the gentleman from the congressional district in Ohio, Congressman JORDAN, wanted to let you have—we've got about 5 minutes or so here. I wanted to let you have a chance to chip in on the whole conversation. You have been very helpful, and your thinking is highly respected, I know, in our caucus.

Mr. JORDAN of Ohio. I appreciate the gentleman for putting this Special Order hour together. This must be the Ohio hour because I notice the last two presiding officers over the Chamber were Ohioans as well, and then of course my friend from just north of our district, Congressman LATTI and his expertise in this.

Think about the average family, what they saw from their government last week. I think it's an important place to start as we think about this discussion.

The typical family, what did they see from their government? They saw the United States Senate confirm for Secretary of the Treasury a gentleman who didn't pay his taxes on time. Think about it, not just any Cabinet position but Secretary of the Treasury. Then they saw from the House of Representatives, the other side of Congress, they saw the House of Representatives pass a stimulus package that

will not do anything to foster and promote economic growth. I mean, that's your government at work, America, certainly not where we need to be.

Think about this stimulus package that we've been talking about and what it doesn't mean for promoting economic growth now and what it means, long-term implications for our kids and grandkids and the debt that it preserves.

First thing is this, and my colleague, our colleague from Louisiana I think said it right. The American people get it. They have figured out that this, quote, stimulus package is not what our country needs at this particular time. They don't like the process that was used and, frankly, the lack of process, the lack of the fact that the Republicans weren't included, and they don't like the finished product, the finished product that has such things in it like \$600 million for the government to buy a new fleet of automobiles.

I'd much rather cut taxes so that families can use that tax money, their tax money, to purchase their own car versus giving more cars to the bureaucrats who work here in Washington.

So they don't like the process. They don't like the product. And I think they also understand, which was being pointed out very well by our friend and colleague from Ohio, Congressman LATTI, they understand that this spending spree that has grabbed Washington over the last several months is just wrong to do to future generations of Americans. It is wrong to saddle our kids and our grandkids with this kind of debt, the kind of debt that Congressman LATTI was pointing out and I know Congressman AKIN has pointed out earlier in the hour.

Think about this. We're going to run a deficit this fiscal year approaching 10 percent of gross domestic product. Never in the history of this country have we run that kind of debt. You have to go back to World War II when we're fighting a world war to when it's close to 6 percent of GDP. This year it looks like it's going to be close to 10 percent of gross domestic product.

They understand that's not the direction to go. They understand that what really fosters economic growth is reducing the tax burden on families, on taxpayers, on small business owners so they can keep more of their money, put it to work in the private sector, put it to work in their small business, creating jobs, protecting jobs, and promoting economic growth for the future. That's where we need to focus.

Short-term, fast-acting tax relief versus big government spending. The American people understand tax relief is where we need to go. That's the alternative we've been supporting. That's the alternative we'll continue to support. And the good news is, that's what the Senate is beginning to look at.

We did a press conference today with some of the Senate Republicans, and they are talking about focusing on some of the same tax cut provisions we

tried to get in the bill over here on the House side.

Mr. AKIN. Reclaiming my time for just a second here, what you're talking about is where I really wanted to get to with this conversation tonight.

We're not just saying things won't work. Yes, what's being proposed, putting the government tremendously into debt, a lot Federal spending does not solve the problem, but there is a way to solve this problem. It's just going to require a little discipline, like some good wrestlers in the State of Ohio know, and I want to let you continue with that because we have a solution, a positive way, a bold approach to take care of this problem. We don't have to turn a recession into a great depression. But the solution that's being proposed always created depressions from recessions. We don't want to do that. We've got a way to solve the problem.

I yield.

Mr. JORDAN of Ohio. I appreciate the gentleman yielding.

My colleague said earlier that if big Federal Government spending was going to get us out of this mess it would have happened a long time ago because we've certainly been doing that. And you're exactly right. The easiest thing in the world to do for politicians, for policy-makers, for Members of Congress is to spend money. It's the easy thing to do.

The tough thing to do is the discipline thing to do. I had an old coach in high school and he talked about discipline every day in practice. And his definition was this. Discipline is doing what you don't want to do when you don't want to do it. It meant doing it his way when you'd rather do it your way, but it left an impression on me.

And frankly, the disciplined thing to do is to say we're going to stop this excessive spending; we're going to reduce the tax burden here so that business owners and families can have more of their money and promote economic growth and do the things that we know work in an economy. That's what we have to focus on and have the discipline to say we're not going to continue to spend and spend and spend and mortgage our kids' and grandkids' future.

Mr. AKIN. Reclaiming my time, I very much appreciate your perspective in getting to the positive solution.

And I would yield to the gentleman. We've just got a minute or two, but if you'd like to join us, I yield.

Mr. FORTENBERRY. I want to thank the gentleman for having this very important discussion tonight on the House floor.

My fear is what we've done here in the name of stimulus is actually create an unrestrained, unsustainable spending bill. And since the year 2000 or so, it's very important to note that the Federal Government has actually grown by about 60 percent. We've been on an 8-year stimulus run in the name of spending, if you will, and yet we remain in economic straits at the moment.

I think this is very important to point out because the other problem here is the massive amounts of debt that we're going to compile if this bill should be passed. Debt that is unpaid for—the stimulus bill not being paid for—will be passed along to future generations, children and grandchildren, or it will be sold, the wealth asset value of this country sold overseas to foreign debt holders, or it will come out in other forms of taxation such as inflation.

Mr. AKIN. Just reclaiming my time for a second, you're talking in kind of economic terms, but further, what does that mean to the average person in our district? It means a lower standard of living, doesn't it? It means you can't make ends meet. It means you're not going to buy the food you want to buy. And I yield again.

Mr. FORTENBERRY. Inflation is a very regressive form of taxation, particularly among the most vulnerable among us.

With that, let me say, I don't want to see any family experience unemployment, any business take a downturn or any family experience a foreclosure. And with that said, I think it's very, very important that we work very hard to get this right, a plan that makes sense, that maximizes economic productivity through any type of new governmental policies that we set, but a plan that is also potentially paid for over time and that does have some new bold ideas in it.

One of the problems here as well, though, is that much of the spending is targeted to States, and some States like Nebraska, we've been very fortunate to be insulated from these larger downward economic trends. We have a strong ag economy that is hitting some bumps at the moment, but nonetheless, we also have a set of values, if you will, where people work hard and take responsibility for themselves and care for their neighbor. Businesses, as well as our citizens, have made prudential decisions about buying and lending, and we haven't suffered like the rest of the country in this regard.

But with that said, this bill effectively asks Nebraskans to subsidize other States that may have been poorly governing and want the Federal Government basically to make the tough decisions for them, not force them to make the tough decisions.

Mr. AKIN. Reclaiming my time, I think what you're saying in a polite, sort of sensitive way is California has been spending money at an incredible pace, and the question is, should Nebraska have to subsidize California? And that's really what we're talking about, isn't it? I yield back to the gentleman from Nebraska.

Mr. FORTENBERRY. I thank the gentleman for the time.

I think we are. It's a very important point to be made that a lot of communities in a lot of places have had to make choices with limited budgets to set priorities and have not rushed up to

Washington to say bail us out, help us out. They have made those tough choices responsibly, and it's places like those, like Nebraska and other places, that I fear are subsidizing other places that have not performed admirably in terms of governance.

Another point here is I think there are some bold, new, innovative ideas in this overall package. I think they could be potentially considered as stand-alone measures. President Obama has a strong focus on, for instance, alternative energy development for a sustainable energy future.

□ 1830

This economic crisis was precipitated by, you recall, a very high spike in energy costs which accelerated other difficulties in the economy. But we've almost forgotten that now. Can you imagine where we would be if gas were \$4 a gallon right now? So we've dodged a bullet right there.

But trying to get underneath the question as to what our real economic vulnerabilities are, including our overdependence on foreign oil and fossil fuel in general, is an important policy consideration.

So there are some admirable components here that might ought to be considered as a part of a reasoned stimulus plan that has a payment schedule for it, or stand alone separately.

So we don't want to stand here and simply oppose everything in that regard. But we are halfway.

Mr. AKIN. Reclaiming my time.

I think we've got just a very short amount of time left.

But your point is so good. Our objective is not just to say what won't work but to say what won't work because we know it won't work, and instead, let's adopt something that's helping those families. I was talking about it earlier, the picture that just keeps jumping in my mind—and this is happening all over the world because of our lack of bold and decisive and disciplined action here—the picture that comes to my mind is the house with the foreclosure and the easy chair and the sofa sitting on the sidewalk. And I'm thinking about the mom or the dad of that family and the pressure that they feel where they're just dumped right out of their house. This is not just economic numbers, this is the people of our country.

I yield my last 30 seconds.

Mr. FORTENBERRY. Well, again, I'm grateful.

We don't, again, want to see any family suffer any unemployment or suffer any situation like that. But I think this letter that I got today from a constituent back home from Gail in Fremont says quite a bit. She said, "I'm writing to let you know I oppose the stimulus, Congressman. I'm opposed," she adds, "to the overwhelming debt the government is all too willing to place on us with no long-range plan for getting us back on stable ground."

She goes on, "What is the Federal Government doing without during this

emergency?" She says, "In my home when there's no money, we do without. We don't spend money we don't have. I'd rather tighten my belt for a time than to live the rest of my life under the burden of increased taxes for this bloated stimulus package."

Unrestrained, unsustainable spending is the issue here, and we need to maximize economic productivity through smart thinking about what really is stimulus.

Mr. AKIN. Reclaiming my time.

Thank you, Madam Speaker.

#### RELATING TO SELECTION OF MEMBERS TO SERVE ON INVESTIGATIVE SUBCOMMITTEE OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER pro tempore (Ms. KILROY). Without objection, upon a joint determination under clause 5(a)(4) of rule X not later than February 27, 2009, the Chair and ranking minority member of the Committee on Standards of Official Conduct may select an uneven number of Members named under that rule to serve on an investigative subcommittee.

There was no objection.

#### APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. HASTINGS, Florida  
 Ms. ESHOO, California  
 Mr. HOLT, New Jersey  
 Mr. RUPPERSBERGER, Maryland  
 Mr. TIERNEY, Massachusetts  
 Mr. THOMPSON, California  
 Ms. SCHAKOWSKY, Illinois  
 Mr. LANGEVIN, Rhode Island  
 Mr. PATRICK J. MURPHY, Pennsylvania  
 Mr. SCHIFF, California  
 Mr. SMITH, Washington  
 Mr. BOREN, Oklahoma  
 Mr. GALLEGLY, California  
 Mr. THORNBERRY, Texas, and to rank after Mr. ROGERS, Michigan:  
 Mrs. MYRICK, North Carolina  
 Mr. BLUNT, Missouri  
 Mr. MILLER, Florida  
 Mr. KLINE, Minnesota  
 Mr. CONAWAY, Texas

#### APPOINTMENT OF MEMBERS TO SELECT INTELLIGENCE OVERSIGHT PANEL

The SPEAKER pro tempore. Pursuant to clause 4(a)(5) of rule X, and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following Members of the House to the Select Intelligence

Oversight Panel of the Committee on Appropriations:

Mr. HOLT, New Jersey, Chairman  
 Mr. OBEY, Wisconsin  
 Mr. MURTHA, Pennsylvania  
 Mr. REYES, Texas  
 Mr. DICKS, Washington  
 Mrs. LOWEY, New York  
 Mr. SCHIFF, California  
 Mr. ISRAEL, New York  
 Mr. CALVERT, California, Ranking  
 Minority Member  
 Mr. LEWIS, California  
 Mr. YOUNG, Florida  
 Mr. HOEKSTRA, Michigan  
 Mr. FRELINGHUYSEN, New Jersey

#### CONGRESSIONAL PROGRESSIVE CAUCUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2009, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the majority leader.

Mr. ELLISON. Thank you, Madam Speaker.

Tonight we're here for the Congressional Progressive Caucus, and I'm joined by my colleague, the honorable HANK JOHNSON, who hails from the State of Georgia. And we are the Progressive Caucus. And we're here week after week, month after month to help the American people understand that the progressive community throughout America has a group of people in Congress who are willing to stand up and stand strong and project a progressive vision for all of the Nation.

The Progressive Caucus has designed something we call the progressive message. So this is what we do. We come together, and we talk about our progressive vision for our country.

We started off only a few weeks ago talking about the need to hold the executives accountable and to not simply wipe things that happened in the past 8 years under the rug. Then we came back last week to talk about the economy and the stimulus package. And because we're facing a rising unemployment rate, foreclosure rate that is increasing, because people are losing their jobs, because things are getting tougher every day, we've got to stick with this issue of the economy so we can talk to people about which way forward, what do we do, what is the progressive message to help America go forward.

So with that, I want to introduce my colleague, my good friend from the great State of Georgia, to introduce himself and the topic tonight, Mr. HANK JOHNSON.

Congressman, let me yield to you. How are you doing?

Mr. JOHNSON of Georgia. I'm doing great.

Mr. ELLISON, you have been a shining light and a great example of a courageous congressman who doesn't run with the crowd and do what's popular but you do what's right, and I'm happy to join you tonight.

You know, I am deeply concerned—and have always been deeply concerned—about the fact that there's been a transfer of wealth in this country, a shift of the money from the middle class to the upper 10 percent of earners here in this country. In fact, since 2001, the figures show that worker productivity went up, while at the same time, 96 percent of the income growth went to the wealthiest 10 percent of this country. And so that's a clear indication that something is wrong with the policies that we have been following over the last 8 years.

And despite the wealth that has been transferred into the hands of a small minority of Americans, we still see that the pursuit of greed has brought us to the point where we're closer to a depression than we have been since the Great Depression. And so I'm happy to be a progressive.

The other side of that is conservative. Let's leave everything the way we want to leave it, and let's do business as usual.

We cannot do that.

So I'm happy to be a member of the Progressive Caucus espousing, along with yourself, new ideas; and it's a new time. It's time for change.

Mr. ELLISON. If the gentleman yields back.

Congressman JOHNSON, you know, we are the progressives. We want progress. And if you say you're a conservative, what, over the past 8 years, do you want to conserve? Do you want to conserve these exploding unemployment rates they've handed us? Do you want to conserve this war in Iraq and Afghanistan? Maybe you want to conserve this regime of deregulation which has allowed businesses, and particularly in the financial sector, to do whatever they want and not have to worry about consumers. Is that what you're trying to conserve?

The fact is the people of America don't want conservatism. They want a progressive vision. They're looking at things like I have up on this graph right here.

They're looking at Minnesota. We have an unemployment rate in 2008 of 6.9 percent. Last year, 2007, it was 4.7. In California, they're looking at 9.3 percent unemployment this year, 5.9 percent the year before.

What about our colleagues from Michigan, Congressman JOHNSON? We've got a serious problem.

The question is if you look at these high unemployment rates, and you look at every blue line is 2007 and every red line is 2008, as you can tell, unemployment is up all across the Nation everywhere.

These things did not happen by accident. They are the product of a set of policies, many of which were promulgated right in this gallery you and I are in right now. Many of the policies saying that poor people have too much money and rich people don't have enough money promulgated right here. Tax cuts for the wealthiest Americans,

no accountability. As a matter of fact, it was put into legislation that the whole credit default swap market would be excluded from regulation, and now we know that these derivative products cause so much risk in the system that we don't know what to do about it.

The fact is, the policies and the procedures that have brought this about were done right here during the last 8 years, and we are now going to project a progressive vision to get us out of it.

Let me just say this before I turn it over to you, Congressman.

America has suffered 11 straight months of joblessness, of increasing job losses, totaling more than two million in the last year, 1.3 million jobs lost in the last 3 months alone. The job losses totaled over 500,000 in November, the biggest 1-month jump in 34 years. Now that's serious business.

So, facing these kinds of things, Congressman, what would be your thought as to what we should be thinking about right now?

Let me yield to you.

Mr. JOHNSON of Georgia. Okay. Before I answer that, Congressman, I do want to talk about—you mentioned something very interesting and that is the lack of regulation in the financial markets. Oil futures contracts were taken out of the regulatory process by the laws of a senator who would become the Republican nominee for president's financial adviser. And now we have that candidate, that unsuccessful candidate for President, proposing his own economic plan, is what he said he was going to do.

And it took me back to as a young man, my dad decided that he wanted to get under the sink and do something with the plumbing. And he's like a college-educated guy. Never took any plumbing classes or anything. But anyway, we came out of that situation with puddles and puddles of water in the kitchen. So, you know, my mother called in the plumber. She did not entrust fixing what had been messed up to the guy who messed it up.

And so that's where we are right now with our economic plans in this country, our—we call it the stimulus package.

Mr. ELLISON. If I can reclaim my time.

The American Recovery and Reinvestment Act.

I yield back to the gentleman.

Mr. JOHNSON of Georgia. Yes. Thank you.

So we've got a group of folks who were right here as you say, Congressman ELLISON, they were right here in this very Chamber, and they had the leadership up until 2006; and they aided and abetted this country's decline and all of the things that contributed to it.

And so but now they want to dictate the solutions to getting us out of this morass. And it just doesn't make sense.

I hope the American people are paying great attention because my friends on the other side of the aisle, the only

thing that they propose is more tax cuts for the wealthiest 10 percent, and that's certainly not going to work.

We've got to take care of our basic safety net. We've got people in this country who've lost their jobs, they've lost their homes. They are on the street—families, no place to live, no food. And so we've got to fix those things while we also pay attention to the future needs of this country preparing us for the global economy and the long-term future.

And with that, Congressman. I'm going to yield back.

□ 1845

Mr. ELLISON. Congressman JOHNSON has correctly pointed out that we have got people losing their jobs. Unemployment is climbing up to 10 percent in many States, and we don't want to reach that point nationally. But one of the things that I think you will agree with me, Congressman JOHNSON, is that when you lose your job in America, so often you also lose something else—your health care.

You and I have been joined by JIM MCDERMOTT from the great State of Washington, who has been fighting the good fight for so long, knows this issue of health care, and many other issues as well.

Congressman MCDERMOTT, welcome. What can you tell us about the other side of losing a job, or even folks who do have a job, their health care crisis?

Mr. MCDERMOTT. You know, first, I want to say that I want to commend you, KERR, for bringing this issue of the real vision we need at a time like this. People are looking out there and feeling pretty bummed out by an awful lot of what is going on. Yet, America has been able to rise above things like this in the past, and we are going to do it again.

One of the issues the last time we had this kind of mess—in 1932—that we didn't get done, was health care for everybody. Now, when you lose your job, that is bad enough. Not to have money to send your kids to college, just to barely pay the mortgage and maybe keep some food on the table, keep the car running, and that is all, and suddenly not be able to take your kids to the doctor when you're sick is a horrible feeling as a parent because your kids look to you to take care of them. They haven't got anybody else.

And so what we did today on SCHIP was really the beginning of the vision of what needs to be happening for all Americans because today we were talking about 8 million kids in this country that don't have health insurance, and we took care of 4 million of them, but we didn't talk about the 40-some million adults who don't have health insurance, many of whom are being added to the roles every day as they lose their insurance when they lose their job.

Now, in this country we have always said the market will take care of them; that people can go out and buy their

own health insurance, and the insurance companies will have some kind of plan. But it flat is not true. When you lose your job, the likelihood of your being able to find an insurance policy that you can afford and still pay your mortgage and still pay some money for food and run the car and a few things, is absolutely zero.

I mean, in the State of Washington, the highest paid unemployed person gets \$518 a week. That is \$2,000 a month. Now that is a very slim group of people. Most people are getting the average in the State of Washington—\$360 a week. So that is a little over \$1,200, \$1,300, \$1,400 a month to live on. And to be able to buy a policy that can cover the problems of your family is almost nonexistent.

So what I am here to talk about is the fact that this country needs a national health insurance. Buried in this economic recovery package are the seeds of beginning that process. What we have said is if you are losing your job—and we have a program today called COBRA. I don't know what it stands for. It's some acronym in the government. But what it means is when you lose your job, you can keep your health insurance in the company you work for if you can pay the premium.

You have to pay the premium plus 2 percent. So you have to pay 102 percent of the premium, right. So here you are, unemployed, and you get out there and you're supposed to come up with the money to pay 102 percent of the premium. Most people can't do it.

So in this bill we made it possible. We put money in there for us to pay 65 percent of the premium for people who have lost their job and are eligible to take advantage of staying in their company plan under the COBRA program.

It's the first step because the people that are losing their jobs—if you think about it, if you're 65, you're taken care of. You have got Medicare. But if you're below 65, you're really dependent on where your employment is or how rich you are. Most people are getting their health insurance through their employment.

Well, between 55 and 65 is when the wheels start falling off your wagon. When you're 30, you're never going to be sick. You're going to be able to do anything you want in your life. When you get to 50, maybe a little high blood pressure, a little arthritis. Things start to happen to people. It's just at that point they lose their job. They are absolutely uncovered.

So this provision buried in this \$900- or \$800-some-odd-billion is the first step toward dealing with the problem of people who are under 65 and not children. We took care of most of the children today, and we have taken care of the seniors, but we have got this whole other group of people between the ages of 18 and 65 who it's a lottery—where do you work, who covers you.

We really need a single-payer health care system, in my view. People imme-

diately say, oh, no, no. You're talking about Canada, you're talking about Great Britain.

Mr. ELLISON. Would the gentleman yield for just a moment?

Mr. MCDERMOTT. Sure.

Mr. ELLISON. So you think America should join the 36 other countries in the world that have a single-payer system?

Mr. MCDERMOTT. Absolutely. It's ridiculous that we are the only industrialized country who have never figured out how to do this. And I am going to enter into the RECORD an article from the New Yorker Magazine by Atul Gawande, who is a doctor and a medical writer, about the process by which we are going to get to a plan. Let me just lay it out for you. I think people out there ought to be thinking about it.

Every country in the industrialized world has a different plan. None of the plans are the same. Germany started in 1883. The Prime Minister at that point was worried about the social disruption and said, Let's give them some health care benefits. So they got started on this process, and it's been going since 1883, through two world wars, the German system.

The German system is different than ours would be. The French system, the British system, the Canadian system. The Canadian system started in British Columbia in Saskatchewan, one of the central provinces of the country. Different circumstances.

In British Columbia, the doctors said we can't take care of these old people in the hospitals. We have got to start a health insurance plan. So they started the BC health program.

Saskatchewan, they had a socialist government in that province at that point. They started the system, and it gradually spread all across Canada, and finally at the end they put together an umbrella that sort of tied it all together.

Now, Great Britain started in a different way. Great Britain started in the middle of the Second World War. They realized they had to have healthy people. So the government built hospitals, the government hired the doctors. It was all government everything. And that is their system. Every system comes in a different way.

Now, the United States in 2009 is not going to have Canada, it's not going to have Great Britain, it's not going to have France, it's not going to have anybody else. It's going to have an American system designed by this Congress, with the leadership of President Obama, that deals with the problems as they are today in this country.

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. MCDERMOTT. Sure.

Mr. JOHNSON of Georgia. Congressman, it's nice to have you with us, and I admire you so much, both in your foreign affairs philosophy as well as your domestic philosophy. I appreciate the fight that you have put up over many years.

You know, as I see it, health care is also an economic issue, and it's an issue of education as well, because if you have got children who are not healthy, when they go to school, they can't give their best. And so, as they grow up, they can't compete with other students from other countries who have had a healthy preventive health-care of experience.

It's an economic issue because we have got to compete in a global economy now. American workers—and it's so important that our workers, our middle-class workers, that they are able to access health care, remain healthy, wealthy, and wise, if you will. And so it's an economic issue. It's like removing termites from your house. If you know you have got termites, you know that they are going to at some point eat up the whole frame. And so to prevent that from happening is very important.

Health care is one of those important areas that has been neglected for so long for working-class people. And so I am glad that we have a President that is going to be assertive in terms of changing this system that does not work for anybody but the insurance companies as far as I can see.

And so this American Recovery and Reinvestment Plan includes, of course, some outlay for health care. If you could comment, if I might ask.

Mr. MCDERMOTT. There's another piece. I have got to say I am excited because I was just down at the White House and the President just signed SCHIP. He gave a wonderful speech before he signed the bill, and said, This is just a start. We are going to take some more steps.

It's exciting to have somebody leading. And a part of what he has asked us to do in this economic recovery bill is begin the IT buildup that we need in our health care system. When you go to a doctor, and I practiced medicine for 20 years, so I wrote all my stuff out. And if you went to see a doctor somewhere else across the country, there's no way that doctor would know what I had done for you or what I might have prescribed for you, or anything else.

But if we have an electronic system that is protected so privacy is protected—I mean you have got to protect people's privacy. But if you get sick in Minneapolis—or St. Paul, I guess more like it—and you then come to Seattle, the doctor who sees you in Seattle doesn't know anything, because if you don't remember what the medications are or what the x-rays showed or anything else, there's no way he is going to know it.

But with the money that is invested in this economic recovery package for medical technology, for IT work, intellectual properties, you are making it possible for a doctor in Seattle to sit down at his computer with the numbers that Mr. ELLISON would give him and find out what went on with him when he was treated in St. Paul.

Mr. JOHNSON of Georgia. Would the gentleman yield?

Mr. MCDERMOTT. Sure.

Mr. JOHNSON of Georgia. We have cut down on so many medical errors. I know that you being a doctor, you could probably relate to this. The penmanship of the average doctor is quite, some say, arrogant. You can't understand what is written.

So electronic medical records would be a clear communications device that would cut down on medical mistakes, pharmaceutical errors, and the like. That is an investment in the future of this country, and also it sets up our entrepreneurs, Congressman ELLISON. It sets us up to lead the way as future developing nations see the need to bring that kind of technical expertise to their own health care systems.

And so it puts us in a great position in the future, as does the recovery package with respect to energy.

Congressman ELLISON.

Mr. ELLISON. Thank you, Congressman. I am going to yield back to Dr. MCDERMOTT because he was driving at a point that I think the American people need to hear about.

Congressman MCDERMOTT, when you were there at the White House and President Obama had just given his speech, all you guys who were instrumental in getting SCHIP together probably gathered around the desk and you saw him write his name on that bill which, in effect, makes SCHIP law, as a medical professional, as a person dedicated to the health of our Nation, what did you feel?

Mr. MCDERMOTT. You know, I have got to admit, it brought a tear to my eye when he talked in his speech about the fact that when your kids look at you, they expect you to be able to take care of them. And if you haven't got health insurance, then you're caught between a kid that has got a problem and, Can I fill the prescription? Or, If I go and get a big hospital bill with my kid, how am I going to deal with that?

□ 1900

It is a terrible feeling. I remember once when my daughter was in the hospital and she was in the ICU, and you are sitting there wondering if your child is going to make it or not. It is a scary kind of thing as a parent. And to see the President talk about it and say we are going to fix this was really very exciting. And I think that, although I was here in 1993 when we tried it with Mrs. Clinton and at that time business was opposed to us and the medical profession was opposed to us and some labor unions were opposed, and it was really tough going.

Things have changed today. Business wants to have a change, the medical professions want to have a change, and labor unions. And I think it is not going to come quickly and easily, because the status quo is always hard to change in a country. But I bring this article, and I am going to put it in the RECORD, because I want people to read it and realize that it is absolutely possible for us to make a major change,

not just tinkering around the edges, but to really make a change that will make it possible to take away from all of us any fear that we are ever going to be economically destroyed, as Mr. JOHNSON says, or that we are going to be not able to be taken care of when we are sick, just on a human basis.

Mr. ELLISON. If the gentleman would yield back for a moment. I want to thank Congressman JOHNSON and you, Congressman MCDERMOTT, for coming here today, because what you are talking about is not just dealing with the immediate situation. We are not saying, well, we are on the Titanic, let's put the deck chairs over there. No, let's move them back over there. We are projecting a progressive vision for our Nation. We are saying we are going this way. And that is why we are here with the progressive message today.

I just want to remind people, we are here with the Progressive Caucus projecting a progressive message, talking about economic prosperity for all Americans. We have talked about unemployment. And Congressman JOHNSON and I had a great dialogue; and when you came, Congressman MCDERMOTT, we began an important conversation about how health care has a vital role to play in the economic health of a family and a Nation. I think we pointed out, when General Mills spends more money on health care than it does on steel, we have got a problem. When Starbucks spends more money on health care than it does on coffee beans, we have got a problem. Both things are true. It is time to move forward. Medical debt being one of the major drivers in bankruptcy. This is the time. The time is now to begin universal health care. And signing SCHIP I believe was the beginning of good times to come.

Mr. MCDERMOTT. You are going to hear people say it is too much, it is too big, we can't do it. But all you have to do is look back at what Franklin Delano Roosevelt did in 1932, when he came into office, with 25 percent unemployment in this country, and he sat down with his people and he said, "We have got to have Social Security because old people don't have any money to live on when they get old. We don't have any money for poor people, so we are going to have a welfare program. We don't have any money for workers when they lose their jobs, so we are going to have unemployment insurance. And we don't have any money for kids that get dropped off in orphanages because their parents can't take care of them, so we are going to put together a foster care program." That was all done in 1935, in the Social Security Act of 1935. It was a huge step forward. And we have a progressive message for this country that we can do that again.

Even in the midst of our darkest hours with all the banks and foreclosures and all this stuff, if we think small, we are going to do small; but if we do and we think big, we can actually get some major steps forward. And

I think the American people are ready to listen to this. I think that they have listened to the fiscal conservatives say, "We are going to be a fiscal conservative; we are going to waste \$1 trillion on a war, and we are going to run the banks into the ditch and we are going to bail them out," people are tired of hearing that. I fly home on the planes, and the flight attendants say to me, "My tax money is going to bail out those guys. I want my tax money to go for things that will help me and my family and all the Americans."

And I think that the progressive message, its time is now. So I really commend you guys for coming down here and doing this. I have to run off, but I will come back another night and work with you.

Mr. JOHNSON of Georgia. If the gentleman will yield for just one second. Let me start by saying this. The new deal and the investment that was made in this country after the great depression caused this country to prosper; and the money, there were jobs for middle class, and people accumulated wealth. They were able to buy their homes, buy their cars, send their kids to college. But back then there was a whole set of conditions in existence that are not in existence now. But things like infrastructure, health care, which have gone neglected for so long, these are the new areas that we can create jobs. We are talking about 3 million to 4 million jobs will be saved or created by this American Recovery and Reinvestment Act, and we have got to think out of the box in terms of what these long-term measures that are included in the stimulus package will produce in the long term. And if I could get you to just comment on that.

Mr. McDERMOTT. You go back and you look at history; and I was reading something just today in the Smithsonian magazine. Do you realize that the land grant colleges, the universities in this country were started in the middle of the civil war by Abraham Lincoln? I mean, the country is in chaos, people are dying everywhere. All this is going on, and he said, "We have to think about the future. We are going to start land grant universities. We are going to give them." And every State has one. I am sure Georgia has one, I am sure Minnesota has one. We have got one. Washington State University was created, the idea was created in the middle of the war. The National Science Foundation was created by Abraham Lincoln in the middle of the war.

In these times of the deepest darkest stuff, you have to make long-term investments and think about where we are going in the future. And this bill is filled with it in terms of the health care and in terms of the alternative energy things. Those are changes that are not going to be on the table next Wednesday; they are going to be affecting us in 2 or 3 or 4 or 5 years, but our kids are going to be better off and our country will be better off because we

got back up on the road and started thinking long term.

Mr. JOHNSON of Georgia. I think we have got to be broad-minded as we look for solutions to this difficulty that we face that was caused by the conservative movement, the trickled-down economic theories, a failed policy, miserably, a miserably failed policy. And it is causing so much misery to the 90 percent of the people who were working and did not participate in the accumulation of wealth over the last 8 years.

So I am glad that Congressman ELLISON and the Progressive Caucus is taking the lead in ushering in change in the United States Congress. And I will say that I think that the House version of the American Recovery and Reinvestment Act; I don't like the way that the plan is shaping up on the Senate side, it seems like they are wanting to cut things that are important for a changing economy. They want to cut, things like \$400 million has been removed for HIV/AIDS prevention and treatment and also STD prevention. Our schools, our middle schools, junior high schools, high schools are rife with persons who are either infected or at risk for being infected by these illnesses. And to the extent that we can prevent these kinds of developments, which are so costly to treat, we are going to actually have a savings when we look at it holistically.

Mr. ELLISON. Well, Congressman, I know you and I join together in thanking Congressman McDERMOTT, who did such a great job. But on your point, I just want to say that it is too bad that the Senate proposed to cut the provisions on HIV and STD treatment, because it is stimulative. We would be hiring people who would go out to these schools and talk to young people about the importance of proper sexual health, of respecting their bodies and respecting other people, understanding the medical situation that arises when you are irresponsible, when you are unlucky enough to be infected with these horrendous diseases, which are preventable if you know what you are talking about, if you are well armed with good information. It is really too bad. And that is one of the reasons we have to come here, because we are not here as an extension of the Obama administration. We love the fact that he signed SCHIP today. Go for it, President Obama. But if it ever comes a time when we don't agree, we will be here saying that.

So it is critical today that you bring out differences that we have with the Senate package, because it is our job to project a progressive vision. And if you want to know and if folks want to know how to reach us with their progressive vision, they can send their ideas to this e-mail at the bottom of this document here.

I didn't really want to interrupt you, but I just thought it would be an important time to say, don't expect the Progressive Caucus to come to the House floor saying thumbs up to every-

body. Expect the Progressive Caucus to say that we agree with some things, we don't agree with others. We are projecting a progressive vision that includes all Americans, that says all Americans should have health, all Americans should have civil rights, all Americans should have a shared economic prosperity.

So forgive me for that interruption, but you inspired me for a moment.

Mr. JOHNSON of Georgia. It is important to note that in addition to promoting policies that led us into this economic downturn in previous House sessions under the control of my friends on the other side, in addition to them willingly going along with certain things that they should have known were going to result in problems for the middle-class people of this country, there was also just simply being a rubber stamp and letting things go by without caring about the impact just to be team players. That kind of situation destroyed the check and balance system between the President, the executive branch, and the legislative branch. So we are now charged with the responsibility and the obligation to be, as much as we really like the new President and the new administration and the new policies and that kind of thing, we have got to remain diligent that we move with haste and with all deliberate speed on certain things.

The American people voted for change. They voted for change in this body, they voted for change in the executive branch, and change we must fight for. And so when we have those who would take us back, it is our duty and our obligation to speak out against them. And that is why I support our courageous Speaker of the House, NANCY PELOSI. She gets a bad rap on radio and sometimes in print with people demonizing her.

□ 1915

But there is a reason why you want to reach out and kill the head of a movement. And it is because that person is being very effective. And so I think that for the most part, we should stand tall with the House version and stand behind our House leadership as they fight for the things that we've worked so carefully for and got into the American Recovery and Reinvestment Act that the Senate threatens now to take away because of wanting to compromise and getting some Republican votes.

Mr. ELLISON. Will the gentleman yield? If you don't mind, if you have a few other facts and figures at your disposal, would you mind detailing for us tonight some of the other things that you believe we need to stick with and not compromise away? Do you have a list of those kinds of things?

Mr. JOHNSON of Georgia. Yes. I would say one of the things would be the extension of the unemployment benefits. And another thing would be the increase in public assistance

money, food stamps, and the like that serve as a safety net. It is just obscene in this country that we would allow people to be living under bridges and we don't even have enough homeless shelters for people. And many of the people are suffering from some kind of health ailment that has been neglected chronically. And so that is important.

I think it is very important that we make a strong investment in our public transportation system. And that money, that pot of money has been decimated by the Senate. And it doesn't take us well into the future. We have to think more in terms of clean and efficient energy that is environmentally safe, that starts contributing to the global warming, because that threatens to take us all out, all the people on Earth. It changes our entire way of living. And so there are certain things we must address and we must address them now. And it is for the long-term benefit of America and the world.

Mr. ELLISON. Will the gentleman yield?

Mr. JOHNSON of Georgia. I will.

Mr. ELLISON. One of the things that I think is important to bear in mind is that as we look at the American Recovery and Reinvestment Act, it is not only stimulus. We keep talking stimulus, stimulus, stimulus. That is not really the right way to describe what we're doing. It is for long-term investment. It is to deal with an emergency issue, but it is also to invest in the long-term health of our Nation. So it is not just stimulus. It is important for the American people to know that.

But I do like this chart because a conservative economist named Mark Zandi did it. And he got his computers out, did some readings and figured out what is going to stimulate the economy the most, what is going to give the economy the most punch. And he found that one of the lowest things on his chart was make the income tax cuts expiring in 2010 permanent. That is like .9 percent. That is pretty low. But the big ones, the big ones that he found were things like temporary increase in food stamps. That is 1.73. That is the highest one on here. That is going to jack up and get people, that is going to help stimulate the economy, things like extend unemployment compensation benefits, 1.64 percent, things you mentioned just a moment ago, that we have to stick with the House version and hold up. Increasing infrastructure spending, 1.59. These are things that are really going to stimulate the economy. And I think it is important that as we really focus on stimulating the economy, we don't give in to ideological matters.

One thing I will say regarding the Obama administration, and you know I'm a big fan, is that President Obama reached out to the Republican Caucus, came to talk to them and tried to work with them. And they completely rebuffed him. And they told him just nothing doing. And here he is reaching

across the aisle, trying to move us to this post-partisan place. And not one of them, even though they got their tax cuts, voted for the stimulus package. So in my opinion, I think we should not try to, we should put all the weight on stimulating the economy. We get the economy moving.

We have proved to the American people that conservatives are bad in economics. They don't understand economics very well. When the Democratic President left office in the year 2000, we had a \$288 billion surplus. It didn't take long for the Republican President to mess it all up. And the reason was because they are bad at economics. They don't understand economics. Actually they like economics where the rich people get and the poor people don't. If I may, they don't quite understand that a rising tide lifts all boats. You have to make sure that everyone is part of the economic life of the country in order to have a strong, robust economy. You can't just have tax cuts for the rich people. By definition, being rich means you don't need the money. You just stick that money in your back pocket. Maybe it can just sit in an account. But when you give moneys to the poor for things like unemployment insurance, things like food stamps, when you invest in the Nation's infrastructure, then you are really building the economy. Then you're really stimulating the economy.

In my view, I will say with all due respect to our President, who I believe is a great leader, that he has tried to work with them on the other side of the aisle. They have rejected and rebuffed his overture. So skip their tax cuts. Let's get to some real stimulative stuff.

And I yield back.

Mr. JOHNSON of Georgia. Thank you, Congressman. That whole process of trying to get bipartisan support here in the House I guess was probably doomed to failure from the outset because there was no good-faith being exercised by my friends on the other side. It was just politics as usual. Let's play "gotcha" politics, and let's use our control over the media to get our message out and to undercut public support for the change that Americans voted for in November.

And I think that the fact that no Republican bucked their leadership to vote in favor of this plan despite the fact that President Obama made significant concessions to my friends on the other side of the aisle, they kept moving the goalposts. If you do this, then they want something down here.

Mr. ELLISON. Do you remember Charlie Brown, whenever he tried to kick the ball, Lucy always picks the ball up. And they picked the ball up on the President, even though they said they were going to hold it down.

I yield back.

Mr. JOHNSON of Georgia. A tremendous analogy. And so we have seen what happened in the House of Representatives. The Senate is supposed to

be a more thoughtful and deliberative body. But isn't that the place where all of the earmarks come from? And it is politics up there, too, even though the Senators are elected for 6 years as opposed to the 2 years that Representatives are elected for. And we simply cannot afford to cede our constitutional obligations to the Senate with respect to this reinvestment plan.

Mr. ELLISON. So Congressman, we're going to begin to wrap up our hour at this time. We're going to allow somebody else to offer their views to the American people. But as we get ready to wrap up, I wonder if you have any remarks you would like to share before we hand it over.

Mr. JOHNSON of Georgia. Yes. My friends on the other side have become what they call "fiscally conservative" once they lost the majority in the House. And the reason why they lost the majority is because people did not like this idea of increasing spending while at the same time cutting revenues by giving a tax break to the top 10 percent of wealthiest individuals who didn't need it. And so I find it ironic that we hear the voices of those same proponents of failed policy wanting to dictate how we get out of this and what policies we should have. And I just think that now is the time for change. Now is the time for Members of the Progressive Caucus and all the other caucuses to insist that our carefully structured recovery and reinvestment package is not eviscerated by the Senate and then is crammed down our throat in conference committee. I just really want us to stand tall on this one. And I do believe that our Speaker is going to lead that effort. And for that I want to thank her and let her know that we will be right there for her.

Mr. ELLISON. And if the gentleman yields back, you can bet I will be right there with you standing behind our great Speaker, NANCY PELOSI, a leader for all America, a transformative leader, a leader with energy. The fact that she has children the same age as you and I, Congressman, doesn't undermine her energy level. She is energetic. She is powerful. She is visionary. She is progressive. And you and I are here today talking about the Progressive Caucus.

We're here talking about a progressive vision for our Nation. We're making an obvious observation. In the Progressive Caucus you say, look, if you don't like government, if you believe government is the problem, as Ronald Reagan famously said, "government is the problem," it stands to reason you might not be good at it. If you think government is not a good idea to begin with, you might not invest the time, energy and resources necessary to be good at it. And therefore it should be no surprise to anyone that the government, that the Republicans and the conservatives are bad at economics. They are just not good at it. And so it is not surprising to me that they would think that you could increase spending

around a war, cut taxes, and then think that things are going to go well economically—they didn't go well economically—and then deregulate everything, and then neglect the infrastructure.

Well, we're back to offer a progressive vision, to say to America that it is time to have an inclusive economy, to have civil rights, to have environmental protection and to make a better way forward for all Americans. This has been Congressman KEITH ELLISON with the Progressive Caucus with Congressman JOHNSON. Thank you, sir. Congressman McDERMOTT joined us and we are very proud to be here representing the Progressive Caucus with the progressive message.

[From The New Yorker, Jan. 26, 2009]

ANNALS OF PUBLIC POLICY: GETTING THERE FROM HERE

HOW SHOULD OBAMA REFORM HEALTH CARE?  
(By Atul Gawande)

In every industrialized nation, the movement to reform health care has begun with stories about cruelty. The Canadians had stories like the 1946 Toronto Globe and Mail report of a woman in labor who was refused help by three successive physicians, apparently because of her inability to pay. In Australia, a 1954 letter published in the Sydney Morning Herald sought help for a young woman who had lung disease. She couldn't afford to refill her oxygen tank, and had been forced to ration her intake "to a point where she is on the borderline of death." In Britain, George Bernard Shaw was at a London hospital visiting an eminent physician when an assistant came in to report that a sick man had arrived requesting treatment. "Is he worth it?" the physician asked. It was the normality of the question that shocked Shaw and prompted his scathing and influential 1906 play, "The Doctor's Dilemma." The British health system, he charged, was "a conspiracy to exploit popular credulity and human suffering."

In the United States, our stories are like the one that appeared in the Times before Christmas. Starla Darling, pregnant and due for delivery, had just taken maternity leave from her factory job at Archway & Mother's Cookie Company, in Ashland, Ohio, when she received a letter informing her that the company was going out of business. In three days, the letter said, she and almost three hundred co-workers would be laid off, and would lose their health-insurance coverage. The company was self-insured, so the employees didn't have the option of paying for the insurance themselves—their insurance plan was being terminated.

"When I heard that I was losing my insurance, I was scared," Darling told the Times. Her husband had been laid off from his job, too. "I remember that the bill for my son's delivery in 2005 was about \$9,000, and I knew I would never be able to pay that by myself." So she prevailed on her midwife to induce labor while she still had insurance coverage. During labor, Darling began bleeding profusely, and needed a Cesarean section. Mother and baby pulled through. But the insurer denied Darling's claim for coverage. The couple ended up owing more than seventeen thousand dollars.

The stories become unconscionable in any society that purports to serve the needs of ordinary people, and, at some alchemical point, they combine with opportunity and leadership to produce change. Britain reached this point and enacted universal health-care coverage in 1945, Canada in 1966,

Australia in 1974. The United States may finally be there now. In 2007, fifty-seven million Americans had difficulty paying their medical bills, up fourteen million from 2003. On average, they had two thousand dollars in medical debt and had been contacted by a collection agency at least once. Because, in part, of underpayment, half of American hospitals operated at a loss in 2007. Today, large numbers of employers are limiting or dropping insurance coverage in order to stay afloat, or simply going under—even hospitals themselves.

Yet wherever the prospect of universal health insurance has been considered, it has been widely attacked as a Bolshevik fantasy—a coercive system to be imposed upon people by benighted socialist master planners. People fear the unintended consequences of drastic change, the blunt force of government. However terrible the system may seem, we all know that it could be worse—especially for those who already have dependable coverage and access to good doctors and hospitals.

Many would-be reformers hold that "true" reform must simply override those fears. They believe that a new system will be far better for most people, and that those who would hang on to the old do so out of either lack of imagination or narrow self-interest. On the left, then, single-payer enthusiasts argue that the only coherent solution is to end private health insurance and replace it with a national insurance program. And, on the right, the free marketeers argue that the only coherent solution is to end public insurance and employer-controlled health benefits so that we can all buy our own coverage and put market forces to work.

Neither side can stand the other. But both reserve special contempt for the pragmatists, who would build around the mess we have. The country has this one chance, the idealist maintains, to sweep away our inhumane, wasteful patchwork system and replace it with something new and more rational. So we should prepare for a bold overhaul, just as every other Western democracy has. True reform requires transformation at a stroke. But is this really the way it has occurred in other countries? The answer is no. And the reality of how health reform has come about elsewhere is both surprising and instructive.

No example is more striking than that of Great Britain, which has the most socialized health system in the industrialized world. Established on July 5, 1948, the National Health Service owns the vast majority of the country's hospitals, blood banks, and ambulance operations, employs most specialist physicians as salaried government workers, and has made medical care available to every resident for free. The system is so thoroughly government-controlled that, across the Atlantic, we imagine it had to have been imposed by fiat, by the coercion of ideological planners bending the system to their will.

But look at the news report in the Times of London on July 6, 1948, headlined "FIRST DAY OF HEALTH SERVICE." You might expect descriptions of bureaucratic shock troops walking into hospitals, insurance-company executives and doctors protesting in the streets, patients standing outside chemist shops worrying about whether they can get their prescriptions filled. Instead, there was only a four-paragraph notice between an item on the King and Queen's return from a holiday in Scotland and one on currency problems in Germany.

The beginning of the new national health service "was taking place smoothly," the report said. No major problems were noted by the 2,751 hospitals involved or by patients arriving to see their family doctors. Ninety per

cent of the British Medical Association's members signed up with the program voluntarily—and found that they had a larger and steadier income by doing so. The greatest difficulty, it turned out, was the unexpected pent-up demand for everything from basic dental care to pediatric visits for hundreds of thousands of people who had been going without.

The program proved successful and lasting, historians say, precisely because it was not the result of an ideologue's master plan. Instead, the N.H.S. was a pragmatic outgrowth of circumstances peculiar to Britain immediately after the Second World War. The single most important moment that determined what Britain's health-care system would look like was not any policymaker's meeting in 1945 but the country's declaration of war on Germany, on September 3, 1939.

As tensions between the two countries mounted, Britain's ministers realized that they would have to prepare not only for land and sea combat but also for air attacks on cities on an unprecedented scale. And so, in the days before war was declared, the British government oversaw an immense evacuation; three and a half million people moved out of the cities and into the countryside. The government had to arrange transport and lodging for those in need, along with supervision, food, and schooling for hundreds of thousands of children whose parents had stayed behind to join in the war effort. It also had to insure that medical services were in place—both in the receiving regions, whose populations had exploded, and in the cities, where up to two million war-injured civilians and returning servicemen were anticipated.

As a matter of wartime necessity, the government began a national Emergency Medical Service to supplement the local services. Within a period of months, sometimes weeks, it built or expanded hundreds of hospitals. It conducted a survey of the existing hospitals and discovered that essential services were either missing or severely inadequate—laboratories, X-ray facilities, ambulances, care for fractures and burns and head injuries. The Ministry of Health was forced to upgrade and, ultimately, to operate these services itself.

The war compelled the government to provide free hospital treatment for civilian casualties, as well as for combatants. In London and other cities, the government asked local hospitals to transfer some of the sick to private hospitals in the outer suburbs in order to make room for victims of the war. As a result, the government wound up paying for a large fraction of the private hospitals' costs. Likewise, doctors received government salaries for the portion of their time that was devoted to the new wartime medical service. When the Blitz came, in September, 1940, vast numbers of private hospitals and clinics were destroyed, further increasing the government's share of medical costs. The private hospitals and doctors whose doors were still open had far fewer paying patients and were close to financial ruin.

Churchill's government intended the program to be temporary. But the war destroyed the status quo for patients, doctors, and hospitals alike. Moreover, the new system proved better than the old. Despite the ravages of war, the health of the population had improved. The medical and social services had reduced infant and adult mortality rates. Even the dental care was better. By the end of 1944, when the wartime medical service began to demobilize, the country's citizens did not want to see it go. The private hospitals didn't, either; they had come to depend on those government payments.

By 1945, when the National Health Service was proposed, it had become evident that a

national system of health coverage was not only necessary but also largely already in place—with nationally run hospitals, salaried doctors, and free care for everyone. So, while the ideal of universal coverage was spurred by those horror stories, the particular system that emerged in Britain was not the product of socialist ideology or a deliberate policy process in which all the theoretical options were weighed. It was, instead, an almost conservative creation: a program that built on a tested, practical means of providing adequate health care for everyone, while protecting the existing services that people depended upon every day. No other major country has adopted the British system—not because it didn't work but because other countries came to universalize health care under entirely different circumstances.

In France, in the winter of 1945, President de Gaulle was likewise weighing how to insure that his nation's population had decent health care after the devastation of war. But the system that he inherited upon liberation had no significant public insurance or hospital sector. Seventy-five per cent of the population paid cash for private medical care, and many people had become too destitute to afford heat, let alone medications or hospital visits.

Long before the war, large manufacturers and unions had organized collective insurance funds for their employees, financed through a self-imposed payroll tax, rather than a set premium. This was virtually the only insurance system in place, and it became the scaffolding for French health care. With, an almost impossible range of crises on its hands—food shortages, destroyed power plants, a quarter of the population living as refugees—the de Gaulle government had neither the time nor the capacity to create an entirely new health-care system. So it built on what it had, expanding the existing payroll-tax-funded, private insurance system to cover all wage earners, their families, and retirees. The self-employed were added in the nineteen-sixties. And the remainder of uninsured residents were finally included in 2000.

Today, Sécurité Sociale provides payroll-tax-financed insurance to all French residents, primarily through a hundred and forty-four independent, not-for-profit, local insurance funds. The French health-care system has among the highest public-satisfaction levels of any major Western country; and, compared with Americans, the French have a higher life expectancy, lower infant mortality, more physicians, and lower costs. In 2000, the World Health Organization ranked it the best health-care system in the world. (The United States was ranked thirty-seventh.)

Switzerland, because of its wartime neutrality, escaped the damage that drove health-care reform elsewhere. Instead, most of its citizens came to rely on private commercial health-insurance coverage. When problems with coverage gaps and inconsistencies finally led the nation to pass its universal-coverage law, in 1994, it had no experience with public insurance. So the country—you get the picture now—built on what it already had. It required every resident to purchase private health insurance and provided subsidies to limit the cost to no more than about ten per cent of an individual's income.

Every industrialized nation in the world except the United States has a national system that guarantees affordable health care for all its citizens. Nearly all have been popular and successful. But each has taken a drastically different form, and the reason has rarely been ideology. Rather, each country has built on its own history, however imperfect, unusual, and untidy. Social scientists have a name for this pattern of evolution based on past experience. They call it

“path-dependence.” In the battles between Betamax and VHS video recorders, Mac and P.C. computers, the QWERTY typewriter keyboard and alternative designs, they found that small, early events played a far more critical role in the market outcome than did the question of which design was better. Paul Krugman received a Nobel Prize in Economics in part for showing that trade patterns and the geographic location of industrial production are also path-dependent. The first firms to get established in a given industry, he pointed out, attract suppliers, skilled labor, specialized financing, and physical infrastructure. This entrenches local advantages that lead other firms producing similar goods to set up business in the same area—even if prices, taxes, and competition are stiffer. “The long shadow cast by history over location is apparent at all scales, from the smallest to the largest—from the cluster of costume jewelry firms in Providence to the concentration of 60 million people in the Northeast Corridor,” Krugman wrote in 1991.

With path-dependent processes, the outcome is unpredictable at the start. Small, often random events early in the process are “remembered,” continuing to have influence later. And, as you go along, the range of future possibilities gets narrower. It becomes more and more unlikely that you can simply shift from one path to another, even if you are locked in on a path that has a lower payoff than an alternate one.

The political scientist Paul Pierson observed that this sounds a lot like politics, and not just economics. When a social policy entails major setup costs and large numbers of people who must devote time and resources to developing expertise, early choices become difficult to reverse. And if the choices involve what economists call “increasing returns”—where the benefits of a policy increase as more people organize their activities around it—those early decisions become self-reinforcing. America's transportation system developed this way. The century-old decision to base it on gasoline-powered automobiles led to a gigantic manufacturing capacity, along with roads, repair facilities, and fuelling stations that now make it exceedingly difficult to do things differently.

There's a similar explanation for our employment-based health-care system. Like Switzerland, America made it through the war without damage to its domestic infrastructure. Unlike Switzerland, we sent much of our workforce abroad to fight. This led the Roosevelt Administration to impose national wage controls to prevent inflationary increases in labor costs. Employers who wanted to compete for workers could, however, offer commercial health insurance. That spurred our distinctive reliance on private insurance obtained through one's place of employment—a source of troubles (for employers and the unemployed alike) that we've struggled with for six decades.

Some people regard the path-dependence of our policies as evidence of weak leadership; we have, they charge, allowed our choices to be constrained by history and by vested interests. But that's too simple. The reality is that leaders are held responsible for the hazards of change as well as for the benefits. And the history of master-planned transformation isn't exactly inspiring. The familiar horror story is Mao's Great Leap Forward, where the collectivization of farming caused some thirty million deaths from famine. But, to take an example from our own era, consider Defense Secretary Donald Rumsfeld's disastrous reinvention of modern military operations for the 2003 invasion of Iraq, in which he insisted on deploying far fewer ground troops than were needed. Or

consider a health-care example: the 2003 prescription-drug program for America's elderly.

This legislation aimed to expand the Medicare insurance program in order to provide drug coverage for some ten million elderly Americans who lacked it, averaging fifteen hundred dollars per person annually. The White House, congressional Republicans, and the pharmaceutical industry opposed providing this coverage through the existing Medicare public-insurance program. Instead, they created an entirely new, market-oriented program that offered the elderly an on-line choice of competing, partially subsidized commercial drug-insurance plans. It was, in theory, a reasonable approach. But it meant that twenty-five million Americans got new drug plans, and that all sixty thousand retail pharmacies in the United States had to establish contracts and billing systems for those plans.

On January 1, 2006, the program went into effect nationwide. The result was chaos. There had been little realistic consideration of how millions of elderly people with cognitive difficulties, chronic illness, or limited English would manage to select the right plan for themselves. Even the savviest struggled to figure out how to navigate the choices: insurance companies offered 1,429 prescription-drug plans across the country. People arrived at their pharmacy only to discover that they needed an insurance card that hadn't come, or that they hadn't received pre-authorization for their drugs, or had switched to a plan that didn't cover the drugs they took. Tens of thousands were unable to get their prescriptions filled, many for essential drugs like insulin, inhalers, and blood-pressure medications. The result was a public-health crisis in thirty-seven states, which had to provide emergency pharmacy payments for the frail. We will never know how many were harmed, but it is likely that the program killed people.

This is the trouble with the lure of the ideal. Over and over in the health-reform debate, one hears serious policy analysts say that the only genuine solution is to replace our health-care system (with a single-payer system, a free-market system, or whatever); anything else is a missed opportunity. But this is a siren song.

Yes, American health care is an appallingly patched-together ship, with rotting timbers, water leaking in, mercenaries on board, and fifteen per cent of the passengers thrown over the rails just to keep it afloat. But hundreds of millions of people depend on it. The system provides more than thirty-five million hospital stays a year, sixty-four million surgical procedures, nine hundred million office visits, three and a half billion prescriptions. It represents a sixth of our economy. There is no dry-docking health care for a few months, or even for an afternoon, while we rebuild it. Grand plans admit no possibility of mistakes or failures, or the chance to learn from them. If we get things wrong, people will die. This doesn't mean that ambitious reform is beyond us. But we have to start with what we have.

That kind of constraint isn't unique to the health-care system. A century ago, the modern phone system was built on a structure that came to be called the P.S.T.N., the Public Switched Telephone Network. This automated system connects our phone calls twenty-four hours a day, and over time it has had to be upgraded. But you can't turn off the phone system and do a reboot. It's too critical to too many. So engineers have had to add on one patch after another.

The P.S.T.N. is probably the shaggiest, most convoluted system around; it contains tens of millions of lines of software code. Given a chance for a do-over, no self-respecting engineer would create anything remotely

like it. Yet this jerry-rigged system has provided us with 911 emergency service, voice mail, instant global connectivity, mobile-phone lines, and the transformation from analog to digital communication. It has also been fantastically reliable, designed to have as little as two hours of total downtime every forty years. As a system that can't be turned off, the P.S.T.N. may be the ultimate in path-dependence. But that hasn't prevented dramatic change. The structure may not have undergone revolution; the way it functions has. The P.S.T.N. has made the twenty-first century possible.

So accepting the path-dependent nature of our health-care system—recognizing that we had better build on what we've got—doesn't mean that we have to curtail our ambitions. The overarching goal of health-care reform is to establish a system that has three basic attributes. It should leave no one uncovered—medical debt must disappear as a cause of personal bankruptcy in America. It should no longer be an economic catastrophe for employers. And it should hold doctors, nurses, hospitals, drug and device companies, and insurers collectively responsible for making care better, safer, and less costly.

We cannot swap out our old system for a new one that will accomplish all this. But we can build a new system on the old one. On the start date for our new health-care system—on, say, January 1, 2011—there need be no noticeable change for the vast majority of Americans who have dependable coverage and decent health care. But we can construct a kind of lifeboat alongside it for those who have been left out or dumped out, a rescue program for people like Starla Darling.

In designing this program, we'll inevitably want to build on the institutions we already have. That precept sounds as if it would severely limit our choices. But our health-care system has been a hodgepodge for so long that we actually have experience with all kinds of systems. The truth is that American health care has been more flotilla than ship. Our veterans' health-care system is a program of twelve hundred government-run hospitals and other medical facilities all across the country (just like Britain's). We could open it up to other people. We could give people a chance to join Medicare, our government insurance program (much like Canada's). Or we could provide people with coverage through the benefits program that federal workers already have, a system of private-insurance choices (like Switzerland's).

These are all established programs, each with advantages and disadvantages. The veterans' system has low costs, one of the nation's best information-technology systems for health care, and quality of care that (despite what you've heard) has, in recent years, come to exceed the private sector's on numerous measures. But it has a tightly limited choice of clinicians—you can't go to see any doctor you want, and the nearest facility may be far away from where you live. Medicare allows you to go to almost any private doctor or hospital you like, and has been enormously popular among its beneficiaries, but it costs about a third more per person and has had a hard time getting doctors and hospitals to improve the quality and safety of their care. Federal workers are entitled to a range of subsidized private-insurance choices, but insurance companies have done even less than Medicare to contain costs and most have done little to improve health care (although there are some striking exceptions).

#### THE AMERICAN ECONOMY

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 6, 2009, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, I very much appreciate the privilege to address you this evening on the floor of the United States House of Representatives. And I also appreciate the dialogue that takes place here on the floor. This is the most deliberative body anywhere in the world. And we have a privilege to be part of it. And as we engage in this debate, it is the circumstance that across this country, Madam Speaker, people listen in. And they're reading the newspapers and following the blogs and watching their cable news networks and also some regular TV. And as this conversation goes on here, Madam Speaker, it echoes out across the entire land. And as this conversation echoes across the entire land, it also becomes part of the national dialogue, this national dialogue that takes place in our schools, in our churches, at the workplace, in the coffee shop, in the break room, across the backyard fence, on the snowmobile and outside doing chores.

Over and over again, Americans interact with each other. And while that is going on, they talk about a lot of things that matter to them such as the aftermath of the Super Bowl, but also current events. And America is, at this point, transfixed on the current event of the—I think not aptly named—"stimulus plan" that is being debated over in the Rotunda of the United States Senate, Madam Speaker.

And so as this American conversation takes place, they are moving towards a consensus. And sometimes we don't achieve that consensus, Madam Speaker. But the more dialogue we have, the more facts that are brought to play, and in fact many Members in this body know that if they can bring the emotional anecdote to play, it also moves people's opinions.

□ 1930

The things that move people's opinions bring us towards a consensus. When we arrive at a consensus, that consensus, if America's consensus doesn't match up with the Congressional census you will see many Members, Madam Speaker, in this Chamber will shift their position to realign themselves with their constituents.

Now, there are two ways to do this job. One way is to stand up and lay out the framework of the principles that we believe in as individual Members, and then hang on to that framework, attach to it the components of public policy that are compatible with the fundamental belief framework. That's what I believe I've done. And I very much like the input that I received from my constituents the people from my State and across the country, that adds to my knowledge base so that I can make a reasoned, informed decision. That's the approach I think the founders had in mind when they wrote this Constitution and established this constitutional republic, was that there

would be representatives in this constitutional republic that would come here. We owe our constituents, all of them, our best effort. And more importantly, Madam Speaker, we owe them our best judgment. That's one way of doing this job here in the United States Congress.

The other is, Madam Speaker, to take a position that you're going to get in front of your constituents, see where they are going, check the wind speed, the barometer, so to speak, and then put up a vote and take a position that reflects the position of your constituents. That goes on in this Congress too often, Madam Speaker, and it troubles me. It troubles me because we are elected for our effort and our judgment, and we owe our constituents our best judgment. But if our judgment is just simply to check the wind, put our finger in the air, then we're not offering to the system we have here the things that we should have to contribute.

And I would bring a little anecdote of Robespierre to mind. He was pretty well established within the French revolution. He was an advocate for the effective and ruthless utilization of the guillotine to get rid of his political enemies and get rid of the aristocracy that he believed had drug the French down and brought about this revolution. But as the people marched in the streets Robespierre went to the window and looked out and saw the mobs marching through the streets in France. This would be about 1789. And he said, I'd better get in front of them and see where they are going for I am their leader.

Now, that's no kind of leader that just simply tries to lead the mob wherever it is that they happen to be going. And some months later Robespierre was one of about 16,000 Frenchmen and women that found themselves a head shorter. But that kind of leadership didn't work very well for Robespierre, and it doesn't work very well for the United States of America.

It's our task to have a vision for the future. We need to articulate that vision. We need to articulate the principles that we believe in and build policies around those tried and true principles that have created this great American Nation. It isn't going to be a giant mosaic of 435 Members that stick their finger in the wind and decide what position they're going to take that will extend their tenure here in the United States Congress, Madam Speaker. It's going to be the people who look into the future with a vision that they can sell to the American people and say, maybe you're not here yet. Maybe you're not ready to move where we need to go. But this Nation is too important to be a reactionary Member of Congress. We've got to be leadership Members of Congress. We're each elected for our leadership as well.

So let me submit, Madam Speaker, that I look back on last year's vote, that vote before the election. There

was a \$700 billion bailout, without a prediction on the prospects of its success, it simply was an emphatic request from then Secretary of the Treasury Paulson that he needed to have a checking account with \$700 billion in it, all borrowed money, I might add, so that he could spend it at his discretion to pick up the toxic debt, as he described it. And that's how we ended up with the TARP fund.

And so we let the first half of that out, the \$350 billion. And the second half was contingent upon the successful deployment of the first half. And I've seen not the signs of success of that first half. In fact, our stock market has continued to tank. Our economic indicators are going in the wrong direction. There's \$350 billion that went into his hand that much of it did get expended, with the other \$350 billion, and now this Congress has approved that it go there. It only took the approval of one body to do that. And the Senate did that. That's a start on this economic stimulus component.

But I did not hear a clearly articulated argument back then, back that started here on September 19 when Secretary Paulson came to this Congress and culminated in a vote that was in early October. I didn't hear clearly articulated principles that they would adhere to on how America was going to get back on track.

And so I look on this continuum of mistakes that have been made, and I take us back to a year, and it's my recollection, it's not confirmed date, but about 1978 when the Community Reinvestment Act was passed and became law. That's a component of the flaws that we have. It was legislation that I think was inspired for the right reasons. I think it was well-intentioned, but it turned out to be a large mistake. And it was because there were lenders that would redline certain inner city neighborhoods that they decided that the value of the real estate wasn't going to be sustained in those neighborhoods and sometimes the residents didn't have a very good credit rating. So, with the combination of those two things they just said these whole neighborhoods we're not going to loan money in. People there couldn't buy a house. They can't buy a house. That sent the real estate value spiraling downward. And a blanket decision like that, by drawing a red line around the map was the wrong thing to do, Madam Speaker. But the roots of problem were created out of the good intentions of trying to provide for loans for residences within those neighborhoods that had been redlined, and the Community Reinvestment Act was born. And it was refreshed again in the early '90s, I believe it was 1993, brought up to a little more modern language. But in it all, it held lenders accountable if they wanted to expand their lending operations, set up a branch operation somewhere, they had to meet the scrutiny of the regulators who would look at the Community Rein-

vestment Act and say, what are you doing to expand your loans into these neighborhoods? And if the answer was nothing, they were denied an opportunity to expand their operations, set up a branch or consolidate. They were essentially stuck in place unless they could comply with this regulation of really making bad loans in neighborhoods that the real estate value couldn't be sustained.

Once you lay down a foundation and a parameter like that, then you encourage the lenders to give bad loans. And when the lenders were giving bad loans in order to be positioned so that their portfolios were a certain percentage of those bad loans, doing so so they had the ability to expand, and we had an economy that was expanding, although, going to the '80s it was not. We had our farm crisis, our real estate crisis and our energy crisis all together in the '80s and we lost 3,000 banks in the United States. And I remember clearly the load and the difficulties that we had. My neighborhood and myself included, aged very quickly during those years of the '80s. So the Community Reinvestment Act from 1978 didn't turn out to manifest itself in its negative composition because we had an economic crisis in the '80s that was taking banks down and requiring the FDIC to come in and take over the banks and make some moves to prop back up our financial world. And they did some moves then in the '80s that we haven't done here in this particular era.

But in any case, by the time we got into the early '90s, the Community Reinvestment Act was re-established and refreshed; and at that point, things started to move. When we got into the late 1990s and the early 2000s, then we saw unnatural interest rates. We saw the money supply such that the interest rate was driven down. Part of the reason for that was to create an economy that would create a housing boom. So if you have a housing boom that's driven by low interest rates, people would look at that and conclude that they could build a new home or they could buy a high quality used home that allowed someone in that used home to build a new home. And the housing boom began. And it set up a market that exceeded the demand. And we reached the point where we had the highest home ownership of any time in our Nation's history. I remember President Bush announcing that we'd reached 68 percent of the people in America lived in their own homes. And I think that number got marginally higher after he had made that statement.

But in any case, as this came together we had a lot of those were bad loans. We had bad loans that were made into these neighborhoods under the incentive of the Community Reinvestment Act and facilitated in a very large way, by Fannie Mae and Freddie Mac. Fannie Mae and Freddie Mac, who had been set up as a quasi-government entities, later privatized, and then

moved towards the quasi-government agencies again, and here on the floor of this Congress, when the problems began to arise and we saw that Fannie Mae and Freddie Mac weren't capitalized consistent with the other lending institutions, their competitors, and they weren't regulated in the same fashion as their competitor lending institutions, that gave an unfair advantage to the Fannie Mae and Freddie Mac institutions who were the secondary loan market. And they nearly cornered the secondary loan market, the mortgage market in the United States.

And we came to the floor in this Congress once in 2001, plus or minus a year on that one if you might, Madam Speaker. But again, and made the debate that we should regulate Fannie Mae and Freddie Mac more like other lending institutions because it was too high a risk for the taxpayers to take. Well, that amendment and that effort failed in those earlier years in this millennium, Madam Speaker.

And then, I remember the date, it was here on this floor and it took place from that microphone there and that microphone over there. It was an amendment that was brought to the floor October 26, 2005, by Congressman Jim Leach of Iowa, who was and remains very well respected among the banking community and the lending institutions. He brought an amendment that would have brought Fannie Mae and Freddie Mac into the similar capital requirements of the banks, and the similar regulatory requirements of the banks.

I think he stopped one step short with that amendment. I think he should have moved them towards the clear free market side of this. But in any case, as that amendment was debated, twice in this millennia, twice in this last decade at least we've had an opportunity to get Fannie Mae and Freddie Mac right.

They were, again, Madam Speaker, playing off and capitalizing on the language in the Community Reinvestment Act that said make bad loans in these neighborhoods that don't have a very good value of their real estate. But twice we turned away from shoring up Fannie Mae and Freddie Mac, tightening them up, putting them back into the competitive marketplace. And so we found ourselves in a situation, when AIG was ready to go under and the \$85 billion got poured in there about in that era, that's a little bit before that, Fannie Mae and Freddie Mac became very unstable and we had to step in as the Federal Government and nationalize the balance of Fannie Mae and Freddie Mac. Now the taxpayers own Fannie and Freddie. And now Fannie and Freddie don't have any new regulation that requires them to meet those capital and regulatory requirements. But we missed an opportunity to privatize them and regulate them according to the other lending institutions.

The compound effect of the Community Reinvestment Act, mark-to-market accounting, the credit default swaps that were taking place, the lack of regulation on Fannie Mae and Freddie Mac and the defense that came from the now chairman of the Financial Services Committee, from Massachusetts, who stood at that microphone and debated Mr. Leach, who was at this microphone, and at a certain point the political center of gravity on that debate went towards the gentleman from Massachusetts, and I think the lobbying effect had an effect on the result as well, Madam Speaker.

But in any case, the Leach amendment went down. That was our last opportunity that I know on this floor to get Fannie Mae and Freddie Mac right.

So we had large financial indicators that were going in the wrong direction. And as this started to tumble it started to snowball down hill it took us to this point on September 19, when Secretary Paulson came to the Capitol and insisted that he have the \$700 billion checking account to spend as he saw fit, and within those narrow parameters. Well, not so very narrow parameters, within a broad definition, a huge authorization/appropriation, and maybe the largest that had ever passed out of this Congress. And I'm not certain about that. But it was huge.

□ 1945

So it brought us to this point where there was a \$700 billion bill on the floor of the United States House of Representatives, and that bill passed off the floor with, I think, too many Republican votes, and I would have been pleased if it had had none, but there were an awful lot of Democratic votes as well, Madam Speaker. That was the time that this Congress passed the Rubicon. It was the time we had a chance to draw back.

If cooler heads had prevailed and if we had gone back and had actually gotten a do-over on that, I do not believe the \$700 billion bailout bill would have passed, because the American people have now seen what has unfolded. They expected to see the markets increase and stability come into our marketplace and to see capital that had been chased to the sidelines come back into the marketplace again. It has not done that. In fact, it looks like more capital has gone to the sidelines because money is smart, and smart money finds its way into the best investment at the time. Right now, that money has been scared out of the marketplace.

I listened to the gentleman from Minnesota, who left the floor a moment ago, Madam Speaker, and he talked about the surplus that we had in the year 2000. That happens to be the last year of the Clinton administration. It is true that we had a surplus during several of those years, and the gentleman from Minnesota, I will say, recognized that he was in the process of misspeaking and backed up to say that the budget surplus was an accom-

plishment of the administration at the time. At least that was the implication of his words. It was not a quote. I don't want it to be characterized as that, Madam Speaker. Then they go on and argue that this deficit is a deficit that comes out of the Bush administration, and so here we are.

We have a Member of Congress here who will argue and who has argued that the Clinton administration deserves the credit for the surplus that was in our budget in the year 2000 and that the Bush administration deserves the blame for the deficit that we have today. Well, all right. On the surface, maybe you can make that connection, and I would be happy to have this dialogue with the gentleman from Minnesota. Should he arrive on this floor, I would be happy to yield and have that dialogue.

The first point I would make is that all of this spending starts here in the House of Representatives. There is no President who can initiate spending. There is no Senator who can initiate spending. According to the Constitution, all appropriations bills start here in the House of Representatives. We start them here, and they cannot be authorized and they cannot be spent until the majority of the House of Representatives approves them. Sure, we start them here. We send them to the Senate. The Senate passes them. They come back to a conference. We conference, both vote and pass them. If they pass, then they go to the President for his signature. Yet the House, if determined and organized and unwilling to cave in to the Senate or in to the White House, controls every penny of spending that comes through this United States Government—every penny of appropriations. We do it here. It is ordered by the Constitution.

So it does not do for any Member of Congress or for the rest of the world to say, Madam Speaker, that the responsibility was in the hands of the President. Although, we recognize that the Presidents do exert significant influence on the judgment of Members of Congress and that they do present a budget to this floor and that they do negotiate those budgets, because they sit back with the veto power that gives an appropriate tension that helps bring out a negotiated solution most of the time.

Madam Speaker, Congress has the responsibility, and the President cannot initiate spending, and so I will submit this: this \$700 billion bailout plan that passed last year was on our watch. It was on my watch, and it was on the watch of the gentleman from Minnesota. I voted "no." He can speak to how he voted. I believe I recall that was a "yes." The \$700 billion, as big a mistake as I believe it was, was also a mistake that was made not just by the gentleman from Minnesota but by the current President of the United States, who voted for the \$700 billion plan as a Senator of the United States, and that is attached to him as his responsi-

bility. He needs to answer for the \$700 billion bailout plan that gets attached to this huge stimulus package that he is partly the author of and the advocate of.

So, even though the stimulus plan passed out of the House with not a single Republican vote, when it came time to vote for this stimulus plan, so to speak, the "yes" votes by the Republicans were a big goose egg up on the scoreboard. Not one Republican thought it was a good idea to roll out this \$819 billion in spending in the stimulus plan from the House, which was accompanied by \$347 billion in interest liability that goes with it.

You have to pay interest on your debt. We are probably going to end up borrowing money to pay interest on the debt, and I can tell you that spirals downward pretty fast.

When added to the roughly \$100 billion in the Senate, the \$819 billion takes it up to about \$900 billion. The interest rate that is out of the House side, \$347 billion, is the low number. The lowest estimated number I can come up with, with the interest and with the Senate dollars in there, is \$1.25 trillion in stimulus money. That number is \$1.247 trillion. That gets coupled to the \$700 billion that was the bailout plan from last year, the \$700 billion that President Obama and the gentleman from Minnesota voted for. Now the \$1.25 trillion that is being debated in the United States Senate is all his. The President owns that. When you add that together, it rounds pretty handily to \$2 trillion.

Now we have a \$2 trillion bailout/stimulus plan and a stock market that continues to tank and a financial world out there that lacks confidence that government has been doing the right thing since the election and, in fact, since before the election. We have watched our economy spiral downward. We have watched our market indicators spiral downward. We have watched our unemployment rates go up. Those indicators do not indicate confidence in the leadership that we have in the financial world.

So the financial world, the investment world, the people who are putting capital in that is used to expand the productivity and the distribution and the market share of our companies, are pulling their capital out. They are increasingly holding it. They are buying bonds. I am sure that some of it is sewn up in the mattress by now, that some of it is invested in gold, that some of it is invested in foreign currency as well. Although, I am a bit surprised that our dollar has held up as strongly as it has, and that is more an indicator of the weakness of foreign currency rather than a reason to consider there to be strength in this U.S. dollar today. In any case, the supply of U.S. dollars has gone up, and as it has, the instability goes with it.

So we have a \$2 trillion stimulus plan that is 100 percent lock, stock and barrel owned by President Obama, who

said to us that it is one leg of a multi-legged stool that has to be built in order to get this economy back on track again.

Now let me submit that there are two ways to look at this economic situation. One of them is the Keynesian approach, which is, if government can pour enough money into the economy and get enough money into the hands of enough people who will take that money and spend enough of it, that it will stimulate the economy. So, if more people go out and buy a loaf of bread or buy a car or maybe go to the theater or to the ball game or maybe buy a ball glove themselves, that increased spending will stimulate a demand that will cause more manufacturing and more goods to be brought into our economy. That is the Keynesian approach.

The problem with it is that, looking back in history and at the times when we have done such things, the actual economic numbers do not support the idea that pouring money willy-nilly into the economy in an indiscriminate fashion results in the stimulation of our economy.

I will not argue, Madam Speaker, that there aren't some places where government can invest money that does stimulate the economy. One of those places would be investing in transportation links that open up development in new areas and that help goods and services move back and forth in a more efficient fashion. That does create economic development. Transportation has been the number one best tool to use to grow economic development throughout the history of all of humanity.

So I do not take it all off the table, but there is much that is on the table that I would take off. I would not put a dollar into the National Endowment for the Arts and call it economic development or stimulus.

Here is another piece that I was just looking at. Of the infrastructure funding within the stimulus package, there is language in there that bans that money from going into facilities that allow religious worship in them. To me, it looks like that is a first amendment violation in that we would discriminate against facilities that allow people to pray and to have religious worship. Maybe they've got a different definition of "religious worship" than I have, but I don't know of a single school where there isn't prayer that takes place, not just by students who are sitting there, taking a test, but by faculty/administration where prayer is also a part of their daily lives.

I can think of the public school where my kids graduated. On the Friday after September 11, the superintendent invited in all of the pastors in the community and brought together all of the students in the school, K through 12. They had a prayer service there for the victims of September 11 and for this Nation, which was in great peril at the time. It was an open,

full-blown prayer session in the gymnasium of the public school. That is worship, Madam Speaker.

If none of those dollars could go to a public school like that because people prayed inside that building, I have to tell you I think there are folks writing this legislation who are praying on the constitutional rights of the American people. I would reject that thought process. I would find the person who put that language in there—I suspect it was a staff person more than a Member, but the Member must have facilitated it—and I would pull them out root and branch. We don't need those kinds of people in this Congress who are going to put America's religious faith as a target and write it into legislation and exclude facilities from public finance that allow worship in them. It is an outrageous thing. It is the most outrageous.

Among the other outrageous things that are in this bill or where there have been precedents set and parameters set: \$400 million for education and for the prevention of sexually transmitted diseases. Economic stimulus plan. I wonder what economic guru and I wonder what department of economics would be sitting around to come up with an idea like that.

I know that President Obama has said that he is familiar with the College of Economics at the University of Chicago, where he taught constitutional law. I don't know that that would be the kind of a policy that would emerge from a think tank at the University of Chicago. I suspect not.

As for the places I have been and as for the people whom I have met, if I took them seriously, it would not come out of their economics departments either. I can't imagine the mindset of people, who have the public trust, drafting into legislation legislation that now is in the \$900 billion zone, plus the more than \$347 million in interest. I can't imagine what kind of a think tank would produce an idea that got past the first sentence where we would stimulate the economy by investing \$400 million in sexually transmitted diseases. It may be a good program, but I can tell you, Madam Speaker, that the return on that investment with regard to a stimulus plan would no way in the world be measured in our economy by investing \$400 million in sexually transmitted disease prevention. So that is one of those bizarre ideas. If that is a stimulus plan, that is not it, not for me, not for the taxpayers of America, and it ought to be out of there.

I will just read from this: "In order to control and prevent sexually transmitted diseases, the Centers for Disease Control used its budget for the following purposes:" This is within the existing budget of the Centers for Disease Control. "A transgender beauty pageant in San Francisco that advertised available HIV testing." There would be an economic stimulus plan within the budget of the CDC, I pre-

sume. I would reject that as well. The Centers for Disease Control funded an event also put on by the Stop AIDS Project called "Got Love: Flirt, Date, Score" that taught participants how to flirt with greater finesse. This our Federal tax dollars.

It embarrasses me to read that for two reasons. One is this dialogue in this public sphere makes me a little uneasy. The other is that we have people who are entrusted, Madam Speaker, with the American people's tax dollars who would, with a straight face and maybe even under the light of day, take that money and divert it to these kinds of projects.

I have a list here. I cannot bring myself to read the rest of it because I think that it goes downhill from there. In fact, clearly, it does.

So a \$700 billion bailout plan, coupled with a \$1.25 trillion stimulus package. It is a \$2 trillion approach here that is designed to supposedly stimulate and fix this economy. The President has said that he inherited a \$1 trillion deficit. I do not know that it is \$1 trillion—it may be—but he also owns a \$2 trillion bailout/stimulus plan. It is his plan. He voted for the \$700 billion.

□ 2000

He's advocated the 1¼ trillion, even though I think that the President's approach to this is slightly more reasonable than that of the Speaker of the House, Madam Speaker, in that there's at least been lip service paid to the idea that there should be a little more stimulus in it, a little more for small business, and there should be less in this wish list. But when I look at the wish list, it comes to me this way. It appears to be the huge wish list that's been produced by the activist liberals in this Congress, Madam Speaker, and they can't seem to restrain themselves from jumping on this and putting in everything under the sun that they couldn't get passed when they were held more accountable.

One of the former Members of the Congress who has been an effective leader on the other side of the aisle, from where I stand, said never let a crisis go to waste. Well, I have to tip my hat to that philosophy, however much I disagree with it. The Speaker, the leadership, the Chairs of the committees, both Appropriations, Financial Services and a number of others, have not allowed this crisis to go to waste. They've jumped on it with every opportunity to expand government, to grow government, to raise the baseline, to pour hundreds of billions of dollars and, in fact, cumulatively \$2 trillion into this President Obama-owned \$2 trillion bailout/stimulus plan that has no record of working.

And there's a belief over on this side of the aisle—and I'd love to do this debate on the floor of Congress one day, maybe even today, maybe even tonight. There's a belief that Franklin Delano Roosevelt somehow saved America from the Great Depression.

Well, I looked at that. I was taught that. I sat in the classrooms from probably eighth grade on where it was the mantra that FDR saved us from the Great Depression and won World War II. In fact, I didn't hear my parents rebut that either. It didn't come from the home when I began to look at it differently.

I will say FDR was very, very useful in fighting and winning World War II. He was great for the spirit of America. He held our will together, and it was a hard thing to do, and he provided a high level of confidence in American military and our Commander in Chief that was, I will say, essential in winning World War II in the way that we did, but that doesn't equate into giving him a pass into what went on in the 1930s.

And I'm not here either, Madam Speaker, to advocate that my Iowa President, Herbert Hoover, got everything right. He got almost everything right up to and until the time—in his entire life, he was a magnificent individual, an utterly brilliant man that sometimes the things he touched literally turned to gold, speaking of the gold mining industry in Australia. His life and his history was just a never-ending string of success, which gave him a sense, I think, of false confidence that he could manage an economy, support Smoot-Hawley, and use the government to get us out of an economic problem.

That set the stage for FDR to be elected in 1932, who came into this and began to kick off the New Deal, the New Deal that had within it a multitude of projects. Ones that come to mind are WPA, the CCC. There were a number of others. And as I watched that unfold, I went through the history of the New Deal, having been taught continually that the New Deal was what bailed us out of the Great Depression.

And so when I was a junior in high school, I was assigned the task of writing a term paper, and I don't recall clearly, but I believe I had to select from a list of possible topics, and I think we might have been able to offer our own. But in any case, I chose the New Deal and the Great Depression and FDR because I had been convinced by the educators that FDR got us through the depression, and it was his creativity and innovativeness that saved us from that economic crisis.

And so I began to do the homework to write that term paper, and I took it very seriously. It was a project for me and it was personal. It was personalized and it was internalized. And the big part of it for me was to go into the public library, the public library, the Carnegie library in Denison, Iowa, where I went to high school. I sat down in there and I began to pull the newspapers. The newspaper was a county seat newspaper, remains today, same newspaper, county seat of about 6,500 people today, and they published twice a week.

I began getting those old newspapers out, and I started when the stock market crashed in October of 1929, and I read that newspaper thoroughly, took my notes. There were no copy machines in those days, so I was preparing the footnotes for the term paper that I was writing. And then I went through newspaper by newspaper, turning the pages, reading the relevant articles that had to do with the financial situations, any layoffs that we had, any notices, advertisement by banks, interest rates, things of that nature.

I actually remember the cigarette commercials stood out to me as being far different than they were even at that time, and as I read through those newspapers and tracked the beginning, the discussion, the dialogue, the acts of Congress and the implementation of the components of the New Deal, I read it all the way through twice a week, newspapers from October 1929 all the way up until the Japanese attacked Pearl Harbor, December 7, 1941. At that point, all the news became war, and it was impossible to track the economics in any kind of a relevant fashion.

But it was a good study period to look at. October 29 to December 1941, every newspaper, took notes, wrote footnotes, wrote a term paper which I wish I had it today, and I actually looked for it and can't find it. But in any case, when I completed that study and was ready to put the term paper together, I remember sitting in the room, the newspaper room in the library, looking up at the ceiling and thinking, this is far different than I thought it would be.

I really didn't see evidence there that the New Deal had stimulated the economy. I didn't see evidence it had saved us from the depths of the Great Depression. I couldn't follow that huge vast government programs, government taking over entity after entity and managing an economy, I couldn't see the evidence that it had significantly reduced unemployment. I couldn't see the evidence that capital had come into the investment markets, and if you tracked the Dow Jones Industrial Average, that Dow stayed down and way down throughout the 1930s, and unemployment that was about 25 percent going into FDR's first term hung in there pretty tough all the way through. And I believe the lowest unemployment we had throughout that entire decade was 14 percent.

Now, those things that I saw, that I read, when I come into something with a conclusion that I'm seeking to ratify with evidence and walk away from that having turned 180 degrees, realizing that FDR's New Deal plan wasn't a plan that bailed us out of the Great Depression but at best, at best, it can only be critiqued and analyzed to have perhaps diminished the depths to which we fell in the Great Depression, at the great cost of delaying the recovery, all of that borrowed money and the tax money that came away from the private sector and was poured into grow-

ing government, that money that went in was money that scared other capital out of the investment business and kept private industry from growing. And so government investment made private capital hesitant, that that was left that wasn't taxed away, and Madam Speaker, it delayed the recovery from the Great Depression.

So even if FDR's New Deal diminished the depths to which we might have fallen if he would have done a hands-off, if he would have been a cool Ike, not a Hoover, if he had done that, I think we would have recovered quickly. I think we would have bounced back quickly, but that wasn't what happened.

Government spending brought about indecision and scared capital way from the marketplace, and it hired government workers, many, many government workers. The CCC camps would be among them, and I know what it's like to try to hire labor when government competes against you for that labor. Government will always pay when you're talking about blue collar jobs. Government will pay the highest wages. They'll pay the highest benefits. They'll give the most job security.

So if you're out there and you have a family to raise and you're unemployed, you're looking for a job, and you go out into the job market and you put out your applications and you stand in line and you begin to market yourself and you have a choice between going to work for Uncle Sam and going to work for the new entrepreneur down the road that just put together enough capital on a wing and a prayer to start up an entrepreneurial business that might grow into something magnificent, when government outbids the private sector for labor, they also, Madam Speaker, delay the recovery of a depression, of recession, or they diminish the growth during our bull markets in our good times as well.

And that is what happened during the Great Depression. The Federal Government competed with the private sector for capital, by nationalizing, by competing for labor. When that happened, it diminished the inspirations of the entrepreneurs. They hired workers away that might have been entrepreneurs themselves but took them out of the labor force and the private sector. Government grew, the private sector shrank, the stock market sunk and stayed flat.

In fact, from that time in October of 1929, the Dow Jones Industrial Average did not recover to that level, not at all through the 1930s, not at all through the 1940s. Not until 1954 did the Dow Jones Industrial Average get back to the place where it was in October of 1929.

So one might even argue—in fact, Madam Speaker, I will argue—that not only did not the New Deal get us out of the depression, it might have helped bridge us marginally to get to the Second World War, but I'll argue the Second World War didn't take us out of it

either because we didn't get recovered. But what did happen was the Second World War destroyed the rest of the world's industry, and it left the U.S., having been on a huge growth boom in our manufacturing and industry here to meet the war effort for the world and for our 16,000, mostly men but also women, that served in uniform during that period of time.

So we found ourselves in a world that needed to be rebuilt, that was hungry for the products of industry, and with the only major industrial country in the world that hadn't been destroyed in the Second World War, and as our industry cranked out product after product, and as we exported overseas and as the greenback became the currency of the world, when all that happened, we were recovering economically. And that's why it took until 1954.

So the Second World War was a big stimulus plan. We spent a lot of big government money, but the private sector, as we emerged from the Second World War, is what put the real meat on the bones and brought us out of that and took us through the recovery that reached that level in 1954. And then that's the part of the economy that now that I remember in my life's experience, Madam Speaker.

But we should not fool ourselves into believing that the New Deal was a good deal. We should instead go back and replay history, reset that clock and play it out. What if Coolidge had remained President? What if we would have set a policy from this very floor of this Congress that we were going to have fiscal discipline and tax relief and get as much money into the hands of the productive sector of the economy as we possibly could? That would be a very interesting exercise to reset that clock and game-play that out.

I believe that we may have dropped deeper, but I also believe that we would have recovered much more quickly, and I believe we would be a stronger, more robust economy today if we had made those decisions then.

So this brings us now fast forward into 2009, this day today. We're here watching a stock market that has tanked, that hasn't quite lost half of its value, but it's juggling underneath and falling below the 8,000 floor. We have indicators that show that there are 10.5, 11 million people, maybe more, that are unemployed and looking for work; although, the real unemployment numbers are marginally a little more than half of that number.

We have economic indicators that mean capital is scarce and unemployment numbers going up. Investment capital is diminishing. Smart money is going to the sidelines. Demand for loans has shrunk substantially. It hasn't disappeared entirely. The marketing of these homes that were the toxic debt that Secretary Paulson talked about, actually there was a little bump in the transfer of those, but until we work our way through this, this economy is not going to be back on a solid foundation.

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We have to get it on a solid foundation by having solid economic theory here on the floor of this Congress, not the idea that a new New Deal is going to somehow be better than the old New Deal. And I would challenge, Mr. Speaker, our President to lay out some data, show me where the New Deal actually worked. And I understand his position that FDR didn't spend enough money, that if he had just spent more money, if he hadn't lost his nerve, if he hadn't been worried about fiscal responsibility, there would have been a lot bigger old New Deal that would have brought us out of the depression before the Second World War. I understand the President believes that because FDR lost his nerve on spending that it brought about a recession within a depression. That's something I had never heard before. I understand that's a belief. And I understand that the President of the United States believes that we have to construct a multilegged stool of New Deal-like programs in order to, in a Keynesian way, stimulate this economy, that we have a real political problem on our hands that is an economic problem on our hands that lays down a parameter here that will set a precedent if we go forward with this stimulus plan for the United States of America that we can never go back and fix again. Once you cross that line, once you write that mammoth check, once you obligate our children and our grandchildren to pay the interest on this debt—and Lord knows if they could ever pay the principal—once you buy into this huge, humongous, Keynesian, multitrillion-dollar bailout/stimulus plan which says that government is the solution and the only answer and that, yes, private sector can tag along but they aren't big enough to make a difference. Even though some of these companies are, quote, too big to fail, or, more accurately, too big to be allowed to fail. If the private sector can be too big to be allowed to fail, how can they not be big enough to work us out of this calamity? How can we draw a conclusion that we can create jobs out there from the government side of this argument when the very fact that those jobs haven't been created in the private sector says there wasn't a demand for them, they weren't economically sound or smart capital would have found a way to create those jobs in the first place. But what we have is a self-confident, overconfident, in fact, arrogant government that believes that they are the solution and that they can lead the private sector. And when I hear the statement come out that the CEOs of these corporations that receive bailout money will be limited to no more than \$500,000 a year in compensation, it sounds like enough money to me, also, Mr. Speaker. But I will tell you that it's wrongheaded policy and it's what happens when you have the Federal Government engaging in providing capital into the private sector, they also

begin to micromanage the private sector. When they micromanage the private sector, you get things like wage reductions for CEOs and boards of directors. And you get things like perhaps one day you'll see, well, a wage increase for the workers. Now when I hear that and I think the President of the United States wants to tell a company how much they can pay their CEOs and their board of directors, is there any principle there that remains that would keep, Mr. Speaker, the President of the United States or this Congress from telling these companies what they will pay their workers? If the President has enough influence in this Congress and holds the checkbook through the Secretary of the Treasury, and I'm pretty uneasy about him having our checkbook actually with his tax problems, but in any case, if he holds the checkbook and the directive of the President is that the blue collar workers on the line aren't making enough money per hour, if you're going to see a stream of capital come into the company, the lending institution, for example, then you're going to comply with the demands of the President. They don't have to be the law of the land. They don't have to be something that is legislation that is debated and voted up or down on the floor of this Congress. They only have to be the intimidation effect of we will make your life miserable, Mr. CEO and Board of Directors, if you don't comply with this verbal comment that was made by the President of the United States, or the chairman of a committee. That's how government gets in the business of managing corporations. That's how European socialism emerges in our private sector, a little piece at a time, sometimes in a veiled way and it seems to all be justified as it comes along and it sounds good to us because we don't want to be bailing out companies whose CEOs and boards of directors are taking out hundreds of millions of dollars in bonuses. I agree with that, that sentiment. I think I saw that the Wall Street executives only bonused themselves, in the aggregate, \$20 billion last year. \$20 billion? While we saw our stock market tank, while we saw all of our indicators go down and meanwhile while they're taking checks from the Federal Government. But it's very dangerous to be in the business, the Federal Government, of managing the private sector. So the alternative is we have to let some of them fail. There has to be a deterrent there to allow some of them to fail. And if we're not willing to do that, then European-style socialism at best here we come, faster than you can believe, fast enough that an historian will get whiplash watching what happens in this Congress.

And as I looked at the poster that was put up on the floor, Mr. Speaker, the poster that says Congressional Progressives, I was about ready to go to that Web site, [cpc.grijalva.house.gov](http://cpc.grijalva.house.gov), and I will go there within the next few hours, Mr. Speaker, because I have

taken a look at these Web sites and it helps me understand what's going on in the minds of the folks that are voting on that side of the aisle of the United States Congress. So my little visit over last weekend to the Democratic Socialists of America Web site, and I would point out that is the Socialist Party of America, that little visit to that Web site tells me a few things. First, they make the argument that they're not Communists. You can get into the nuances of that, Mr. Speaker, and I would encourage you to look at that definitional difference. I think it's a nuance, the difference between their definition of socialism and communism, but it comes to this. They don't believe everything should be owned by the government. They think that there are small businesses that need to be run by entrepreneurs, supply and demand, barber shops and convenience stores, presumably, not the chains, just the individuals, maybe the doughnut shop down the road, some of those things need to be run by individuals, but by and large their statement very clearly is, large companies need to be run by the people affected by them. That is a dramatic departure from one of the huge foundations of what's made this country great, our free market economy.

So we would actually see a position taken on a Web site of the Democratic Socialists of America that the government should make sure that we run these corporations for the benefits of, well, let's just say the people affected by them. That would mean, then, that the telephone customers would be the ones who would call the shots. They would say, here's how it benefits me, and you would make those decisions according to my wishes, not according to me paying by bills willingly. Let's just say that you had a sports bar chain. Well, then you'd run that for the benefit of the people that are using it. So I guess the drinkers would make the call there, Mr. Speaker. That's the philosophy that they define as different than communism, and I think it's a nuance. But when I look at that philosophy and I see within that page that they call for the nationalization of the oil industry, the nationalization of the refineries and I'm watching out of this Congress come a call for the nationalization of our auto manufacturers and imposing regulations on them so that they do not have the latitude to clearly and freely make a profit without the government telling them what to do, then I read through the Democratic Socialists of America and they say we are an active political party but we do not advance candidates on our ticket because our legislative wing is the Progressive Caucus in the United States Congress. I'll say it again. Our legislative wing is the Progressive Caucus in the United States Congress. That's right off the Democratic Socialists of America Web site. So go there. I think that's the Congressional Progressives that was the poster that was here and

that's what I want to check. But I know that on that list there are 72 Members of Congress, one Member of the United States Senate, a self-professed socialist, 72 Members in this Congress who constantly are advocating for the policies that I read on the socialist Web site. The link is there. They claim the link. The Progressive Caucus has the Web site and it names the people and the Members, and today they hold gavels and they're Chairs of committees, full committees, Chairs of subcommittees. These are the people that are advocating the policies that scared the living daylights out of the American people in the aftermath of World War II. And we quit saying words that are considered to be pejorative about folks who want to collectivize our American economy and assets.

And so, Mr. Speaker, I think it is important that you, all Members of this Congress and the American people go visit those Web sites, do a little research, dig into it themselves and then listen to the debate. Because once you understand the source of the ideas, then it's easier to understand where this is going. And we can see piece by piece, component by component, how this is being linked together, how Americans are losing their freedom piece by piece, how we're trading our freedom off for dependency one government policy at a time. A perfect example would be the SCHIP legislation that passed off the floor of this house today on its way to the President's desk. It may have been signed by now. I saw the giddy glee with which some people were applauding when that passed. I will tell you, it makes me sick at heart, Mr. Speaker. The SCHIP program, I describe it as Socialized Clinton-style Healthcare for Illegals and their Parents. And it is. It lays a foundation stone for socialized medicine in America. It was passed out of this Congress first in 1997. And I supported it as a State Senator. We took it up to 200 percent of poverty. I didn't have the understanding of how the machinery of politics churns us through year by year, decade by decade and generation by generation and brings us inevitably to a point where SCHIP at 200 percent of poverty, designed to help needy children and needy families that couldn't pay for the health insurance and made enough money that they didn't qualify for Medicaid, all under the right kind of motives, both sides, Republicans and Democrats, was brought first out of the floor of this Congress a little over a year ago, not at 200 percent of poverty but a family of four, all families that is a standard, at 400 percent of poverty, brought to this floor, passed off this floor with a straight face over to the Senate. 400 percent of poverty. That in my State would have paid a subsidy for health insurance premiums in families of four that made \$106,000 a year, while we're charging people alternative minimum tax because that's taxing people that

are too rich, and 70,000 families in America would qualify to pay the rich man's tax, the alternative minimum tax, 70,000 families, and at the same time qualify to have the health insurance for their children subsidized by the taxpayer. We've crossed the line, gone across that line over into a huge foundation stone for socialized medicine.

Well, it came back to this Congress, we shot it down, the President of the United States, President Bush, vetoed the SCHIP bill. Now it came back to us today, the conference report, that set simply a 300 percent of poverty to avoid the criticism. There are waivers in there that allow States like New Jersey and New York to go to 400 percent of poverty, or more, and the restraints are not there so that they can write more waivers and essentially it is health insurance for children and children of millionaires do qualify for this bill that passed the floor today. Children of millionaires will have their health insurance paid for by middle-income and low-income and upper-income taxpayers when it can't be justified. This bill that passed off of here today takes at least 2.4 million children off of private sector insurance and puts them over onto the public dole. And when you get to that point, you have reached a foundation stone for socialism, Mr. Speaker, and that's the essence of my discussion today.

I thank the Speaker for his indulgence, and I would yield back the balance of my time.

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#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. STARK (at the request of Mr. HOYER) for today on account of medical reasons.

Mr. POE of Texas (at the request of Mr. BOEHNER) for today until 3 p.m. on account of official business.

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#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Ms. ROS-LEHTINEN, for 5 minutes, February 10 and 11.

Mr. INGLIS, for 5 minutes, today and February 10.

Mr. POE of Texas, for 5 minutes, February 11.

Mr. JONES, for 5 minutes, February 11.

Mr. PENCE, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. GORDON of Tennessee, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

#### ENROLLED BILL SIGNED

Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

#### ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, pursuant to House Concurrent Resolution 26, 111th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 29 minutes p.m.), the House adjourned until Monday, February 9, 2009, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

381. A letter from the Assistant Secretary for Health Affairs, Department of Defense, transmitting an annual report providing information requested by House Report 106-616 of the National Defense Authorization Act for Fiscal Year 2001; to the Committee on Armed Services.

382. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Interactive Data to Improve Financial Reporting [Release Nos. 33-9002; 34-59324; 39-2461; IC-28609; File No. S7-11-08] (RIN: 3235-AJ71) received February 2, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

383. A letter from the Secretary, Department of Education, transmitting the Department's report on how to improve the Historically Black College and University (HBCU) Capital Financing Program; to the Committee on Education and Labor.

384. A letter from the Vice Admiral, USN Director, Defense Security Cooperation Agency, transmitting the Agency's reports containing the 30 September 2008 status of loans and guarantees issued under the Arms Export Control Act; to the Committee on Foreign Affairs.

385. A letter from the Secretary, Department of Commerce, transmitting the Department's report on Foreign Policy-Based Export Controls for 2009; to the Committee on Foreign Affairs.

386. A letter from the Acting Assistant Secretary Legislative Affairs, Department of

State, transmitting correspondence from the Speaker of the National Assembly for the Republic of Korea; to the Committee on Foreign Affairs.

387. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting a certification pertaining to Australia Group members consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons on Their Destruction; to the Committee on Foreign Affairs.

388. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-632, "Boys and Girls Clubs of Greater Washington Plan Repeat Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

389. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-631, "Fiscal Year 2009 Balanced Budget Support Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

390. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-630, "Public Schools Hearing Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

391. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-629, "Targeted Ward 4 Single Sales Moratorium and Neighborhood Grocery Retailer Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

392. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-627, "Langston Hughes Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

393. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-626, "Solid Waste Disposal Fee Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

394. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-625, "Retired Police Annuity Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

395. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-624, "School Safety and Security Contracting Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

396. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-623, "Abatement of Nuisance Properties and Tenant Receivership Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

397. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-622, "Washington Metropolitan Area Transit Commission Composition Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

398. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-621, "Debris Removal Mutual Aid Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

399. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-620, "Insurance Coverage for Emergency Department HIV Testing Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

400. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-656, "Bolling Air Force Base Military Housing Real Property Tax Exemption and Equitable Tax Relief Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

401. A letter from the Chairman, Council of the District of Columbia, transmitting copy of D.C. ACT 17-655, "Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Iran and Sudan Divestment Conformity Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

402. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-663, "Real Property Tax Benefits Revision Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

403. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-664, "Emergency Care for Sexual Assault Victims Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

404. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-665, "Grocery Store Sidewalk Cafe in the Public Space Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

405. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-666, "Eckington One Residential Project Economic Development Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

406. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-667, "Approval of the Verizon Washington, DC Inc. Cable Television System Franchise Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

407. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-668, "Mortgage Lender and Broker Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

408. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-685, "Walker Jones/Northwest One Unity Health Center Tax Abatement Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

409. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-686, "Bicycle Safety Enhancement Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

410. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-687, "Technical Amendments Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

411. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 17-701, "Housing Regulation Administration Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

412. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-702, "Timely Transmission of Compensation Agreements Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

413. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-688, "Conversion Fee Clarification and Technical Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

414. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-689, "St. Martin's Apartments Tax Exemption Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

415. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-690, "Inoperable Pistol Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

416. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-691, "Emergency Medical Services Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

417. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-692, "Domestic Partnership Police and Fire Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

418. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-693, "Gateway Market Center and Residences Real Property Tax Exemption Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

419. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-694, "Equitable Street Time Credit Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

420. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-695, "Limitation on Borrowing and Establishment of the Operating Cash Reserve Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

421. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-696, "Alcoholic Beverage Enforcement Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

422. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-703, "Intrafamily Offenses Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

423. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-704, "Medical Insurance Empowerment Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

424. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. ACT 17-705, "Water and Sewer Authority Equitable Ratemaking Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

425. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-706, "Comprehensive Stormwater Management Enhancement Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

426. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-707, "Washington, D.C. Fort Chaplin Park South Congregation of Jehovah's Witnesses, Inc. Real Property Tax Relief Temporary Act of 2009," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

427. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-697, "Office of Public Education Facilities Modernization Clarification Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

428. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-698, "AED Installation for Safe Recreation and Exercise Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

429. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-699, "Housing Waiting List Elimination Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

430. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-700, "Housing Production Trust Fund Stabilization Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

431. A letter from the Chief Operating Officer/ Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

432. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-641, "Appointment of the Chief Medical Examiner Temporary Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

433. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-642, "Day Care and Senior Services Temporary Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

434. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-640, "Hal Gordon Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

435. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-639, "Dr. Purvis J. Williams Auditorium and Athletic Field Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

436. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-638, "Taxation Without Representation Street Renaming Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to

the Committee on Oversight and Government Reform.

437. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-636, "Reverend Dr. Luke Mitchell, Jr. Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

438. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-635, "Duke Ellington Way, Chuck Way, and Cathy Hughes Way at the Howard Theater Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

439. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-634, "Juvenile Speedy Trial Equity Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

440. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-662, "Closing of a Public Alley and Extinguishment of a Public-Alley Easement in Square 749, S.O. 07-8916, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

441. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-661, "Bud Doggett Way Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

442. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-660, "Rhode Island Avenue Metro Plaza Revenue Bonds Approval Amendment Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

443. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-659, "Closing of a Public Alley in Square 617, S.O. 07-9709, Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

444. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-658, "Asbury United Methodist Church Equitable Real Property Tax relief Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

445. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-657, "New Convention Center Hotel Technical Amendments Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

446. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-637, "Dr. Ethel Percy Andrus Designation Act of 2008," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

447. A letter from the Secretary, Department of Education, transmitting the Department's thirty-ninth Semiannual Report on Audit Follow-Up, covering the period April 1 through September 20, 2008, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b) Public Law 100-504; to the Committee on Oversight and Government Reform.

448. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

449. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

450. A letter from the Secretary, Department of Veterans Affairs, transmitting the Department's report on competitive sourcing efforts for fiscal year 2008, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

451. A letter from the Chief Financial Officer, Federal Mediation and Conciliation Service, transmitting a report under the Federal Manager's Integrity Act (FMFIA) for Fiscal Year 2008; to the Committee on Oversight and Government Reform.

452. A letter from the Director of Administration, National Labor Relations Board, transmitting the Board's report on competitive sourcing efforts for the prior fiscal year, pursuant to Public Law 108-199, section 647(b) of Division F; to the Committee on Oversight and Government Reform.

453. A letter from the General Counsel, Office of Government Ethics, transmitting the Office's report on competitive sourcing efforts completed or initiated in fiscal year 2008, pursuant to Public Law 108-199, section 647(b); to the Committee on Oversight and Government Reform.

454. A letter from the Senior Associate General Counsel, Office of the Director of National Intelligence, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

455. A letter from the Acting General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

456. A letter from the Director, Department of Interior, transmitting the Department's report entitled, "National Park Service Centennial Initiative 2008 Progress Report"; to the Committee on Natural Resources.

457. A letter from the Director, Department of Justice, transmitting the Department's report entitled, "National Drug Threat Assessment (NDTA) 2009"; to the Committee on the Judiciary.

458. A letter from the President and CEO, National Safety Council, transmitting the Council's Fiscal Year 2008 Audit Report, pursuant to 36 U.S.C. 463 Public Law 259-83d; to the Committee on the Judiciary.

459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's "Major" final rule—Washington, DC Metropolitan Area Special Flight Rules Area; Correction [Docket No. FAA-2004-17005; Amendment No. 93-91] (RIN: 2120-A117) received January 26, 2009, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

460. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report entitled, "Report on the Taxation of Social Security and Railroad Retirement Benefits in Calendar Years 1997 through 2004," pursuant to Public Law 98-21, section 121; to the Committee on Ways and Means.

461. A letter from the Director, Executive Office of the President Office of National Drug Control Policy, transmitting a letter regarding Plan Colombia; jointly to the Committees on Appropriations and Foreign Affairs.

462. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's annual report for the Office for Civil Rights for Fiscal Years 2007-2008; jointly to the Committees on Education and Labor and the Judiciary.

463. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Final Report to Congress on the Informatics for Diabetes Education and Telemedicine (IDEATEL) Demonstration, Phases I and II," pursuant to pUB. l. 105-33, section 4207(e); jointly to the Committees on Ways and Means and Energy and Commerce.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. REHBERG:

H.R. 845. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Natural Resources.

By Mr. CUMMINGS:

H.R. 846. A bill to require institutions receiving assistance under the Emergency Economic Stabilization Act of 2008 to report certain corporate data, and for other purposes; to the Committee on Financial Services.

By Mrs. MALONEY (for herself, Mr. NADLER of New York, Mr. KING of New York, Mr. MCMAHON, Mr. RANGEL, Mr. ACKERMAN, Mr. ARCURI, Mr. BISHOP of New York, Mr. BURGESS, Mr. CROWLEY, Mr. ENGEL, Mr. HALL of New York, Mr. HIGGINS, Mr. HIMES, Mr. HINCHAY, Mr. ISRAEL, Mr. LEE of New York, Mrs. LOWEY, Mr. MAFFEI, Mr. MASSA, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Mr. MCHUGH, Mr. MEEKS of New York, Mr. PASCRELL, Mr. SERRANO, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. WEINER, Ms. WOOLSEY, and Ms. CLARKE):

H.R. 847. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. ISSA, Mr. BERMAN, Mrs. BLACKBURN, Mr. HODES, Ms. WASSERMAN SCHULTZ, Mr. WEINER, Mr. COHEN, Mr. NADLER of New York, Mr. WEXLER, Mr. PETERSON, Mr. JOHNSON of Georgia, Mr. SCHIFF, Mr. SHERMAN, Mr. SHADEGG, Ms. JACKSON-LEE of Texas, Ms. LINDA T. SANCHEZ of California, Ms. HARMAN, and Mr. WAXMAN):

H.R. 848. A bill to provide parity in radio performance rights under title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. BARROW, and Ms. WOOLSEY):

H.R. 849. A bill to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes; to the Committee on Education and Labor.

By Ms. VELÁZQUEZ (for herself, Mr. PITTS, Mr. GRAVES, Mr. SHULER, Mr. MORAN of Virginia, and Mr. FATTAH):

H.R. 850. A bill to encourage the development of small business cooperatives for healthcare options to improve coverage for employees (CHOICE) including through a small business CHOICE tax credit; to the Committee on Energy and Commerce, and in

addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS:

H.R. 851. A bill to establish executive compensation and corporate governance requirements for institutions receiving assistance under the Troubled Assets Relief Program; to the Committee on Financial Services.

By Ms. LORETTA SANCHEZ of California (for herself, Mr. HILL, Mr. SHULER, Mr. ELLSWORTH, Mr. COSTA, and Mr. BARROW):

H.R. 852. A bill to authorize the Secretary of the Treasury to issue Re-Build America Bonds to finance essential infrastructure projects; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. MATHESON, Ms. BORDALLO, and Mrs. MYRICK):

H.R. 853. A bill to amend title 18, United States Code, to prohibit the use of interstate commerce for suicide promotion; to the Committee on the Judiciary.

By Mr. CLAY (for himself and Mr. TOWNS):

H.R. 854. A bill to require the Archivist of the United States to promulgate regulations to prevent the over-classification of information, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself and Mr. KENNEDY):

H.R. 855. A bill to amend the Public Health Service Act to authorize medical simulation enhancement programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RADANOVICH (for himself, Mr. NUNES, Mr. CARDOZA, Mr. CALVERT, Mr. MCCARTHY of California, Mr. ROHRBACHER, Mrs. MCMORRIS RODGERS, and Mr. COSTA):

H.R. 856. A bill to provide flexibility for the operation of the Bureau of Reclamation C.W. "Bill" Jones Pumping Plant and the Harvey O. Banks Pumping Plant of the State of California in times of drought emergency, to support the establishment of a fish hatchery program to preserve and restore the Delta Smelt in the Sacramento-San Joaquin Delta, and for other purposes; to the Committee on Natural Resources.

By Mr. MOORE of Kansas (for himself, Mr. CLEAVER, Mrs. MCCARTHY of New York, Ms. GIFFORDS, Mr. SCOTT of Georgia, Mr. CHILDERS, Mr. GRAYSON, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. RYAN of Ohio, Mr. DEFAZIO, Mr. ELLISON, Mr. ISRAEL, Mr. MCDERMOTT, Mr. SCHIFF, Mr. DOGGETT, Ms. BERKLEY, Mr. BOCCIERI, Mr. KISSELL, Mr. MASSA, Mr. PERRIELLO, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. EDWARDS of Texas, Mr. HOLT, Mr. CONYERS, Mr. BRALEY of Iowa, Mr. CHANDLER, Mr. SCHAUER, Mr. CARNAHAN, Mr. LIPINSKI, Mr. HINOJOSA, Mr. SPACE, Mr. REYES, Mr. TIERNEY, Mr. CLAY, Ms. PINGREE of Maine, Mr. DRIEHAUS, and Mr. MELANCON):

H.R. 857. A bill to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government, and for other purposes; to the Committee on Financial Services.

By Mr. ENGEL (for himself, Mr. TERRY, and Mrs. SCHMIDT):

H.R. 858. A bill to prohibit the manufacture, marketing, sale, or shipment in interstate commerce of products designed to assist in defrauding a drug test; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ (for herself, Mr. PITTS, Mr. GRAVES, Mr. SHULER, Mr. MORAN of Virginia, Mr. FATTAH, Mr. BARTLETT, Mr. LUTKEMEYER, Ms. CLARKE, Mr. GRIFFITH, and Mr. SCHOCK):

H.R. 859. A bill to encourage the development of small business cooperatives for healthcare options to improve coverage for employees (CHOICE) including through a small business CHOICE tax credit; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BORDALLO (for herself, Mr. FALDOMAVAEGA, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. FARR, Mr. HASTINGS of Florida, Mr. HINCHEY, Mrs. CHRISTENSEN, Mrs. CAPPS, Mr. HONDA, Mr. KIRK, Ms. LEE of California, Mr. GRIJALVA, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. KLEIN of Florida, and Mr. SABLAN):

H.R. 860. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Natural Resources.

By Mr. MINNICK:

H.R. 861. A bill making supplemental appropriations for job creation, school repair and modernization, and tax reduction for the fiscal year ending September 30, 2009, and for other stimulative purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Ms. HIRONO, Ms. BORDALLO, Mr. FALDOMAVAEGA, Mr. COLE, Mr. MORAN of Virginia, Mr. YOUNG of Alaska, and Mr. KILDEE):

H.R. 862. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself and Mr. MCGOVERN):

H.R. 863. A bill to amend the Internal Revenue Code of 1986 to allow employees to receive transportation fringe benefits for the same month both in the form of transit passes and reimbursement of bicycle commuting expenses; to the Committee on Ways and Means.

By Mr. BOSWELL (for himself, Mr. TERRY, Mr. BRALEY of Iowa, Mr. LATHAM, Mr. PETERSON, Mr. LOEBSACK, and Mr. KING of Iowa):

H.R. 864. A bill to amend the Energy Policy Act of 2005 to provide loan guarantees for projects to construct renewable fuel pipelines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Mr. BOUCHER (for himself and Mr. GOODLATTE):

H.R. 865. A bill to convey the New River State Park campground located in the Mount Rogers National Recreation Area in the Jefferson National Forest in Carroll County, Virginia, to the Commonwealth of Virginia, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Texas (for himself, Mr. BILBRAY, Mr. CULBERSON, Mr. ROHRBACHER, Mr. MCCAUL, Mr. MARCHANT, Mr. LATTA, Mr. GINGREY of Georgia, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. BROUN of Georgia, Mr. HARPER, Mr. BURTON of Indiana, Mr. KINGSTON, and Mr. SAM JOHNSON of Texas):

H.R. 866. A bill to provide an exception to certain mandatory minimum sentence requirements for a law enforcement officer who uses, carries, or possesses a firearm during and in relation to a crime of violence committed while pursuing or apprehending a suspect; to the Committee on the Judiciary.

By Mr. BRIGHT (for himself and Mr. ROGERS of Alabama):

H.R. 867. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain lands as the Chattahoochee Trace National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Mrs. CAPPS (for herself and Mr. TERRY):

H.R. 868. A bill to amend title XIX of the Social Security Act to provide funds to States to enable them to increase the wages paid to targeted direct support professionals in providing services to individuals with disabilities under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. CHANDLER (for himself and Mr. ROGERS of Kentucky):

H.R. 869. A bill to designate the Federal building and United States courthouse located at 101 Barr Street in Lexington, Kentucky, as the "Scott Reed Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. COHEN (for himself, Mr. WHITFIELD, Mr. CONYERS, Mr. SULLIVAN, and Mrs. BONO MACK):

H.R. 870. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONAWAY (for himself, Mr. BOREN, Mr. OLSON, Mr. BRADY of Texas, Mr. CARTER, Mr. BURGESS, Mr. BARTON of Texas, Mr. CULBERSON, Mr. THORNBERY, Mr. BOUSTANY, Mr. SCALISE, Mr. NEUGEBAUER, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. REYES, and Mr. GONZALEZ):

H.R. 871. A bill to amend the Internal Revenue Code of 1986 to provide that the taxable income limit on the allowance for depletion shall not apply in 2008 to domestic marginal oil or gas wells; to the Committee on Ways and Means.

By Ms. DEGETTE (for herself and Mr. CASTLE):

H.R. 872. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research, to direct the National Institutes of Health to issue guidelines for such stem cell research, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DEGETTE (for herself and Mr. CASTLE):

H.R. 873. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself, Mr. FLAKE, Ms. DELAURO, Mrs. EMERSON, Mr. MCGOVERN, Mr. MORAN of Kansas, Ms. EDWARDS of Maryland, Mr. PAUL, and Mr. FARR):

H.R. 874. A bill to allow travel between the United States and Cuba; to the Committee on Foreign Affairs.

By Ms. DELAURO (for herself, Ms. ESHOO, Ms. DEGETTE, Ms. SCHAKOWSKY, Mr. ENGEL, Ms. CASTOR of Florida, Mr. MURPHY of Connecticut, Ms. SUTTON, Mrs. LOWEY, Ms. SLAUGHTER, Mr. HINCHEY, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Ms. HIRONO, Mr. GRIJALVA, Mr. SCHAUER, Mr. NADLER of New York, Mr. BISHOP of New York, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. RYAN of Ohio, Ms. GIFFORDS, Mr. FILNER, Mr. HALL of New York, Ms. LEE of California, Ms. PINGREE of Maine, Ms. KAPTUR, Mr. BISHOP of Georgia, Ms. MOORE of Wisconsin, and Mr. DEFAZIO):

H.R. 875. A bill to establish the Food Safety Administration within the Department of Health and Human Services to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALDOMAVAEGA:

H.R. 876. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Kazakhstan; to the Committee on Ways and Means.

By Mr. FORBES (for himself and Mr. LIPINSKI):

H.R. 877. A bill to intensify stem cell research showing evidence of substantial clinical benefit to patients, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GINGREY of Georgia (for himself, Mr. AKIN, Mr. ALEXANDER, Mr. BILBRAY, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. DEAL of Georgia, Ms. FALLIN, Mr. GOHMERT, Mr. HARPER, Mr. SAM JOHNSON of Texas, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. LINDER, Mr. MARCHANT, Mr. PRICE of Georgia, Mr. ROE of Tennessee, and Mr. WESTMORELAND):

H.R. 878. A bill to amend the Immigration and Nationality Act to make changes related to family-sponsored immigrants and to reduce the number of such immigrants; to the Committee on the Judiciary.

By Ms. GRANGER:

H.R. 879. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance; to the Committee on Ways and Means.

By Mr. HASTINGS of Washington (for himself and Mrs. McMORRIS RODGERS):

H.R. 880. A bill to amend the Internal Revenue Code of 1986 to allow tax-exempt bond financing for fixed-wing emergency medical aircraft; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. HOEKSTRA, Mrs. SCHMIDT, Mr. BISHOP of Utah, Mr. LAMBORN, Mr. BROUN of Georgia, Mr. BACHUS, Mr. FRANKS of Arizona, Mr. ROGERS of Kentucky, Mr. EHLERS, Mr. GOODLATTE, Mr. RADANOVICH, Mr. INGLIS, Mr. JORDAN of Ohio, Mr. FORTENBERRY, Mr. JOHNSON of Illinois, Mr. MCCAUL, Mr. ROGERS of Alabama, Mr. WILSON of South Carolina, Mr. GINGREY of Georgia, Mr. SMITH of New Jersey, Mr. CARTER, Mr. SHIMKUS, Mr. SULLIVAN, Mr. MARCHANT, Mrs. BACHMANN, Mr. TERRY, Mr. NEUGEBAUER, Mr. LATTA, Mr. WAMP, Mr. MCHENRY, Mr. DAVIS of Kentucky, Mr. GARY G. MILLER of California, Mr. BARTLETT, Mr. BOOZMAN, Mr. SCALISE, Mr. SOUDER, Mr. FORBES, Mr. ROONEY, Mr. PITTS, Mrs. McMORRIS RODGERS, Mr. MCCOTTER, Mr. WESTMORELAND, and Mr. COLE):

H.R. 881. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. KING of New York:

H.R. 882. A bill to amend the Internal Revenue Code of 1986 to increase the age at which distributions from qualified retirement plans are required to begin from 70 1/2 to 75, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York:

H.R. 883. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 884. A bill to amend the Internal Revenue Code of 1986 to increase the limitation on the capital loss carryovers of individuals to \$20,000; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. HINCHEY, Mr. HOLT, Mr. DEFAZIO, Mr. NYE, and Mr. TOWNS):

H.R. 885. A bill to elevate the Inspector General of certain Federal entities to an Inspector General appointed pursuant to section 3 of the Inspector General Act of 1978; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia:

H.R. 886. A bill to amend title II of the Social Security Act to apply an earnings test in determining the amount of monthly insurance benefits for individuals entitled to disability insurance benefits based on blindness; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. KING of Iowa, and Mr. LATHAM):

H.R. 887. A bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY:

H.R. 888. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the temporary mortgage and rental payments program; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY of Massachusetts:

H.R. 889. A bill to amend title VI of the Public Utility Regulatory Policies Act of

1978 to establish a Federal energy efficiency resource standard for retail electricity and natural gas distributors, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MARKEY of Massachusetts (for himself and Mr. PLATTS):

H.R. 890. A bill to amend title VI of the Public Utility Regulatory Policies Act of 1978 to establish a Federal renewable electricity standard for certain electric utilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCGOVERN (for himself, Ms. LEE of California, Mr. HINCHEY, Mr. NADLER of New York, Mr. MCMAHON, Mr. BERMAN, Mr. KIRK, Mr. SERRANO, Mr. INSLEE, Mr. ISRAEL, Mr. DAVIS of Illinois, Mrs. LOWEY, Mr. KING of New York, Mr. SIREN, Mr. MORAN of Virginia, Mr. DOYLE, Mr. FILNER, Mr. CAPUANO, Mr. VAN HOLLEN, Ms. SCHWARTZ, Mr. CONNOLLY of Virginia, Mr. BISHOP of New York, Mr. TIERNEY, Mr. FRANK of Massachusetts, Mr. MARKEY of Massachusetts, Mrs. TAUSCHER, Mr. DELAHUNT, Mr. HALL of New York, Mr. CARNAHAN, Mr. BLUMENAUER, Mrs. CAPP, and Mr. PRICE of North Carolina):

H.R. 891. A bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MYRICK:

H.R. 892. A bill to deny certain Federal funds to any institution of higher education that admits as students aliens who are unlawfully present in the United States; to the Committee on Education and Labor.

By Mr. NADLER of New York (for himself, Mr. DELAHUNT, Mr. CONYERS, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Mrs. CAPP, Mr. CAPUANO, Mr. CLAY, Ms. DELAURO, Mr. DOGGETT, Mr. FATTAH, Mr. FILNER, Mr. HINCHEY, Mr. HODES, Mr. HOLT, Mr. HONDA, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. NORTON, Mr. PASTOR of Arizona, Mr. PAUL, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Mr. SHERMAN, Mrs. TAUSCHER, Mr. VAN HOLLEN, Mr. WELCH, Mr. WEXLER, and Mr. WU):

H.R. 893. A bill to modify certain provisions of law relating to torture; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ORTIZ (for himself and Mr. BRADY of Texas):

H.R. 894. A bill to ensure the safety of expeditionary facilities, infrastructure, and equipment supporting United States military operations overseas; to the Committee on Armed Services.

By Mr. PASCRELL (for himself and Mr. CAMP):

H.R. 895. A bill to amend the Federal Water Pollution Control Act to reauthorize the sewer overflow control grants program; to the Committee on Transportation and Infrastructure.

By Mr. PITTS (for himself, Mr. BARTLETT, Mr. GINGREY of Georgia, Mr.

PENCE, Mr. COLE, Mr. HERGER, Mr. LATTA, Mrs. BLACKBURN, Ms. FALLIN, Mr. BRADY of Texas, Mr. ISSA, Mr. BROWN of South Carolina, Ms. FOXX, Mr. MARCHANT, Mr. MCKEON, Mr. AKIN, Mr. CONAWAY, Mr. WESTMORELAND, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. LAMBORN, Mr. SOUDER, Mr. ROONEY, Mrs. MYRICK, Mrs. BACHMANN, Mr. ROGERS of Kentucky, Mr. BURTON of Indiana, Mr. LEE of New York, Mr. WILSON of South Carolina, Mr. BOOZMAN, Mr. BROUN of Georgia, Mr. SENSENBRENNER, Mr. WITTMAN, Mr. KLINE of Minnesota, and Mr. LINDER):

H.R. 896. A bill to expedite the construction of new refining capacity on closed military installations in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PUTNAM (for himself, Mr. COURTNEY, Mr. PAUL, Mr. SESSIONS, Mr. BURTON of Indiana, Mr. GRUJALVA, Ms. GRANGER, Mr. BOUSTANY, Mr. KENNEDY, and Mrs. BACHMANN):

H.R. 897. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. ROSKAM:

H.R. 898. A bill to authorize grants to establish and improve criminal forensic laboratories; to the Committee on the Judiciary.

By Mr. SCHOCK (for himself, Mr. SHIMKUS, and Mr. PETRI):

H.R. 899. A bill to require States to hold special elections in the event of a vacancy in the office of a Senator representing the State, and for other purposes; to the Committee on House Administration.

By Mr. SHADEGG (for himself, Mrs. BLACKBURN, Mr. KINGSTON, Mr. CARTER, Mr. HERGER, Mrs. McMORRIS RODGERS, Mr. RADANOVICH, Mr. MCCOTTER, Mr. BARRETT of South Carolina, Ms. FOXX, Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. MILLER of Florida, and Mrs. MYRICK):

H.R. 900. A bill to establish procedures for causes and claims relating to the leasing of Federal lands (including submerged lands) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, and for other purposes; to the Committee on the Judiciary.

By Ms. SHEA-PORTER:

H.R. 901. A bill to amend title 11 of the United States Code to provide protection for medical debt homeowners, to restore bankruptcy protections for individuals experiencing economic distress as caregivers to ill or disabled family members, and to exempt from means testing debtors whose financial problems were caused by serious medical problems; to the Committee on the Judiciary.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. INSLEE, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 902. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the

Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mrs. MILLER of Michigan):

H.R. 903. A bill to amend the Public Health Service Act to enhance the roles of dentists and allied dental personnel in the Nation's disaster response framework, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mr. RYAN of Ohio):

H.R. 904. A bill to amend title XIX of the Social Security Act to reduce the costs of prescription drugs for enrollees of Medicaid managed care organizations by extending the discounts offered under fee-for-service Medicaid to such organizations; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. MCCOTTER, and Mr. KILDEE):

H.R. 905. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary and Underwater Preserve, and for other purposes; to the Committee on Natural Resources.

By Mrs. TAUSCHER (for herself, Mr. CARDOZA, Ms. ZOE LOFGREN of California, Ms. BERKLEY, and Mr. HINCHEY):

H.R. 906. A bill to provide incentives for affordable housing; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TERRY:

H.R. 907. A bill to amend the Internal Revenue Code of 1986 to provide for a livestock energy investment credit; to the Committee on Ways and Means.

By Ms. WATERS (for herself, Mr. MARKEY of Massachusetts, Mr. SMITH of New Jersey, Mr. SCHIFF, Mr. CONYERS, Mr. SCOTT of Virginia, and Mr. WAXMAN):

H.R. 908. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to reauthorize the Missing Alzheimer's Disease Patient Alert Program; to the Committee on the Judiciary.

By Ms. WATSON (for herself, Mr. SERRANO, Mr. NADLER of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SLAUGHTER, Ms. KILPATRICK of Michigan, Ms. SHEA-PORTER, Mr. HARE, Mr. MICHAUD, Mr. KUCINICH, Ms. MATSUI, Ms. EDWARDS of Maryland, Mr. CARSON of Indiana, Ms. CLARKE, Mr. TOWNS, Ms. WOOLSEY, Mr. BUTTERFIELD, Mr. CUMMINGS, Mr. SCHIFF, Mr. DAVIS of Illinois, Mr. RUSH, and Ms. KAPTUR):

H.R. 909. A bill to amend the State Department Basic Authorities Act of 1956 to provide for the establishment and maintenance of existing libraries and resource centers at United States diplomatic and consular missions to provide information about United States culture, society, and history, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HOYER (for himself, Mr. VAN HOLLEN, Mr. WOLF, Mr. MORAN of Virginia, Ms. NORTON, Ms. EDWARDS of Maryland, and Mr. CONNOLLY of Virginia):

H. Con. Res. 37. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, and Mr. KRATOVLJ):

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Ms. NORTON (for herself, Mr. MARIO DIAZ-BALART of Florida, Mr. HOYER, Mr. WOLF, Mr. MORAN of Virginia, Mr. CUMMINGS, Mr. VAN HOLLEN, Ms. EDWARDS of Maryland, Mr. CONNOLLY of Virginia, and Mr. KRATOVLJ):

H. Con. Res. 39. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. PLATTS, Mr. GRIJALVA, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. DELAHUNT, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. CARNEY, Mr. KENNEDY, Mr. THOMPSON of California, Mr. GEORGE MILLER of California, Ms. HERSETH SANDLIN, Mrs. NAPOLITANO, Ms. BERKLEY, Ms. BORDALLO, Mr. VAN HOLLEN, Mr. ALTMIRE, Mr. ROSS, Mr. MURTHA, Mr. HOLT, Mr. LOBIONDO, Mr. LAMBORN, Ms. ROS-LEHTINEN, Ms. EDWARDS of Maryland, Mr. BOSWELL, Mr. SNYDER, Mr. TAYLOR, Mr. ROGERS of Alabama, Ms. SUTTON, Mrs. DAVIS of California, Mr. CUMMINGS, Mr. SESTAK, Ms. MCCOLLUM, Mr. NYE, Mr. MARKEY of Massachusetts, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mrs. MCCARTHY of New York, Mr. CAPUANO, Ms. GIFFORDS, Mrs. CHRISTENSEN, Mr. WALZ, Mr. SPRATT, Mr. HARE, Mr. MICHAUD, Mr. GONZALEZ, Mr. BROWN of South Carolina, Mr. BRALEY of Iowa, Mr. RYAN of Ohio, Mr. ROTHMAN of New Jersey, Mr. SIREN, Mr. CONNOLLY of Virginia, Mrs. EMERSON, and Mr. LEWIS of Georgia):

H. Con. Res. 40. Concurrent resolution expressing the need for enhanced public awareness of traumatic brain injury and support for the designation of a National Brain Injury Awareness Month; to the Committee on Energy and Commerce.

By Mr. GORDON of Tennessee:

H. Res. 115. A resolution providing amounts for the expenses of the Committee on Science and Technology in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. HALL of Texas (for himself and Mr. SKELTON):

H. Res. 116. A resolution expressing support for the designation of February 8, 2010, as "Boy Scouts of America Day", in celebration of the Nation's largest youth scouting organization's 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. LIPINSKI (for himself, Mr. EHLERS, Mr. AKIN, Mr. BAIRD, Mr. BARTLETT, Mr. BILBRAY, Ms. BORDALLO, Mr. BROWN of Georgia, Mr. CALVERT, Mr. CLEAVER, Mr. COSTELLO, Mr. GORDON of Tennessee, Mr. HINCHEY, Mr. HINOJOSA, Mr. HOLT, Mr. HONDA, Mr. INGLIS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE of California, Mr. MANZULLO, Ms. MATSUI, Mr. NEUGEBAUER, Mr. OLSON, Mr. PETRI, Mr. REYES, Ms. RICHARDSON, Mr. ROHRBACHER, Mr. SMITH of

Nebraska, Ms. SUTTON, Mr. WILSON of Ohio, Mr. BRADY of Pennsylvania, and Mr. MCNERNEY):

H. Res. 117. A resolution supporting the goals and ideals of National Engineers Week, and for other purposes; to the Committee on Science and Technology.

By Mr. TOWNS:

H. Res. 119. A resolution providing amounts for the expenses of the Committee on Oversight and Government Reform in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Ms. SLAUGHTER (for herself and Mr. DREIER):

H. Res. 120. A resolution providing amounts for the expenses of the Committee on Rules in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. SKELTON:

H. Res. 121. A resolution providing amounts for the expenses of the Committee on Armed Services in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. FILNER:

H. Res. 122. A resolution providing amounts for the expenses of the Committee on Veterans' Affairs in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H. Res. 123. A resolution providing amounts for the expenses of the Committee on Foreign Affairs in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. OBERSTAR:

H. Res. 124. A resolution providing amounts for the expenses of the Committee on Transportation and Infrastructure in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. SMITH of New Jersey:

H. Res. 125. A resolution calling on the central authority of Brazil to immediately discharge all its duties under the Hague Convention by facilitating and supporting Federal judicial proceedings as a matter of extreme urgency to obtain the return of Sean Goldman to his father, David Goldman, for immediate return to the United States; to the Committee on Foreign Affairs.

By Mr. GEORGE MILLER of California (for himself and Mr. MCKEON):

H. Res. 126. A resolution providing amounts for the expenses of the Committee on Education and Labor in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. THOMPSON of Mississippi (for himself and Mr. KING of New York):

H. Res. 127. A resolution providing amounts for the expenses of the Committee on Homeland Security in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. BOEHNER (for himself, Mr. DRIEHAUS, Mr. RYAN of Wisconsin, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. TURNER, Mr. JORDAN of Ohio, Ms. SUTTON, Mr. LATTA, Ms. FUDGE, Mr. AUSTRIA, Mr. BOCCIERI, and Ms. KILROY):

H. Res. 128. A resolution honoring Miami University for its 200 years of commitment to extraordinary higher education; to the Committee on Education and Labor.

By Mr. CARDOZA (for himself, Mr. COSTA, Mr. HONDA, and Ms. MATSUI):

H. Res. 129. A resolution recognizing the historical significance of the Merced Assembly Center to the Nation and the importance of establishing an appropriate memorial at that site to serve as a place for remembering the hardships endured by Japanese Americans, so that the United States remains vigilant in protecting our Nation's core values of

equality, due process of law, justice, and fundamental fairness; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. FILNER, Mr. BOUSTANY, Mr. CAPUANO, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. COHEN, Mrs. CAPPs, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mrs. DAVIS of California, Ms. MCCOLLUM, Mr. NEAL of Massachusetts, Ms. KILROY, Mr. BLUMENAUER, Mr. HINCHEY, Ms. EDWARDS of Maryland, Mrs. HALVORSON, Mr. PERRIELLO, Mr. YARMUTH, Mr. SESTAK, Mr. RAHALL, Mr. ISSA, Mr. OLVER, Mr. PRICE of North Carolina, Mr. SCHIFF, Mr. GRIJALVA, Mr. POLIS of Colorado, Ms. PINGREE of Maine, Ms. BALDWIN, Mr. RANGEL, and Mr. FORTENBERRY):

H. Res. 130. A resolution expressing support for the appointment of former Senator George Mitchell as Special Envoy for Middle East Peace, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts:

H. Res. 131. A resolution providing amounts for the expenses of the Committee on Financial Services in the One Hundred Eleventh Congress; to the Committee on House Administration.

By Mr. GRIJALVA (for himself and Mr. KILDEE):

H. Res. 132. A resolution honoring the life and memory of the Chiricahua Apache leader Goyathlay or Goyaale, also known as Geronimo, and recognizing the 100th anniversary of his death on February 17, 2009, as a time of reflection and the commencement of a "Healing" for all Apache people; to the Committee on Natural Resources.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LEE of California, Mr. CLEAVER, Mrs. CHRISTENSEN, Ms. FUDGE, Mr. AL GREEN of Texas, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. JOHNSON of Georgia, Mr. CLAY, Mr. MEEKS of New York, Mr. BUTTERFIELD, Mr. CONYERS, Mr. SCOTT of Georgia, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. SCOTT of Virginia, Ms. MOORE of Wisconsin, Mr. CARSON of Indiana, Mr. LEWIS of Georgia, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. RUSH, and Mr. THOMPSON of Mississippi):

H. Res. 133. A resolution honoring Barack Hussein Obama and the significance of his becoming the first African-American President of the United States; to the Committee on Oversight and Government Reform.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. McDERMOTT, Mr. SCOTT of Virginia, Mr. SCHIFF, and Mr. JOHNSON of Georgia):

H. Res. 134. A resolution recognizing the 50th Anniversary of Dr. Martin Luther King, Jr.'s visit to India, and the positive influence that the teachings of Mahatma Gandhi had on Dr. King's work during the Civil Rights Movement; to the Committee on the Judiciary.

By Mr. SPRATT:

H. Res. 135. A resolution providing amounts for the expenses of the Committee on the Budget in the One Hundred Eleventh Congress; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. BORDALLO introduced a bill (H.R. 910) for the relief of Judge John S. Unpingco; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. TIM MURPHY of Pennsylvania.  
H.R. 19: Mr. LEWIS of California, Mr. HUNTER, Mr. ROYCE, and Mr. DREIER.

H.R. 22: Mr. TERRY.  
H.R. 28: Mr. MCHUGH.

H.R. 31: Mr. BISHOP of Utah, Mr. HOLT, Mr. MANZULLO, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mrs. CHRISTENSEN, Mr. DAVIS of Kentucky, Mr. LIPINSKI, and Mr. PALLONE.

H.R. 81: Mr. McNERNEY.  
H.R. 104: Mr. FRANK of Massachusetts and Mr. PASTOR of Arizona.

H.R. 116: Mr. BILBRAY.

H.R. 131: Mr. HALL of Texas, Mr. BAIRD, Mr. DUNCAN, Mr. MARIO DIAZ-BALART of Florida, Mr. MARCHANT, Mr. BRADY of Texas, Mr. COLE, Mr. CULBERSON, Mr. DEAL of Georgia, Ms. FOXX, Mr. GOHMERT, Mr. FORBES, Mr. ISSA, Mr. LAMBORN, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. LINDER, Mr. LOBIONDO, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MCCOTTER, Mr. MCKEON, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mr. NEUGEBAUER, Mr. NUNES, Mr. PENCE, Mr. RADANOVICH, Mr. RAHALL, Mr. REHBERG, Mr. REYES, Mr. SESSIONS, Mr. SHADEGG, Mr. SHIMKUS, Mr. SHULER, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. STUPAK, Mr. STEARNS, Mr. UPTON, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. LATOURETTE, Mrs. MILLER of Michigan, Mrs. MYRICK, Mr. PITTS, Mr. POE of Texas, Mr. REICHERT, Mr. ROYCE, Mr. SENSENBRENNER, Mr. TANNER, Mr. TERRY, Mr. THORNBERRY, Mr. WALDEN, Mr. TIBERI, Mr. MICA, Mr. FRELINGHUYSEN, Mr. HUNTER, Mr. AKIN, Mr. BILBRAY, Mr. BURGESS, Mr. EHLERS, Mr. MCCARTHY of California, Mr. MILLER of Florida, Mr. PUTNAM, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of New Jersey, Mr. SULLIVAN, Mr. TIAHRT, Mr. BROWN of South Carolina, Mr. ROGERS of Michigan, Mr. WAMP, Mr. MOORE of Kansas, Mr. KIND, Mr. KILDEE, Mr. BACA, and Mr. COSTELLO.

H.R. 146: Mr. GARY G. MILLER of California.  
H.R. 148: Mr. LATHAM.

H.R. 155: Mr. LATTA, Mr. GERLACH and Ms. GINNY BROWN-WAITE of Florida.

H.R. 156: Ms. GRANGER, Mr. MARCHANT, Mr. STUPAK, and Mr. DRIEHAUS.

H.R. 159: Mrs. MILLER of Michigan, and Mr. PASTOR of Arizona.

H.R. 200: Mr. LEWIS of Georgia.

H.R. 235: Ms. WASSERMAN SCHULTZ, Mr. RYAN of Ohio, Mr. GARY G. MILLER of California, Mr. WILSON of Ohio, Mr. SMITH of New Jersey, Mr. GORDON of Tennessee, Mr. POE of Texas, Mr. COSTELLO, Mr. LOBIONDO, Mr. ROE of Tennessee, Mr. ROSKAM, Mr. HALL of Texas, Mr. SKELTON, Ms. MATSUI, and Mr. EDWARDS of Texas.

H.R. 265: Mr. PAYNE.  
H.R. 272: Mr. SIREs, Mrs. MILLER of Michigan, and Mr. BROWN of South Carolina.

H.R. 274: Mr. GERLACH.

H.R. 305: Mr. OLVER, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mrs. MALONEY, Mr. GEORGE MILLER of California, and Mr. RANGEL.

H.R. 336: Mr. McNERNEY and Ms. SUTTON.  
H.R. 347: Mr. MITCHELL and Mr. FALCOMA VAEGA.

H.R. 385: Mr. POSEY, Mr. MCKEON, and Mr. Bright.

H.R. 393: Ms. GRANGER.  
H.R. 395: Mr. MARCHANT.

H.R. 398: Mr. HALL of New York, Mr. NADLER of New York, Mrs. BIGGERT, Mr. McNERNEY, Mr. BAIRD, Ms. WOOLSEY, Mr. SMITH of Washington, and Mr. CAPUANO.

H.R. 404: Ms. GIFFORDS, Ms. SCHAKOWSKY, Ms. BERKLEY, Mr. SERRANO, Mr. CONNOLLY of

Virginia, Mr. HONDA, Mr. GONZALEZ, Mr. McNERNEY, Mr. MARKEY of Massachusetts, and Mrs. NAPOLITANO.

H.R. 415: Mr. LEE of New York.

H.R. 444: Mr. ABERCROMBIE, Mr. MOORE of Kansas, Mr. WEXLER, Mr. WELCH, Mr. JOHNSON of Georgia, Mr. MURTHA, and Mr. ROSS.

H.R. 467: Ms. LINDA T. SANCHEZ of California.

H.R. 502: Mr. TERRY.  
H.R. 503: Mrs. CAPPs, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Mr. LANGEVIN, Mr. MARIO DIAZ-BALART of Florida, and Mr. BAIRD.

H.R. 515: Mr. DEFazio, Mr. RYAN of Ohio, Mr. GALLEGLY, Mr. COSTELLO, Mr. SIREs, Mr. TONKO, Mr. WILSON of Ohio, Ms. LINDA T. SANCHEZ of California, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. ROTHMAN of New Jersey.

H.R. 527: Ms. SLAUGHTER and Ms. BERKLEY.  
H.R. 528: Mr. LATOURETTE.

H.R. 550: Mrs. MILLER of Michigan.  
H.R. 560: Mr. BAIRD.

H.R. 578: Ms. SLAUGHTER.  
H.R. 579: Mr. HALL of New York.

H.R. 593: Mr. HOLT, Mrs. NAPOLITANO, Mr. LUJÁN, and Ms. WOOLSEY.

H.R. 595: Ms. LINDA T. SANCHEZ of California, and Mr. KUCINICH.

H.R. 610: Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. KUCINICH, and Mr. PASCARELL.

H.R. 614: Mr. MCCOTTER, Mr. WITTMAN, Mr. COBLE, and Mr. TIM MURPHY of Pennsylvania.

H.R. 616: Mr. HASTINGS of Washington, Mr. CHANDLER, Mr. ADERHOLT, Mr. ROSS, Mr. BOUCHER, Mr. GRIFFITH, Mr. McMAHON, Mr. BRALEY of Iowa, Mr. PATRICK J. MURPHY of Pennsylvania, Mr. WALZ, Mr. BLUNT, Mr. GRAVES, Mr. BISHOP of Georgia, Mr. ALEXANDER, and Mr. LATHAM.

H.R. 620: Mr. OLSON, Mrs. EMERSON, and Mr. YOUNG of Florida.

H.R. 624: Mr. BERRY, Mr. NADLER of New York, Mr. TIBERI, and Mr. HILL.

H.R. 626: Mr. RUPPERSBERGER.  
H.R. 630: Mr. CONAWAY, Mr. HERGER, Mr. McCAUL, Mr. BURTON of Indiana, Mr. LAMBORN, Mr. GERLACH, Mr. COFFMAN of Colorado, Mr. PLATTs, Mr. NEUGEBAUER, and Mr. KLINE of Minnesota.

H.R. 634: Mr. TIM MURPHY of Pennsylvania and Mr. BOEHNER.

H.R. 636: Mr. TIM MURPHY of Pennsylvania.  
H.R. 644: Ms. GIFFORDS, Mrs. NAPOLITANO, Mrs. KIRKPATRICK of Arizona, and Mr. GONZALEZ.

H.R. 661: Mr. SCHOCK and Mr. LATHAM.  
H.R. 664: Mr. SOUDER, Mr. SCHOCK, and Mr. BROUN of Georgia.

H.R. 683: Ms. TITUS.  
H.R. 684: Mr. OLVER, Mrs. CAPPs, and Ms. WOOLSEY.

H.R. 699: Ms. DEGETTE.  
H.R. 707: Mr. GARY G. MILLER of California, Mr. SENSENBRENNER, Ms. ZOE LOFGREN of California, Mr. OLSON, Mr. TIBERI, Mr. MCCOTTER, Mr. YOUNG of Florida, Mr. DENT, Mr. ROONEY, Ms. JENKINS, Ms. ROS-LEHTINEN, Mr. SHULER, Mr. TOWNS, Ms. WATERS, Mrs. MYRICK, Ms. KILPATRICK of Michigan, Mrs. NAPOLITANO, Mr. ROGERS of Michigan, Mr. ORTIZ, Mr. McINTYRE, Mr. LAMBORN, and Mr. OBERSTAR.

H.R. 708: Mr. BACHUS, Mr. BOEHNER, Mr. BUCHANAN, Mr. CAO, Mr. COBLE, Mr. DAVIS of Kentucky, Mr. FLEMING, Mr. HALL of Texas, Mr. HOEKSTRA, Mr. SAM JOHNSON of Texas, Mr. LAMBORN, Mr. LINDER, Mrs. McMORRIS RODGERS, Mr. PETERSON, Mr. PITTS, Mr. ROGERS of Kentucky, Mr. ROGERS of Alabama, Mr. ROONEY, Mr. TIBERI, and Mr. WAMP.

H.R. 715: Ms. GIFFORDS.  
H.R. 731: Mr. BROUN of Georgia and Mr. MILLER of Florida.

H.R. 734: Mr. RAHALL.  
H.R. 746: Mr. CARSON of Indiana, Mr. KAGEN, Ms. BORDALLO, and Ms. GIFFORDS.

H.R. 757: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 758: Mr. VAN HOLLEN, Mr. TIM MURPHY of Pennsylvania, Ms. JACKSON-LEE of Texas, Mr. SCHAUER, Mr. SESTAK, Mr. RYAN of Ohio, Ms. SCHWARTZ, Mr. DRIEHAUS, Mr. ROGERS of Alabama, and Mr. CARNAHAN.

H.R. 759: Mrs. CHRISTENSEN, and Ms. DEGETTE.

H.R. 764: Mr. LATTA and Mrs. MYRICK.

H.R. 774: Mr. MAFFEL, Ms. SLAUGHTER, Mr. ARCURI, and Mr. BISHOP of New York.

H.R. 775: Mr. GERLACH, Mr. BOYD, Mr. SHUSTER, Mr. WELCH, Mr. WHITFIELD, Mr. RAHALL, Mr. ROTHMAN of New Jersey, and Mr. KLINE of Minnesota.

H.R. 779: Mr. SENSENBRENNER.

H.R. 795: Mr. YARMUTH.

H.R. 800: Mr. LATTA and Mrs. MYRICK.

H.R. 812: Mr. SENSENBRENNER, Mr. MOORE of Kansas, and Mr. MCHUGH.

H.R. 836: Mr. LINDER and Ms. BERKLEY.

H.J. Res. 1: Mr. DEAL of Georgia.

H.J. Res. 18: Mr. DOGGETT and Mr. CONNOLLY of Virginia.

H. Con. Res. 14: Mrs. EMERSON, Mr. MCHUGH, Mr. FRANK of Massachusetts, Mr. SERRANO, and Mr. DAVIS of Illinois.

H. Con. Res. 29: Mr. MCHENRY and Mr. MCHUGH.

H. Con. Res. 34: Mr. CONNOLLY of Virginia, Mr. SESTAK, and Mr. ROTHMAN of New Jersey.

H. Con. Res. 36: Mr. KLEIN of Florida.  
H. Res. 22: Ms. KILPATRICK of Michigan and Mr. MCGOVERN.

H. Res. 36: Ms. SUTTON.  
H. Res. 49: Mr. MCKEON, Mr. BISHOP of Georgia, Ms. FUDGE, Ms. EDWARDS of Maryland, Ms. TITUS, Mr. CUELLAR, Mr. CARSON of Indiana, and Ms. DELAURO.

H. Res. 54: Mr. BILBRAY.

H. Res. 65: Mr. TOWNS, Ms. BERKLEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GRIJALVA.

H. Res. 69: Ms. ROS-LEHTINEN and Mr. FRANK of Massachusetts.

H. Res. 76: Mr. HINCHEY, Mr. GRIJALVA, Ms. BORDALLO, Mr. HASTINGS of Florida, Mr. FORTENBERRY, and Mr. WOLF.

H. Res. 77: Mr. GOODLATTE.

H. Res. 110: Mr. BRADY of Pennsylvania, Mr. HOLDEN, Mrs. DAHLKEMPER, Mr. MURTHA, Mr. PITTS, Mr. SHUSTER, Mr. GERLACH, Ms. SCHWARTZ, Mr. BILIRAKIS, Mr. THOMPSON of Pennsylvania, Mr. KANJORSKI, Mr. PLATTS, Mr. FATTAH, Mr. SESTAK, Mr. BARROW, Ms. CASTOR of Florida, Mr. DINGELL, Mr. WEINER, Mr. STUPAK, Mr. BOUCHER, Mr. MATHESON,

Mr. SCOTT of Virginia, Mr. ALTMIRE, Mr. MARKEY of Massachusetts, Mr. RUSH, Mr. INSLEE, Mr. WILSON of Ohio, Mr. SHULER, Mr. BACA, Mr. ETHERIDGE, Mr. CHANDLER, Mr. RYAN of Ohio, Mr. WELCH, Mr. VISLOSKY, Mr. TOWNS, Mr. SPACE, Mr. SHIMKUS, Mr. HINCHEY, Mr. LYNCH, Mr. BISHOP of New York, Mr. WEXLER, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. NEAL of Massachusetts, Mr. HARE, Mr. KILDEE, Mr. BOCCIERI, Mrs. MCCARTHY of New York, Mr. BUTTERFIELD, Mr. HIGGINS, Mr. PASCRELL, Mr. KIND, Mr. CAPUANO, Mr. THOMPSON of California, Mr. CRENSHAW, Mr. BOSWELL, Mr. Carney, Mr. GUTIERREZ, Mr. CLAY, Mr. CLYBURN, and Mr. PATRICK J. MURPHY of Pennsylvania.

H. Res. 111: Mr. ROTHMAN of New Jersey.

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#### DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 135: Mrs. NAPOLITANO.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 111<sup>th</sup> CONGRESS, FIRST SESSION

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No. 22

## Senate

The Senate met at 10:30 a.m. and was called to order by the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado.

### PRAYER

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

Let us pray.

From the rising of the Sun to its setting, O God, Your Name is great among the nations. Thank You for the wonder of Your grace. Today, help our Senators to be energized by Your amazing grace. May this favor enhance their talents and impart to them the wisdom to choose the right path. As they walk on the road that glorifies You, help them to use their individual abilities to supplement the talents of their colleagues, producing a bipartisan harvest of accomplishments. May they commit themselves this day to Your care, for You are their mighty rock and fortress. Lord, lead and guide them so Your Name will be honored. We pray in the Redeemer's Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable MICHAEL F. BENNET led the Pledge of Allegiance, as follows:

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

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, February 4, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable MICHAEL F. BENNET, a Senator from the State of Colorado, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

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

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Hawaii.

### SCHEDULE

Mr. INOUE. Mr. President, today the Senate will resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act, and Senators will offer and debate amendments to the bill. Rollcall votes are expected to occur this afternoon.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

### ECONOMIC STIMULUS

Mr. MCCONNELL. Mr. President, according to news reports, President Obama called congressional Democrats down to the White House the other night to talk about treating this bill more like a stimulus and less like a free-for-all. I commend him for the effort, and I appreciate it. But after yesterday, it looks like they might need a little stronger medicine.

The day after meeting with President Obama, Democrats offered several amendments, and every single one of them added to the total cost of what is already nearly a \$1 trillion spending bill—\$11 billion here, \$25 billion there, another \$6 billion somewhere else. In other words, real money. By the end of

the first day of debate, the Democrats had added more than \$41 billion to a bill that just about everybody else in America already thought was way too large.

On this side, Republicans offered some amendments too. All but one of them, however, sought to reduce the cost to the taxpayer. The President has tried to set some priorities. Unfortunately, Democrats keep throwing more money on top of an already incredibly bloated bill. At some point, we are going to have to learn to say no. If we are going to help the economy, we need to get hold of this bill. Making it bigger isn't the answer.

The President seems to recognize the problem. Last night, he repeated his call for discipline and restraint in a letter from OMB Director Peter Orszag. Its message was clear: The Nation is in a financial crisis and this bill should be stripped of everything that doesn't aim to solve the crisis. As Mr. Orszag put it:

We need to recognize that this recovery and reinvestment plan is an extraordinary response to an extraordinary crisis. It should not be seen as an opportunity to abandon the fiscal discipline that we owe each and every taxpayer in spending their money and in keeping the United States strong in a global, interdependent economy.

This bill needs to be cut down, and we should start with permanent spending increases, which only increase the deficit from here on out. This is a permanent spending bill that has been slipped into a bill that was supposed to be timely, temporary, and targeted. Many of these additions may be very worthwhile, but they still don't belong in a stimulus bill. So the first thing we need to do is to make a distinction between what grows the economy and what doesn't. Anything that doesn't ought to be cut out. That is what the President said Monday night, that is what he repeated last night; that we need to be, "trimming out things that aren't relevant to putting people back

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



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to work right now." Add up the interest payments and the total nonstimulus spending in this bill and it is in the hundreds of billions of dollars. That is completely unacceptable. So there is plenty of room to cut wasteful spending. As Mr. Orszag said in his letter, the President is "insistent that the bill not include any earmarks or special projects."

Another target-rich area is all the spending for new programs that claim to create new jobs. What people don't realize is how much it costs to create some of these jobs. Analysts have gone through some of the new programs and here is what they have found: \$524 million for a program at the State Department that promises to create 388 jobs here at home. That comes to \$1.35 million per job. Let me say that again—\$1.35 million per job; \$125 million to the DC Water and Sewer Authority. That comes to \$480,000 per job; \$100 million for 300 jobs at USAID. That is \$333,333 per job. That is just a few. Surely there are more efficient ways to create jobs with taxpayer dollars than this.

So there is plenty of room to cut in this bill. It is time we started doing some of it. America is already staring at a \$1 trillion deficit. The bill before us, in its current form, will cost, with interest, \$1.3 trillion. Soon we will vote on an Omnibus appropriations bill that will cost \$400 billion. The President is talking about another round of bank bailout funds that some say could cost as much as \$4 trillion.

This isn't monopoly money. All of it is borrowed money that the taxpayers will have to pay back at some point. I think we owe it to them to lay all these things out on the table now so America can see what it is getting into. I think we owe it to the American people to show some restraint on the bill that is before us.

Republicans have a number of better ideas for making this bill simpler, more targeted, and more directly beneficial to workers and to homeowners. We have been sharing those ideas for the last week.

Economists from both sides of the political spectrum recognize that housing is at the root of the current downturn. We believe we should fix this problem first before we do anything else—certainly before we build a fish barrier, spruce up offices for bureaucrats or build a water slide. I mean, let's get serious. We can either talk about fixing the problem or we can take immediate action to help 40 million Americans stay in their homes or buy a new one. That is our choice.

We need to act now, and soon we will be voting on a Republican better idea to do that. But first there are plenty of areas in this bill we can cut, even before we consider some of the good Republican ideas that President Obama has said he wants to incorporate into the final bill.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Inouye-Baucus) amendment No. 98, in the nature of a substitute.

Murray amendment No. 110 (to amendment No. 98), to strengthen the infrastructure investments made by the bill.

Vitter amendment No. 179 (to amendment No. 98), to eliminate unnecessary spending.

Isakson-Lieberman amendment No. 106 (to amendment No. 98), to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases.

Feingold amendment No. 140 (to amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds.

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

Mr. ALEXANDER. Mr. President, I ask unanimous consent that I be permitted to engage in a colloquy with my colleagues for 30 minutes, if that is acceptable to the Democratic leader.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. INOUYE. I have no objection.

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

Mr. ALEXANDER. I thank the Senator from Hawaii.

Mr. President, Republicans believe we ought to fix housing first, and we would like to talk about that for the next 30 minutes. Mr. KYL, the Senator from Arizona, is here for that purpose. Senator ENSIGN is here, who is the author of an amendment that would provide 4 to 4.5 percent mortgages for up to 40 million Americans so they could buy new homes or refinance their homes. Senator ISAKSON is here, who is the author of an amendment to provide a \$15,000 tax credit for the next year to home buyers. We believe these proposals would provide instant jobs. Housing got us into this economic mess and housing will help get us out of the economic mess.

The Republican leader, Senator MCCONNELL, stated that this is a big spending bill. I was on the telephone last night with the former budget chairman, Senator Domenici of New Mexico, who has been counting in his retirement. He said it took our country

from the time of its founding until the mid-1980s to build up a national debt of \$850 billion, which was the size of this so-called stimulus package when it came over here. So we are talking about real borrowed money, and our goal is to reorient the whole discussion: first, to housing; second, to letting taxpayers keep more of their own money; and, third, to get out of the bill those items that don't belong in the bill.

The former Congressional Budget Office director in a previous Democratic administration, Alice Rivlin, said we needed two bills: one that would include legislation that created jobs now, and the second would be legislation that might take care of long-term investments that might help our country. She also said there should be a very high standard before we borrow money to spend on anything. Especially, as the Republican leader said, at a time when next week we may be hearing from Secretary Geithner that we need several hundred billion more for banks, and then more for housing, and then more for the annual appropriations bill, and then, on down the road, more for a health care bill.

I see the Senator from Arizona, and he is a leading member of the Finance Committee, and as we think about reorienting toward housing, it would seem to me, Senator KYL, that we should focus whatever money we do have on the problem we have, rather than borrowing money to dribble away on good-sounding projects that don't actually create jobs.

Mr. KYL. Mr. President, if I may respond to the Senator from Tennessee, I appreciate his focusing laser-like on this subject because, in many respects, we are treating the symptoms of the problem rather than the cause of the problem. While treating the symptoms can have some salutary effect, we are not going to ultimately solve the problem until we get to the root cause. I think virtually everybody agrees on what the root cause of our current problem is: the collapse in the housing market.

That caused a cascade of other effects, and some of those can be dealt with simultaneously, but the bottom line is, as the Senator from Tennessee noted, we have to fix housing first. Because until that is done, all of these other symptoms are going to remain.

There are a lot of smart people whose comments I am going to quote in a moment because they are well-respected—they are Democrats, they are Republicans—but I would like to turn, first, to my folks in Arizona, whom I like to go to for advice. So last weekend I met with Marge Lindsey and her group of realtors from Arizona. I started out by saying: All right, tell me how it is. She said: It is not good. They went on to point out that between 40 and 50 percent of what they are doing right now is dealing with foreclosed homes, or what they call the short sales—getting ready for foreclosure—and that the rest

of the market has virtually collapsed. She said something has to be done to prevent the continual decline in housing values.

My home is in a perfectly good neighborhood, I pay my mortgage and all, but it is out of my control because all around me others are having problems first, and because they are having problems, it is drawing down the value all around. So the people who play by the rules and are not doing anything wrong are along for the ride down. Until that is arrested somehow, all of these other symptoms are going to exist. That was their analysis.

Now, if I can quote some other really smart people, if the Senator would allow me? The New York Times editorialized toward the end of last year, November 11:

Clearly, the [financial] system won't stabilize until house prices stabilize, and banks won't lend freely until losses on mortgages abate. . . . All roads, into and out of this crisis, run through the housing market.

Exactly the point the Senator from Tennessee is making.

Very recently, January 28, the new CBO Director, Director Elmendorf, said this in testimony:

Turmoil in the housing and financial markets is likely to continue for some time, even with vigorous policy actions and especially without them. Most economists think that to generate a strong economic recovery in the next few years, further actions to restore the health of the housing sector and the financial system are needed.

A lot of folks rely on the advice of Warren Buffett. I probably should have relied more on the advice of Warren Buffett in my investments. I wouldn't be where I am today. Here is what he said in April of last year:

Things connected with housing, whether it's in brick or whether it's in carpet, those businesses have shown no uptick at all.

His point is that once housing is affected, everything else that has anything to do with it is affected.

He made this comment as well:

The market won't really come back until you get a close to normal ratio of vacant homes, homes up for sale, compared to current sales, and that's a ways off.

We all listened with interest to Alan Greenspan. Here is what he testified to in October of last year before Congress:

A necessary condition for this crisis to end is a stabilization of home prices in the United States.

Here is how I conclude all of this. The experts back home agree. They are seeing it on the ground. The experts who look at this from an economic standpoint, from a national macroeconomic standpoint, all agree. We need to heed their advice and address the housing crisis first. We cannot wave a magic wand and stop housing prices from falling further. Would that we could—we would do that. That is the market, and we cannot stop it.

What is happening is that home values, in a ratio to mortgages, are declining. So the other point the realtors told me was a lot of folks, through no

fault of their own, are now paying mortgages on homes that exceed the value of the homes. That is the upside-down element. We can affect that part of the equation. That is to say, we can't stop home values from going down until we do something else first. The thing we can affect is that ratio—what people are paying in their monthly mortgage payments. I am going to leave that to my colleagues. The Senator from Nevada is here. The Senator from Georgia is here. They will talk about a better Republican idea of how we can address the costs people pay every month in their mortgages as a way of making them more healthy, able to pay the mortgage, not going to foreclosure, and ultimately fix that value of homes, and then we are on the road to recovery.

The last thing I wanted to say is that the secondary market is a big part of this. When people lend money, they want to then be able to sell that mortgage to somebody. That has been the whole cause of this, the toxic loans in the secondary market.

In the Financial Times of August 26 of last year, Dr. Martin Feldstein said:

Mortgage-backed securities cannot be valued with any confidence until there is more certainty about the future of house prices.

That is precisely what this better Republican idea will get to. As my colleagues discuss these ideas of how to relate to this, remember what the original cause of the problem is, what we can affect and we cannot affect, and how we want to focus laser-like on fixing housing first.

I appreciate the efforts of my colleagues.

Mr. ALEXANDER. I thank my colleague for so clearly outlining the nature of the problem.

I ask the Chair to let me know when we are about 3 minutes from the expiration of the time.

There are two proposals we want to discuss which will be voted on here which will help fix housing first. The first is by the Senator from Nevada, Mr. ENSIGN. Senator ENSIGN's idea will create instant jobs and give a jolt to the economy by giving an opportunity for lower mortgage interest rates to those persons who can afford to buy or refinance their home.

There are other proposals, such as one by Senator MCCAIN, to help people who are in trouble with their mortgage. The focus of my colleague is primarily on creditworthy Americans who could refinance their homes, save money, and get the economy moving?

Mr. ENSIGN. The case has been made that we need to fix housing first because it is the underlying cancer that is affecting our economy, and that cancer is spreading to other parts of the economy. If we don't fix the underlying problem, it will not matter what we do with the rest of the spending bill. The spending bill will not help the economy. It is going to continue to get worse and worse. If home values continue to go down, no amount of money

will help. We will have to have three or four TARP funds, trillions of dollars, and it is not going to help because we have not fixed the underlying problem.

Several of us got together. I happen to be the lead author on the bill, but this is really a compilation of many minds trying to fix housing. We have incorporated one of the ideas from Senator ISAKSON. I will let him describe that.

One of the hallmarks of the bill is we try to fix housing in the bill. We eliminate the wasteful spending, and we have some targeted tax credits for families and small businesses to create jobs. We try to take care of the whole package, and we do it in a fiscally responsible way, so the total cost will be under \$500 billion. It is not the \$1.1 trillion the other side of the aisle has put forward. Such spending would put a tremendous burden on future generations.

What we have said is that we are going to allow anybody who has at least a 5-percent equity in their home, or if they already have a Fannie Mae-Freddie Mac-backed loan, would be able to refinance at about 4 to 4.2 percent interest. The average American family who refinances will save over \$400 a month. That is not a one-time saving, that is a saving through a 30-year fixed loan. That is like a permanent tax cut.

All of the economists have told us that one-time tax rebates give a little bit of stimulus, but they cost more in the long run. Permanent tax relief is really what stimulates the economy. If a family only receives a one-time check, all they are going to do is pay down debt or save the money. But if they know they have over \$400 per month, that is something they can count on. They can budget that. They can start spending that money. That will actually help stimulate the economy.

The economists who have done the studies are Glenn Hubbard and Christopher Mayer. They said this proposal will stabilize housing prices next year because they expect housing prices to go down by about 12 percent. If you lower interest rates on the average of about 1 percent, that historically has meant housing prices will rise about 7 to 8 percent. If we can get them down about a point and a half, they figure, instead of going down by 12 percent, housing prices next year will stabilize. We all know that if you do not stabilize housing prices in the United States, the economy is going to continue to go down.

I see the Presiding Officer from Colorado. Colorado is one of those States that is having pretty severe housing problems now. These housing problems started in my State, Nevada, and in Arizona, Florida, and California. They have spread to the rest of the country, so we need to fix this problem.

We have also put a limit on it. This is not for the rich. This is for loans of \$750,000 or less. That is going to take

care of about 40 million Americans. That is what this takes care of, 40 million people refinancing their homes—40 million households, not Americans—40 million households getting on average of over \$400 a month. Put the numbers to that. That is a huge amount of money.

Mr. ALEXANDER. If I understand the proposal, if I am a creditworthy person, I can either refinance my home or buy a new home at this lower interest rate, which today would be between 4 and 4.5 percent for a 30-year mortgage. I would have that fixed mortgage all during that 30-year period of time.

Mr. ENSIGN. That is correct, this is a 30-year fixed. This is not an adjustable rate mortgage where there are catches and in a couple of years it is going to go up again and I am going to have to worry about that. This is a 30-year fixed mortgage that can be very significant to the average family's budget.

We believe this is going to be one of the big fixes. You combine this with the other proposals, such as Senator ISAKSON's proposal, and the other things Senator MCCAIN and Senator MARTINEZ have come in with, with mitigation for those who are underwater—ours does some for houses that are underwater if they are backed by Fannie and Freddie right now. But all of the proposals together—I believe we can do exactly what we say needs to be done, and that is fix housing first.

But our proposal also takes out all of the spending in the bill that does not create jobs. We still have tax incentives in there for families and small businesses to create jobs, but we take out all of the \$200 billion in new entitlement spending, all of the other 34 new programs that are created. There are some worthy programs in there that most of us would support. At this time, we should not be spending money on new programs, especially without eliminating other programs.

We believe this is fiscally responsible. It is going to help the economy. It is going to help the housing problem. I appreciate your leadership, Senator ALEXANDER, for bringing this colloquy together so we can talk about the underlying problem.

Mr. ALEXANDER. I thank Senator ENSIGN for his leadership and the others on his proposal for their leadership. We hope it will attract significant Democratic support because I have heard a number of them say we need to reorient this toward housing.

Senator ISAKSON was in the real estate business, and he often reminds us that this is not the first housing crisis we have had. As I understand, Senator ISAKSON, the proposal you made, which would be a tax credit to homeowners, was originally tried in the 1970s and worked?

Mr. ISAKSON. That is right, and I am delighted the Senator from Tennessee called this colloquy today so we could talk for a few minutes about what JON KYL and JOHN ENSIGN said is

the heart of the problem, and that is the U.S. housing market. Our houses are down 25 percent in the last 18 months. Equity lines of credit are dissolved because houses are underwater. One in five houses in the United States is worth less than what is owed on it.

It is rare when you come to the Senate at a time of crisis that you have a roadmap to success. Most of the time, we are trying to feel our way through to find out what to do that is right. We have a roadmap to success.

I ask unanimous consent to have printed in the RECORD two articles from the New York Times, one from April of 1975 and one from July of 1975.

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

[From the New York Times, Apr. 7, 1975]

NEW HOUSING TAX CREDIT PROMPTS RISE IN BUYING

(By James Feron)

WHITE PLAINS.—The recently enacted Federal tax credit on the purchase of new homes and condominiums signed into law last weekend seems to be achieving or even surpassing its goal, according to initial reports on the situation in the metropolitan area.

Robert Jacobs, marketing director of One Strawberry Hills, a 118-unit condominium in Stamford, Conn., said today that the idea was to reduce the number of empty and unsold housing units, "and to that we can only say, 'Amen.'"

Mr. Jacobs closed deals on four apartments yesterday and today, he said. "All were borderline cases where the \$2,000 tax credit was evidently the deciding factor. We expect to sell at least 10 of our 35 unsold units the same way."

He reported that "one man who had been renting in this area, who was married but with no children, said he was in a 50 per cent tax bracket and the \$2,000 credit would mean more like \$4,000 to him."

The new Federal law calls for a 5 per cent tax credit up to a maximum of \$2,000 on the purchase of a new home providing, among other things that the title be taken or the purchase be made between March 12 and Dec. 31 of this year, that construction began before March 26 and that the house or condominium is the purchaser's principal residence.

BUILDERS PLEASED

Builders interviewed in several suburban areas were generally delighted with the law although they agreed that one provision in particular would create difficulties until the Internal Revenue Service produced a clarified regulation.

The difficult clause provides that purchases eligible for the tax credit be made at the lowest price the home was offered for sale. There is vast uncertainty over how to determine "lowest price" in an industry where prices listed in prospectus offerings can be adjusted upward, where rebates and other incentives change price levels and where subsequent additions to unsold units change their value.

John Tedesco, president of Kaufman and Broad Homes of New Jersey, said a few days ago that "if the I.R.S. doesn't set some limit, such as 'lowest price since Jan. 1, 1975,' for example, the incentives will evaporate."

Potential buyers, meanwhile are said to have been visiting housing developments and condominiums throughout the metropolitan area in increasing numbers since last Sun-

day, the day after the measure became law. Martin Berger, president of Robert Martin Corporation, Westchester's largest builder, said a few days ago:

"We couldn't believe it. Easter Sunday is not usually a big day and the weather was bad, but people came to us asking about the credit and others reported the same thing. This could provide a tremendous boost to the sagging residential construction business and to the economy in general."

INTEREST GROWS

The initial interest of last weekend was intensified yesterday and today, especially where builders linked the \$2,000 credit to their advertisements in today's newspapers.

At Applehill Farm, in Chappaqua, Westchester County, where 56 homes are being built in a "cluster" development on a former estate, Tom Bisogno said couples shopping for the \$70,000 to \$90,000 units were asking if they qualify for the rebate. "We believe they do," he said, "because ours is a new development, less than a year old."

Mr. Bisogno said he expected the real crush to come when the I.R.S. clarified its "lowest price" ruling: Louis Buonpane of the Parker Imperial, a condominium on the Palisades in North Bergen, NJ, opposite 86th Street in Manhattan, said traffic increased "right after the President signed the bill."

Like Strawberry Hill, Parker Imperial is adding the tax credit to previously announced price reductions necessitated by a sluggish market. "It's a good selling tool, this tax credit, added to everything else," Mr. Buonpane said.

Another question puzzling some builders was how to define when construction began. Many felt that the I.R.S. would refer to putting down a "footing," or pouring concrete, but Mr. Tedesco asked, "If you clear the plot and install services have you started construction on a house?"

Builders said that setting Dec. 31 as the cut-off date would force quick decisions, which they liked. One builder said, "We're going to begin 'countdown' advertising as soon as we can—'You have only 100 days to make up your mind, etc.'—to encourage decisions. It could be dynamite for this market."

[From the New York Times, July 27, 1975]

HOME BUYERS GET A NEW ENTICEMENT

(By Ernest Dickinson)

Thousands of new housing units throughout the nation that failed to meet the price qualification for 5 per cent Federal tax credit will do so now because of an amendment liberalizing the law.

The change, builders predict, will give an added boost to new-home buying, especially between Labor Day and the end of the year.

The law as it was passed in March specified that new houses, condominiums and mobile homes had to be sold at the lowest price for which they had ever been offered if their buyers were to be eligible for the credit of as much as \$2,000.

But some builders with units that had been on the market many months did not roll back prices to their original levels because, they said, they could not do so without losing money.

Under the amendment, which was signed into law June 30, the builder must certify only that the price is the lowest at which the home has been offered since Feb. 28, 1975.

The change greatly enlarges the number of qualifying properties from which home buyers can choose this summer and fall. The increase is most apparent among high-rise condominiums.

At The Greenhouse In Cliffside Park, N.J., for example, 100 of the 340 units remain

unsold. None of them qualified for the tax credit previously, but all of them do now.

Ira Norris, the president of the Kaufman and Broad Development Company, the builder, explained why. A high-rise condominium is a large project, he noted, and once construction starts, the entire building must be completed. During the two-year construction period, however, many costs escalated month by month. So completed apartments cannot be sold at the price for which they were offered two years earlier.

Ordinarily, builders of low-rise or single-family detached housing can avoid that trap. If houses are not selling, the builder can simply stop construction.

The new tax-law provision helps not only future buyers but some past buyers as well. Its benefits are retroactive. A buyer who closed a deal in the spring but did not qualify for a tax credit then may now be able to obtain it.

This will be true if the only reason the property was not eligible then was that the builder had sold it at a price he raised before Feb. 28. A recent buyer who believes that his new-home purchase may now entitle him to a tax credit should contact his builder or local Internal Revenue Service office.

Some developers are taking the Initiative in such situations. The builder of High Point of Hartsdale, in Westchester County, for example, will soon be sending letters of congratulation and the required certificates to about eight buyers who previously purchased condominium apartments that only now qualify for the credit.

Leland Zaubeler, a vice president of the Robert Martin Corporation of Elmsford, which is building the 500-unit High Point, said that about 15 per cent of the unsold apartments that previously did not qualify for a tax credit do qualify now. "The amendment is beneficial," Mr. Zaubeler said. "It helps carry out the original intent of the law—to move new housing."

The biggest problem with the legislation, according to many builders, is that many people still do not understand what a tax credit is.

According to Mr. Norris, they refuse to believe it is not simply a tax deduction. "We've had people bring lawyers into our offices because they think we are trying to sell them a bill of goods," he said. A tax credit is subtracted from the final sum one owes the Government. If a home buyer qualified for a \$1,750 tax credit and his tax bill came to \$1,750 or less, he would not pay any tax.

Despite widespread misunderstanding, however, people are starting to shop around again at last," said a spokesman for U.S. Home Corporation in Clearwater, Fla., one of the nation's largest builders. "The tax credit has gotten people out looking, though they may end up buying homes that don't qualify."

George A. Frank, who heads the Builders Institute of Westchester and Putnam counties, agrees.

Westchester has about 800 new unsold condominium units but very few new single-family homes, he said, adding: "Because of costs, with new houses bringing about \$75,000 here, there has been no large-scale building."

But Mr. Frank and others believe that a "countdown psychology" will develop in the fall as more and more buyers realize that they have only until the end of the year to get a tax credit.

"It's a very persuasive opportunity," said one builder. "If the average condominium sells for \$50,000, you can put down \$5,000, or 10 per cent, because most developers offer a 90 per cent mortgage. Then the \$2,000 off your income tax represents 40 per cent of the down payment"

The amount of the tax credit is figured by taking 5 per cent of the total cost of acquisi-

tion (including closing costs), minus any profit the buyer might realize in selling his old house. The credit cannot exceed the total tax liability. If a buyer qualifies for a maximum \$2,000 credit but his Federal tax totals only \$1,500, the latter amount is all he can claim.

In general, homes that were never before occupied and that were under construction or completed before March 26, 1975, qualify for the credit.

Mr. ISAKSON. I will read the headlines: "New Housing Tax Credit Prompts Rise in Buying; Consumers Respond to Federal Law by Closing Deals on Condominiums and Homes Here, Builders Say," and "Home Buyers Get a New Enticement."

In 1975, when the average price of a house was \$35,000, the United States was in worse shape than we are in today. We are fast approaching it, but we were worse. There was a 3-year supply of unsold houses on the market, and there were no buyers.

Congress, the Democratic Congress, and Gerald Ford, a Republican President, passed a housing tax credit of \$2,000 for a family who bought and occupied as their home a standing vacant house in inventory at the time, which is because all the inventory was new homes. That \$2,000 tax credit spurred people to go to the marketplace, spurred them to buy those houses, and in 1 year's time we went from a 3-year supply of housing to a 10-month supply of housing. We solved 70 percent of the problem with a tax credit.

What we are talking about in our legislation is a bill I introduced in January of last year. Everybody said it cost too much. Then, it cost \$11.4 billion. We have now spent \$3 or \$4 trillion, and we have not solved the problem yet. I suggest it is time we looked at an economical solution.

What we have offered is a \$15,000 or 10 percent of the purchase price of the house, whichever is less, tax credit which could be claimed against the 2008 tax return that will be filed in April or can be taken 50 percent in 2009, 50 percent in 2010. What the family gets is a \$15,000 tax credit or, as I said, 10 percent of the purchase price, whichever is less.

This is going to benefit mainstream America. When they receive it, they have to live in the house for 3 years as their home. If for some reason they move out during that time, it is prorated. But what will happen in America now is what happened in 1975 when these articles in the Times reported: Sales will come back, the floor will be put under the housing market, values will stabilize, and they will begin to appreciate. And, as they do, equity will return to America's families; stability will return to the basic biggest asset our families have, their home; and we will begin to work our way out of this deep downward spiral we are currently in.

As has been said, it is not a catch phrase and it is not a slogan. If we do not fix housing first, it does not matter what else we fix because throwing

money at the symptoms, as JON KYL said, will not work. If you are a doctor and you are trying to cure a patient, you go to the root of the infection or the root of the problem, and you cut it out or you deal with it.

This proposal, providing good, efficient, effective mortgage money for refinance for Americans with good credit or those with Freddie Mac and Fannie Mae loans, this will bring borrowers who are in the market back to the market and will solve the problem.

My last comment to the Senator from Tennessee—I call people who used to work for me all the time to see how it is going. I call them in various States, including the State of Tennessee.

In Atlanta, GA, a couple of weeks ago, I talked to Glennis Beacham, who is very successful. I said: Glennis, have you got a lot of buyers?

She said: I have a lot of buyers, Johnnie. They have money. They want one of two things: They want a foreclosure or a short sale.

Right now you have a bottom-fishing market. You do not have people who see any opportunity, and the buyers who are in are exploiting; they are not investing. It is time we incentivize all American families with their own money because it is their tax money against which the credit will be taken to go out and buy a house. When we do, we will begin to fix housing first, and we will begin to stabilize a very teetering economy.

I commend the Senator from Tennessee.

Mr. ALEXANDER. I thank the Senator from Georgia. Just to make sure it is clear, sometimes we confuse tax deduction and tax credit. This is a \$15,000 tax credit. That means cash money, real money, that you can, instead of paying it to the IRS, put in your pocket. Am I correct?

Mr. ISAKSON. You can invest it in your house.

Mr. ALEXANDER. You can invest it in your house. The Senator from Wyoming is here.

Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has 7 and a half minutes remaining.

Mr. ALEXANDER. Mr. President, please let me know when 2 minutes is remaining.

I thank the Senator from Georgia. We have now heard a proposal to give to all creditworthy Americans, which can be up to 40 million, the opportunity to buy or refinance a house with a Treasury-backed 4- to 4.5-percent mortgage. We have heard Senator ISAKSON's proposal to give everyone who buys a home within this next year up to a \$15,000 tax credit.

The Senator from Wyoming was a small businessman before he came to the Senate and is our only accountant here. What is the Senator's reaction to that, and how does he see housing fitting into the economic stimulus package that is being discussed?

Mr. ENZI. We need to pass a bill that will fix housing first. We recognized the problem about a year and a half ago, but Congress has not focused on the housing piece of that and come up with a solution that will work to fix housing.

"Fix Housing First," the slogan the Senator came up with, I appreciate the efforts of the Senator from Tennessee and the understanding that he has of this and the ability to pull people together. I thank Senator ENSIGN for all of the work he has done on a substitute bill. I particularly thank the Senator from Georgia, Mr. ISAKSON, for an idea that he has seen work before and knows will work again and has done the math on it to update it to today. But we have to fix housing first. That is what started the problem, that is what is continuing the problem, that is what has tightened the pocketbooks of Americans.

A realtor from Buffalo, WY, was in my office yesterday. He said the banks do have some money, that they had made 50 loans, they were processing 50 loans at the moment. He said, unfortunately, only two of those were for house sales. The rest of them were all refinancing as the interest rates have come down.

Even people who can afford to buy a house are not buying a house because they do not know where the bottom is in the housing market. So until we do something to put a bottom in the housing market and assure people who have bought houses as part of their retirement that their value is not going to go clear through the floor, America is not going to recover from this. People are not going to start spending. It is not Government spending that solves the problem, it is individual spending that solves the problem. And the individuals have stopped spending.

Government money spends twice, circulates twice; private money circulates seven times. We have to get the private money, the individual money, the personal money, back into the economy again, and that will make a difference.

The crisis began with the decline of housing prices in our Nation, a rising tide of foreclosures from homeowners who could no longer afford to make mortgage payments. The decline in the housing market sent shockwaves through our financial system as everybody realized their triple-A-rated investments looked more like junk bonds. With banks unwilling to lend against assets of an unknown value, our credit market came grinding to a halt. That is where we are today.

Now, the original plan of TARP was to buy toxic loans, to get those out of the market, to stabilize the banks. That did not happen. When we work in a hurry to pass something around here, particularly if it deals with a lot of dollars, we can often wind up in a different direction than where we thought we were going. Right now this bill is not focused on housing. It needs to be focused on housing, and focused on housing first.

Government spending by itself will not solve the problem. We cannot spend our way out of it. We have tried that before. We tried it in the 1930s. Government interference did not help. So we need to take some of this money and devote it to stemming foreclosures, invigorating the housing market, and getting our financial institutions and individual investors to step back into the market without fear.

I have a lot more I would like to say, but I know our time is limited. I would like the Senator from Tennessee to be able to conclude this discussion, conclude the beginning of the long discussion I hope will put housing first. Until we solve housing first, we do not have a solution.

Mr. ALEXANDER. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. The Senator from Tennessee has 3 minutes remaining.

Mr. ALEXANDER. I thank the Senator from Wyoming for his leadership and his understanding of business that has come the hard way, through experience in his town.

The Senator from Arizona, Mr. MCCAIN, is on the Senate floor to speak on a different amendment. But he, too, has a proposal that will deal with fixing housing first. So our point is this: We understand Americans are hurting, that our economy is in a slump. But we also understand that if we do not deal with the national debt, we will be doing the worst thing that we could ever do to the working men and women of America: that is, having long-term inflation where dollars do not amount to anything and you cannot buy anything.

So our focus, instead of adding to the debt by over \$1 trillion, is to reorient the stimulus package toward a true stimulus and fix housing first. That is what the 4-percent mortgage for credit-worthy Americans is for. That is what the \$15,000 tax credit for home buyers is for. That is what the Republican proposals to help people with foreclosures are for. That is part 1, fix housing first.

Part 2 is let people keep more of their own money. Those are tax reductions. Then part 3 is take off this bill all of the spending items that do not have anything to do with creating jobs now. So we welcome the calls for bipartisan work. We are ready to work. We have good ideas: fix housing first, let people keep more of their own money, and focus the bill on spending projects that create jobs today, not those that do not.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I appreciate the courtesy of Senator FEINGOLD and Senator MCCAIN, who I know have a very important amendment. They have allowed me to come to the floor before them and speak about the amendment Senator SNOWE and I will be offering later.

I thank Senator FEINGOLD and Senator MCCAIN, and it is not my intention to give a lengthy speech at this point.

Last week, Americans were horrified to hear the news that Citigroup and other companies receiving taxpayer money from the Troubled Asset Relief Program were paying their employees billions and billions of dollars in bonuses.

Today, along with Senator OLYMPIA SNOWE, our colleague from Maine, I will offer a bipartisan amendment to this legislation that makes it clear it is not enough to say these Wall Street bonuses are wrong; they have to be paid back.

Taxpayers must be protected, and that is what the amendment Senator SNOWE and I are offering will do. Our proposal gives the institutions that received Troubled Asset Relief Program money and paid these outlandish bonuses a simple choice: The institutions will pay back the cash portion of any bonus paid in excess of \$100,000 within 120 days of the amendment's enactment or those institutions would face an excise tax of 35 percent on what is not repaid to the Treasury.

The money can be repaid by buying back the preferred stock the Federal Government owns in these companies or in any other fashion the institution chooses. Senator SNOWE and I have had extensive legal review with respect to the constitutionality of this provision. We believe it passes constitutional muster.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter sent to me yesterday by Edward Kleinbard of the Joint Committee on Taxation.

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

DEAR SENATOR WYDEN: You have asked me whether I believe that there is a constitutional issue associated with your legislative proposal to impose an excise tax on certain 2008 bonuses paid by TARP recipients that do not repay the amount of those bonuses in 2009 (through redeeming the preferred stock issued to the United States). There are many Supreme Court and other cases that have considered the question of when a tax might be held to be unconstitutional by virtue of its retroactive application, and as a result I am not able to answer your question definitively without more time to read the extensive jurisprudence. As a very preliminary matter, however, I believe that your proposal would be held to be constitutional if challenged in court.

First, I believe that there is a powerful argument that your proposal is simply not retroactive. Taxpayers can avoid the tax completely by repurchasing shares they sold to the United States; the excise tax would be imposed, not on prior bonuses, but on the taxpayer's affirmative post-enactment decision not to repurchase those shares at the same price that the shares were sold to the United States. Moreover, the timing, repurchase price and amount of shares that must be repurchased are not punitive, and are commensurate with the conduct that Congress can rationally find to be contrary to the purpose and intent of the EESA legislation that authorized the Treasury's investments.

Even if the excise tax were (contrary to the conclusion suggested above) viewed as having retroactive effect, the Supreme Court

has generally given a high level of judicial deference to economic legislation and has repeatedly upheld retroactive taxation as constitutional, so long as the legislation is "supported by a legitimate legislative purpose furthered by rational means . . ." *Pension Benefit Guaranty Corp. v. R.A. Gray & Co.*, 467 U.S. 717 (1984). For example, under the Tax Reform Act of 1969, an individual was permitted a \$30,000 exemption in calculating his minimum tax liability. The Revenue Act of 1976, passed in October of 1976, reduced the exemption to \$10,000 and applied the change retroactively to all tax years beginning after December 31, 1975. The Supreme Court upheld this retroactive amendment in *United States v. Darusmont*, 499 U.S. 292 (1981).

As another example, the Tax Reform Act of 1986 granted a special deduction for the sale of employer securities by an estate to an employee stock ownership plan ("ESOP"). In December of 1987 Congress amended the statute to provide that the securities sold to an ESOP must have been directly owned by the decedent immediately prior to his or her death, and made the amendment effective as if it had been contained in the statute as originally enacted. In *United States v. Carlton*, 512 U.S. 26 (1994), the Supreme Court once again upheld the retroactive application of the tax, in this case against an estate that had relied on the original language to engage in a transaction that it believed would have reduced its tax liability by several million dollars. There are numerous other appellate and Supreme Court cases to similar effect.

Your legislative proposal presents a particularly strong case for constitutionality since it has only a modest look-back period, as was the case in *Darusmont*, and is arguably a curative measure (with regard to the executive compensation provisions of TARP), as was the case in *Carlton*.

Please let me know if you have any further questions.

EDWARD KLEINBARD,  
*Joint Committee on Taxation.*

Mr. WYDEN, I will read briefly now from the letter from Mr. Kleinbard. I will quote from the second paragraph:

There is a powerful argument that your proposal is simply not retroactive.

It is his judgment, based on what he has been able to look at thus far, it would be constitutional.

Mr. Kleinbard states specifically:

Taxpayers can avoid the tax completely by repurchasing shares they sold to the United States; the excise tax would be imposed not on prior bonuses, but on the taxpayer's affirmative post-enactment decision not to repurchase those shares at the same price that the shares were sold to the United States. Moreover, the timing, repurchase price and amount of shares that must be repurchased are not punitive, and are commensurate with the conduct that Congress can rationally find to be contrary to the purpose and intent of the EESA legislation that authorized the Treasury's investments.

I think anyone who looks at the letter from the Joint Committee on Taxation will see that the bipartisan amendment Senator SNOWE and I will be offering with respect to excessive cash bonuses is a matter that does pass constitutional muster and clearly is in the taxpayers' interest.

I note my colleagues, particularly from Tennessee and Georgia, have made a number of good points that I happen to feel strongly about with re-

spect to the need to address the current housing crisis, and one of the things we have seen with respect to housing and all of the other economic challenges we have is we have to get people's confidence back in the American economy.

I believe the Snowe-Wyden amendment will help to generate that confidence by saying at some point we are going to say excessive bonuses are being paid, in effect, with taxpayer money. I mean these are companies who received billions and billions of taxpayer dollars.

If we are going to have the confidence we need to promote housing, as the distinguished Senators from Tennessee and Georgia both noted, we have to make sure taxpayers do not say: This is wrong. This is not right to give these excessive bonuses with taxpayer money.

I would note that Senator SNOWE and I set the limit for bonuses at \$100,000. So, clearly, we want to be sensitive to the young person getting started in financial services, someone, perhaps, who was a secretary. But it is the outlandish bonuses that we are concerned about.

I would also note these TARP institutions have not yet paid their 2008 taxes. So what we have is a situation where a number of these companies have not yet paid their 2008 taxes. In other parts of this economic recovery legislation we are giving retroactive tax benefits. Certainly, that is the case with the net operating loss provisions, the carryback provisions, with respect to business.

So it seems to me, if you are giving those kinds of retroactive tax breaks, you surely ought to take steps to protect taxpayers, as Senator SNOWE and I seek to do with our legislation. The bottom line is, the Wall Street firms that took bailout money knew they were not supposed to pay their executives lavish bonuses, but they went ahead and paid out more than \$18 billion in bonuses anyway.

The Wyden-Snowe amendment makes sure these firms can't take the money and give the Congress and taxpayers the runaround. If they took the bailout money, the Wall Street firms either have to pay taxpayers back for the excessive bonuses, or they ought to pay a tax on these bonus payments. Either way, they should not be allowed to pay outrageous bonuses to executives and stick taxpayers with the bill. It is fundamentally wrong to reward with billions of taxpayer dollars this kind of conduct. We have all heard about handing out of bonuses to executives at firms responsible for the current economic meltdown. But what happened a couple of weeks ago takes this to a completely different level. At a time when the Congress is faced almost on a weekly basis with requests for billions of dollars of additional money, how in the world can we allow these kinds of bonuses, with taxpayer money, to stand, as if the economy were booming?

My colleagues from Wisconsin and Arizona have been waiting patiently. I hope Members will look at the amendment Senator SNOWE and I are offering. I hope they will look at the legal analysis provided by the Joint Committee on Taxation with respect to how and why this particular proposal passes constitutional muster. I hope the Senate will say it is not enough to just give speeches about how it is wrong to hand out these bonuses with taxpayer money but will back bipartisan legislation to correct it and to protect taxpayers at a critical time when we must increase confidence in how major economic decisions are made.

I yield the floor.

AMENDMENT NO. 140

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that the pending business be set aside and that we take up amendment No. 140.

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

Mr. FEINGOLD. Madam President, I am pleased to be working with a tripartisan group on this issue: Senators MCCASKILL, GRAHAM, LIEBERMAN, BURR, and COBURN and, of course, most significantly, how great it is to be working again with my friend JOHN MCCAIN. This is an issue, in addition to ones we have worked on over the years, that he and I care deeply about, trying to deal with the abuse of earmarks. It is a real cancer in our budget system.

Our amendment is straightforward. It establishes a 60-vote point of order against unauthorized earmarks in appropriations bills. It also requires that recipients of Federal funding disclose what they spend on lobbying.

Before arguing the need for the amendment, I want to briefly acknowledge that we have actually come a long way in recent years in disclosing earmarks. In the last Congress, we passed the Honest Leadership and Open Government Act of 2007, more commonly referred to as the ethics and lobbying reform bill. That measure was the most significant earmark reform Congress has ever enacted, and it reflected what I think is a growing recognition by Members that the business-as-usual days of using earmarks to avoid the scrutiny of the authorizing process or of competitive grants are coming to an end. It was no accident that the two Presidential nominees of the two major parties were major players on that reform package. It would be a mistake not to acknowledge how far we have come. The Honest Leadership and Open Government Act was an enormous step forward. I commend the majority leader, Senator REID, as well as our former colleague from Illinois, President Obama, for their work in ensuring that landmark bill passed. But it would be a mistake not to admit that we still have a long way to go.

Our amendment will build on the significant achievements of the 110th Congress by moving from what has largely

been a system designed to dissuade the use of earmarks through disclosure to one that actually makes it much more difficult to enact them. The principal provision of this amendment is the establishment of a point of order against unauthorized earmarks on appropriations bills. Obviously, to overcome the point of order, supporters of the unauthorized earmark will need to obtain a supermajority of the Senate. As a further deterrent, the bill provides that any earmarked funding which is successfully stricken from the appropriations bill will be unavailable for other spending in the bill. It isn't the sort of a thing where you can borrow from one piece and fix it with another. You have to reduce the bill by that amount.

As I mentioned earlier, the amendment also requires all recipients of Federal funds to disclose any money spent on registered lobbyists. It is only fair that the American people know which entities receiving Federal funding are spending money to lobby Congress. There may be no connection between the lobbying and the Federal funding, but a little transparency would help everyone decide that for themselves.

I truly am delighted that President Obama is committed to keeping this stimulus package free of earmarks. We can ensure that his commitment is made good on future appropriations bills by adopting this amendment.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Arizona.

**Mr. MCCAIN.** Madam President, I am pleased to join with my good friend Senator FEINGOLD in offering this fiscally responsible amendment, along with Senators MCCASKILL, BURR, LIEBERMAN, GRAHAM, COBURN, and others. May I say that I find there are very few pleasant aspects of losing an election, but one of them that I most value is going back to work with my friend from Wisconsin, Senator FEINGOLD, whom, for now many years, I have had the great honor and privilege of working with as we attempt to bring about the reforms which will help restore the confidence and trust of the American people in the way we do business in Washington but also in our stewardship of their tax dollars. I am pleased to join with my good friend Senator FEINGOLD.

Senator FEINGOLD outlined the provisions of the amendment so I don't want to repeat them. But I also want to point out that some people are saying: Why should we have this on this legislation, when this stimulus package does not directly apply? We know there is an omnibus appropriations bill coming down the pike. The House of Representatives intends to take it up soon. There is apparently, unfortunately, another TARP that may be coming, not to mention the other appropriations bills that will be coming. So the sooner we address this issue, the better off we will be. I also think one of the reasons why support for the stimulus package

is rapidly eroding is because you don't have to call it an earmark and it doesn't have to be technically an earmark, but when you see many of the provisions in this stimulus bill, they have nothing to do with stimulus and everything to do with spending. They are fundamentally earmarks as well, certainly in their effect.

It is not only appropriate but necessary to adopt this amendment so that the American people will know in the future, when we make tough decisions, this kind of practice of adding absolutely unnecessary, unwarranted spending of their tax dollars on appropriations bills without a proper process of scrutiny and ability to reject them will not occur. It will not restore their confidence. The stimulus package before us is important, but right now the American people see it not as a stimulus but a spending package. That is why this provision will restore some confidence in the future way we address their tax dollars.

Every time Senator FEINGOLD and I have tried to kill off a specific unwanted and unnecessary and, many times, outrageous appropriation, if we had succeeded, it would have taken down the whole bill. So one of the important aspects of this legislation is to allow us to rifleshoot and remove unnecessary and wasteful spending.

I don't have to go through the list, but it is always kind of fun to do it. Even though we passed in January 2007, by a vote of 96 to 2, an ethics and lobbying reform package that had meaningful reforms, by August of 2007, we were presented with a bill containing very watered-down earmark provisions and doing far too little to rein in wasteful earmarks. Since we adopted the much heralded reforms of January 2007, we have spent \$188,000 for the Lobster Institute, which includes a lobster cam at the bottom of the ocean, which so far we have been unable to make work; \$98,000 to develop a walking tour of Boydton, VA, population 454; \$212,000 for olive fruit fly research in Paris, France; \$1.95 million for the Charles B. Rangel Center for Public Service; \$150,000 for the Montana Sheep Institute—almost every one of these earmarks location specific required—\$345,000 for tree planting in Chicago; \$196,000 for the renovation of an historic post office in Las Vegas; \$150,000 for the STEED program, Soaring Towards Educational Enrichment via Equine Discovery, a youth program in Washington, DC; \$100,000 for Cooters Pond Park in Prattville, AL; \$50,000 for construction of a National Mule and Packers Museum in Bishop, CA; \$244,000 for bee research in Weslaco, TX.

The point is, some of these projects I am talking about may have virtue. It may be of the utmost national importance in this time of record deficits that we have a lobster cam at the bottom of the ocean and that we should spend \$188,000 for it. But it should be subject to debate and discussion and

amendment and acceptance or rejection.

What Senator FEINGOLD and I are seeking is a process where these earmarks can be judged on their value, their contribution to the overall economy, and whether they are necessary. Under the present system, they are still inserted without the Congress having the ability to carefully examine them.

It also would require recipients of Federal dollars to disclose any amounts that the recipient has expended on registered lobbyists. There is a new game in town—not so new, it has been going on for some years, but it grows—and that is that special interests, universities, others will go to a specific lobbying group, and they will then seek the earmarks this interest desires and believes is required. There are certain, obviously, amounts of money given to those lobbyists for their work. We are not saying they should not do that. We are saying that the amounts of money given to the lobbyists as a result of the recipients of Federal dollars obtaining those funds should be revealed.

Again, \$446,500 for horseshoe crab research at Virginia Tech in Virginia; \$500,000 for a maritime museum in Mobile, AL; \$360,000 for Hawaii rain gauges; \$401,850 for the Shedd Aquarium in Chicago, IL.

This process has got to end. The American people do not trust the Congress to dispose of their tax dollars without these billions of earmarks, or at least a process where they are scrutinized and Members of Congress have the ability not to just vote on an appropriations bill that appears on the Member's desk shortly before the vote takes place. The appropriators will tell us these are all worthwhile projects. They are not, and they have resulted in corruption. There are former Members of Congress residing in Federal prison today because this process—this process—has corrupted people. It has to be fixed.

So I could go in citing examples of unauthorized earmarks and policy riders in appropriations bills and conference reports. But I think you have the picture. By the way, an egregious example that is being investigated today is that for one of the appropriations bills, appropriations were inserted after the bill was passed and signed by the President of the United States—a remarkable occurrence—a remarkable occurrence. It shows how far we have gone in our obligations to the American people.

I would like to say a word to my own side of the aisle. We just lost an election, and I will take the responsibility for that. But I can assure my colleagues on this side of the aisle that one of the reasons why Republicans lost the last election is because our base, who are concerned about our stewardship of their tax dollars, believes we got on a spending spree which has mortgaged our children's futures.

If there is a future on this side of the aisle, then we have to clean up our act on spending. Time after time, when some of us said: You have to veto these spending bills, the answer was: Well, we have to please Members. What we did was we alienated those American citizens—frankly, of all parties—who feel strongly we have lost our sense of obligation to them as far as careful stewardship of their tax dollars is concerned.

I wish to mention one other thing. I had a very good conversation with the President of the United States. We all want to work together to pass this stimulus, a stimulus package that will get our economy going again. I look forward, as do other Members on this side of the aisle, as well as the other side, to sit down, and let's have some serious negotiations so we can eliminate wasteful and unnecessary spending that is part of the stimulus package that is before the Senate today.

We should make sure we adopt an amendment that as soon as the GDP improves for two quarters by 2 percent, we will then enact spending cuts to put us on the road to a balanced budget. We need to do that. We used to talk about millions of dollars and then we started talking about billions of dollars and now we are talking about trillions of dollars of deficits that will be run up that we will lay on future generations of Americans.

With this stimulus package, there must be a commitment to stop this spending and to reduce spending once our economy recovers, so we can have some sense of ability to put this Nation on a path to a balanced budget to eliminate the debt and deficit we are laying on future generations of Americans.

Americans are beginning to turn against the stimulus package as it is presently designed. They are doing that because they do not believe it is a stimulus package. They believe, correctly, it is a spending package. I urge my colleagues to help restore confidence in whatever the outcome is, that we adopt this amendment, so in the future the American people can be sure we will have done our very best to eliminate unnecessary, wasteful, and corrupting spending that has characterized the expenditures we have made in the past on appropriations bills that contained those unwanted, unnecessary spending practices.

I thank the Senator from Wisconsin, again, and my friend, Senator LIEBERMAN, and Members on both sides of the aisle who will support this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank the Chair.

I rise to speak in favor of the Feingold-McCain amendment. I heard my friend from Wisconsin refer to this as an amendment with tripartisan support. Hearing that, I rushed to the floor to validate his description of it.

I am proud to be a cosponsor of this legislation. It is quite appropriate that this amendment is being offered on this Economic Recovery and Reinvestment Act. I support this act strongly. It is critically important. It is gravely important we adopt this legislation, and adopt it soon, to kick start our economy, to start creating and protecting jobs again.

But there is an awful lot of money in this measure that has to be spent quickly. There are oversight actions and institutions that have been made part of the Economic Recovery and Reinvestment Act. But it gives us an opportunity to deal directly with what has become known as the earmark problem or the earmark crisis or the earmark scandal to some.

I support this amendment and have cosponsored it because it does not end what has begun to be described as earmarks. It reforms the process. It creates a legislative vehicle for any 1 of 100 of us to stand and say: Hey, wait a second. What is this appropriation without authorization that has been put into this bill and to essentially demand, by raising a point of order, that 60 of the 100 of us agree that it is worth spending taxpayers' money on this particular appropriation.

This is necessary because we have taken a legitimate constitutionally created function of Congress—the power to appropriate—and we have misused it in too many cases that it now requires us to create a process to basically say, at times when it is justified: Stop. Stop this particular appropriation, this particular earmark.

When I talk about a constitutionally ordained process, I am talking about the fact that the Constitution gives Congress, uniquely, the power to appropriate public funds. It is simply a matter of record, which my colleagues from Wisconsin and Arizona have made more than clear this morning again, that the power we have been given to appropriate has, in some cases, been misused in what now are called earmarks. So we need to create this checkpoint to say: No, let's demand 60 votes for this one.

The amendment would also require all recipients of Federal dollars to disclose any amounts the recipient has expended on registered lobbyists. This is a way also to create some transparency—the sunlight that Justice Brandeis, I believe it was, said was the best disinfectant for bad behavior in Government.

So I am proud to be a cosponsor. I hope we take this moment, as we appropriate necessary funding—hundreds of billions of dollars—to say that on all other appropriations bills coming along, every Member of this Senate will have the opportunity to ask something very reasonable and sensible: If they doubt the necessity, the validity of a particular appropriations earmark, that 60 of us have to say: No, we think it is OK.

AMENDMENT NO. 106

Madam President, I am not sure, at this point, what the regular order is. I also have come to the floor to speak about an amendment the Senator from Georgia, Mr. ISAKSON, and I have offered. If it is appropriate, now I would speak for a few minutes on it. If not, I will wait until that amendment comes up.

The PRESIDING OFFICER. The Senator has that right.

Mr. LIEBERMAN. I thank the Chair, and I promise my colleagues I will be brief.

Senator ISAKSON and I have offered an amendment which will create a \$15,000 tax credit for any purchaser of a home within a year after the date of enactment. There is no recapture clause for that. We do so to offer one of what we hope will be a series of measures to revive the housing market and housing values as a critical part of reviving our economy and creating jobs.

Very briefly, it was the subprime mortgage scandal, the bubble in housing prices, the collapse of housing prices, that has been at the heart of the follow-on collapse in our financial institutions and the collapse in confidence, particularly, the confidence of the American consumer, whose demand, whose consumption, drives 70 percent of the American economy.

So bottom line: I saw a statistic from a reputable economist about a week ago, 2 weeks ago now, that estimated in the last year there had been a loss of \$4 trillion in the value of real estate in our country—\$4 trillion. We are talking about \$4 trillion of value in houses, which for most Americans—middle-income, lower middle, and lower income—who could afford to own a house, was the major asset they had, the major asset of value, the major source within them for which they had economic confidence because it was worth something beyond what the mortgage was. That is part of what gave them the confidence then to go out and consume, to drive our economy forward.

The collapse of housing values, the dramatic drop in activity—housing purchases and sales—is at the heart of the collapse in confidence and the spiraling downward of our economy today, and we simply will not get our economy going again unless we get that moving.

This credit Senator ISAKSON and I are proposing—we are not saying is going to solve all the problems. There has to be action in other ways. There has to be action through the Treasury Department in the second tranche of the so-called TARP money to help people stay in their homes, particularly those who are in homes that are now worth less than the mortgage they have. There has to be action to try to lower interest rates and so on.

But we think this action will really kick start the housing market by giving a \$15,000 tax credit, refundable, to anybody who buys a house within a

year of the date of enactment. That will drive sales. As you watch the interest rates coming down—and interest rates are at a low of many years, when you can get a mortgage—and then with the action through the Treasury Department to increase liquidity, and you add on a \$15,000 tax credit, I think people are going to go out and buy homes. That is going to begin to raise the value of homes. If a home sells on the street, everybody else's house goes up in value. Then people's sense of their own wealth, their own economic well-being, is going to increase, and I think it will give them the confidence to go out and begin to consume.

In 2008, I can tell you, Connecticut's housing market experienced its sharpest decline in home sales and median home prices in 20 years. Single family home sales fell nearly 24 percent. This proposal Senator ISAKSON and I are making obviously costs some money. But compared to other proposals that have been made, this one will pay a return on the dollar.

Although we are waiting for a final estimate, I would anticipate the amendment could cost as much as \$20 billion. However, we have had economic estimates from credible economists who have looked at the amendment Senator ISAKSON and I are offering and said they believe it could lead to as many as 1.1 million home purchases within this year, that it would generate 539,000 new jobs, mostly in construction, and \$14 billion in Federal tax revenues. So that is a tremendous return on what this will cost the Treasury. Senator ISAKSON will show it in his comments, because we have talked about this—this has been tried once before in a terrible housing crisis in the 1970s and worked very well.

I am proud to stand with my friend from Georgia. This is a bipartisan amendment; perhaps I should say tripartisan. It deserves to have tripartisan and, I would hope, unanimous support as something that has been proven in the past and will work again today to get people's home values rising, because there will be the demand to buy houses in America once again.

I thank the Chair, I thank my colleagues, and I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CARDIN. Madam President, will the Senator yield for a moment?

Mr. ISAKSON. I will.

Mr. CARDIN. Madam President, I ask unanimous consent to be recognized after the Senator from Georgia has completed his comments.

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. Reserving the right to object, would it be good to lock in the speakers who are here at the same time?

Mr. GRASSLEY. Madam President, I don't want to do that because I am the manager for this bill and I have been waiting to speak. I want the floor after

the Senator from Maryland completes his remarks, and I think I am entitled to it.

Mr. ISAKSON. I would never cross the Senator from Iowa.

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

The Senator from Georgia is recognized.

Mr. ISAKSON. Madam President, first, I want to thank Senator LIEBERMAN for his very responsive remarks and for his cosponsorship for this legislation that creates a floor for housing once again and for us to end what has become a terrible economic crisis.

#### AMENDMENT NO. 106, AS MODIFIED

I called this amendment up last night and now I wish to ask unanimous consent to send a modification of the amendment to the desk for replacement of the existing amendment.

The PRESIDING OFFICER. Are there objections to the modification?

Without objection, the amendment is modified.

The amendment (No. 106), as modified, is as follows:

On page 449, beginning on line 16, strike through page 450, line 22, and insert the following:

#### SEC. 1006. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

#### “SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is a purchaser of a principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

“(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

“(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the principal residence is made.

“(b) LIMITATIONS.—

“(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

“(A) after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

“(B) on or before the date that is 1 year after such date of enactment.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

“(3) ONE-TIME ONLY.—

“(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any principal residence, no credit shall be al-

lowed under this section in any taxable year with respect to the purchase of any other principal residence by such individual or a spouse of such individual.

“(B) JOINT PURCHASE.—In the case of a purchase of a principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other principal residence.

“(C) PRINCIPAL RESIDENCE.—For purposes of this section, the term ‘principal residence’ has the same meaning as when used in section 121.

“(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

“(e) SPECIAL RULES.—

“(1) JOINT PURCHASE.—

“(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting ‘\$7,500’ for ‘\$15,000’ in subsection (a)(1).

“(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

“(2) PURCHASE.—In defining the purchase of a principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

“(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

“(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

“(1) IN GENERAL.—In the event that a taxpayer—

“(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

“(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

“(2) EXCEPTIONS.—

“(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

“(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

“(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

“(i) paragraph (1) shall not apply to such transfer, and

“(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if

such transferee were the transferor (and shall not apply to the transferor).

“(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

“(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

“(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

“(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

“(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”

(c) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 is amended by striking “July 1, 2009” and inserting “the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009”.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 is amended by striking “July 1, 2009” and inserting “the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases after the date of the enactment of this Act.

Mr. ISAKSON. Madam President, the amendment is merely a technical amendment on dates and no other substantial change.

It is rare that we have a roadmap to success in times of difficulty, but this country has once before realized a housing crisis every bit as bad as the one we have today and economic troubles and unemployment every bit as dangerous, and that was in 1974. In 1975, the Democratic Congress and a Republican President, Gerald Ford, came together for the American people and passed a \$2,000 tax credit for the purchase of any standing, vacant, new house and in one year's time a 3-year inventory had been dissipated to 10 months, housing was restored, values returned, and the economy again began to prosper.

Thirteen months ago, in January of last year, I introduced this same amendment. It was scored at that time by Joint Tax at a cost of \$11.4 billion. The Finance Committee in its wisdom elected not to include this in the proposal because they said it was too ex-

pensive. Since they said that was too expensive, we have spent \$4 trillion between the Federal Reserve and the Congress and the U.S. Treasury, and the problem is worse. So I would submit this is a very small price to pay for a solution that at least we have an historical precedent that it works.

The score on this legislation is \$18.9 billion. The legislation provides a \$15,000 tax credit, or 10 percent of the purchase price, against either 2008 income where one can monetize it at the closing date this year, or half in 2009 and half in 2010, for anyone who buys as their principal residence any single-family dwelling or single-family condominium or attached townhouse available in the United States of America. We have a pervasive housing problem, and the worst hurt right now are the people who are paying their mortgages, the people who are in decent shape, the people who are having to sell because of a transfer; they have no market and they don't because everybody is going for short sales or they are going for foreclosures or they are going bottom fishing. They are bottom fishing with your equity and mine. They are bottom fishing to find the best deal they can get at the bottom of the trough. It is going to keep spiraling down until this Congress and this country address the root of the problem which is the death of the housing market, puts a floor under it, stabilizes it, and gives it a motivation to improve.

Senator LIEBERMAN's quote is absolutely correct. Right now, we are at a housing sale rate of a half a million houses a year. This country averaged 1.2 million in the last 10 years. This bill will take us back to 1.2 million, as his statistics prove. We have tremendous unemployment. This legislation will bring about estimates of 500,000 to 600,000 jobs back to America, not in 2 years, not in 10 years, but now. So I respectfully submit we have a chance to join together, learn from history, repeat history that worked, and adopt this amendment.

I thank Senator LIEBERMAN for his support. I thank Senator CHAMBLISS for coming on as a cosponsor and Senator CORKER and, as I understand from the calls I have had in the last day, many more from both sides of the aisle. It is time to fix America's problem, not throw money at the symptoms. It is time to fix housing first in the United States of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Madam President, let me comment on the underlying bill and then I will ask unanimous consent to set aside an amendment so I can offer an amendment.

First, let me comment on the underlying bill. We need to give President Obama the tools necessary for our economic recovery. President Obama said 2 weeks ago in his inaugural address the challenges we face are real, they are serious, and they are many. They

will not be met easily or in a short span of time, but they will be met.

I think our responsibility is to make sure he has the tools necessary in order to be able to deal with our economic crisis. The current status of our economy is worse than any of us have seen in our lifetime. The gross national product fell 4 percent in the final quarter of 2008; our unemployment rates are at 7.2 percent.

Regarding home ownership and foreclosure, I know my Republican colleagues have had some discussion about trying to do more in that regard. This bill will save homeowners their homes. In my State of Maryland, we had 41,500 foreclosures in 2008, an increase of 71 percent. I need to point out that last year, it was the Senate Republicans who required seven cloture votes on the Foreclosure Prevention Act before we could take it up. At that time, 8,500 families were in some stage of foreclosure every day. The five months of stalling caused 1.2 million families to receive some form of foreclosure filings. The Republicans blocked amendments to provide additional funding for housing counseling and to let bankruptcy judges modify terms of subprime mortgages which could have kept 600,000 families in their homes.

So let me make it clear. We all want to preserve home ownership. We all want to prevent foreclosure. The underlying bill will help us get to that moment which we should have done earlier, and I regret that the filibusters prevented us from doing that.

Now, it is not only home ownership. People are losing their jobs. Retailers, automobile dealers, and restaurants are feeling the pinch. Small business owners are closing their doors. We need jobs and we need consumer confidence. The underlying legislation will allow for job growth. That is the No. 1 objective: Create more jobs in America because we are losing them today. President Obama made it clear the criteria for this bill must be that the investments we make must be targeted to new job growth. He does that through targeted tax credits and tax cuts, through aid to our local governments to avoid the layoffs that each one of our States will confront with State workers. In my State of Maryland, Governor O'Malley is having a very difficult time with the State budget. He knows we need help in order to preserve State employment and to preserve the type of services that the State must provide for essential services during a recession.

This legislation provides direct investment for projects that are ready to go, that will create jobs, and that are the right investments for America's future. I don't disagree with my colleagues as we look at each individual request that is made here. There are no earmarks in this legislation, but we

want to make sure there are right investments for America's future, whether it is improving education, educational facilities, energy so we can become energy independent, broadband so that we can compete in the future, health care technology so we can become more efficient in the way we deliver health care, our transportation system—I particularly mention public transportation which is critically important for our communities—or whether it is preserving home ownership. Also, the underlying bill must be temporary. We need to get back to balancing the budget; we understand that.

So what does this bill mean for the people of Maryland? Well, our State will receive directly \$3.1 billion. We will receive \$420 million for highways, \$240 million for transit projects, \$27 million for drinking water improvements, \$96 million to improve wastewater facility plants, which is in desperate need in Maryland. The State energy program will get \$8.5 million; weatherization assistance so that homeowners can have their homes much more efficient as it relates to the use of energy, \$56.5 million. Many of the infrastructures that are being improved by this bill are 30, 40, 50 years old. A lot of our wastewater treatment facilities are in need of modernization. They are ready to go. The money has not been there for it. These are capital improvements so we can compete and have a better society. Once it is done, we can get back to being more competitive and get back to the budget discipline that is so necessary in this Congress.

Let me talk for a moment about the real estate market. The real estate market triggered this recession. We know that. I was listening to my colleagues talk about that on the floor and I agree with them. It is difficult for people to get into the mood to buy a home. They don't know whether we have hit bottom. So I particularly appreciate the Finance Committee for bringing out in this legislation the first-time homeowners tax credits, legislation that I introduced last Congress. It was included in the bill we passed in the last Congress, but it was a noninterest-bearing loan of \$7,500. The Finance Committee has now changed that to a credit, which I think will be much more effective. First-time home buyers now know that if they get into the home buying market, the Federal Government is going to help them with a credit. That is what it should be, and I know there will be some additional efforts made to strengthen that amendment.

In regards to small business, I said earlier small businesses are the heart of America. It is where our economic strength is. The American dream is not only owning a home; the American dream is also owning a small business, being your own boss. Unfortunately, too many small businesses today have on their front door "going out of business." We have to do more to protect

small businesses. At the end of the day, when we pull out of this recession, we need to have small businesses in place because they are the economic engine of America. Madam President, 99.7 percent of the businesses in Maryland are small businesses and 80 percent of all new job growth is created by small businesses.

We had in the Small Business Committee a roundtable where we talked to small businesses in our State, in our country. It is interesting that a year ago, one out of every seven small business owners used their personal credit cards in order to get credit for their business. We understand that. Today that is 50 percent. It is the only place they can get credit. It is the most expensive and it can be pulled at any time. We have to help small business owners with their credit problems. We have to make sure the government procurement actually gets down to the small business owner. In this underlying legislation, the SBA loans, the 504 program, the 7(a) loans, there are major provisions to make it less expensive for small businesses. That is good. I support that. There is a microborrowing provision in this legislation for small businesses. That is important. That is going to help. But we need to do more. We need to do more to help small businesses, minority businesses, women-owned businesses, veterans' businesses.

AMENDMENT NO. 237 TO AMENDMENT NO. 98

For that reason, I ask unanimous consent to set aside the pending amendment so that I may offer amendment No. 237.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Maryland [Mr. CARDIN], for himself and Ms. LANDRIEU and Ms. SNOWE, proposes an amendment numbered 237 to amendment No. 98.

Mr. CARDIN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend certain provisions of the Small Business Investment Act of 1958, related to the surety bond guarantee program)

On page 105, between lines 3 and 4, insert the following:

**SEC. 505. SURETY BONDS.**

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking "\$2,000,000" and inserting "\$5,000,000"; and

(3) by adding at the end the following:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary."

(b) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15

U.S.C. 694a) is amended by adding at the end the following:

"(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System."

(c) SUNSET.—The amendments made by this section shall remain in effect until September 30, 2010.

Mr. CARDIN. Madam President, let me very briefly explain this amendment.

This amendment improves the SBA program for surety bonds for small businesses. In the underlying bill the committee has brought out an additional \$15 million that will allow SBA to help with the surety program.

The challenge today is that for small business to get a government contract of over \$100,000, they have to put up a surety bond. It is very difficult for them to get that surety bond. The SBA has a program to help them obtain a surety bond. The challenge is that the current limit is \$2 million. For any contract over \$2 million the program cannot be used. Well, with the underlying bill and the types of procurement we are anticipating, there are going to be larger contracts. What this amendment does is increase the \$2 million to \$5 million.

Secondly, in order to qualify for a small business, your annual revenue must be below the Federal guidelines or State guidelines if it is a State contract.

What the underlying amendment does is use the Federal guidelines, which is \$31 million, for construction contractor businesses and \$13 million for specific trades as the standard for being eligible for the Federal SBA program on your surety bond. I am very pleased that this amendment has the support of the leadership of the Small Business Committee, Senators LANDRIEU and SNOWE. It is bipartisan. The CBO scored this at no cost, so it will not cost money. I urge my colleagues to support it.

Lastly, Senator SNOWE will be offering an amendment to make sure Federal procurement laws and regulations apply to all the contracts awarded under this legislation and that SBA regularly reports on these contracts to Congress. I am a cosponsor of that amendment; I strongly support that amendment. I hope we will also consider that amendment.

In conclusion, I am optimistic about our future, but we have a lot of work to do. We need to pass this legislation quickly and give President Obama the tools he needs so we can see that our economy is rebuilt and grown to its full capacity. I am confident we will reach that day by acting on this legislation, and it will be sooner rather than later.

I thank my colleague and yield the floor.

Ms. SNOWE. Mr. President, I rise today to speak in support of this amendment I have cosponsored with Senators CARDIN and LANDRIEU. This amendment would reinvigorate the Small Business Administration's, SBA, Surety Bond Guarantee Program, to ensure that small businesses are able to secure the surety bonds they need to compete for contracts, grow, and hire more employees. In our current economic recession, small businesses are finding it even more difficult to secure the credit lines necessary to get bonds in the private sector.

As a result, the SBA surety bond program is more important than ever. Surety bonds are critical to small companies' survival and competitiveness. Our bipartisan amendment would increase, on a temporary basis, the limits on the SBA Surety Bond Guarantee Program from \$2 million to \$5 million for contracts awarded under the SBA program. This amendment would also raise the current small business size standards for state and local contracts in order to update and modernize the surety bond guarantee eligibility.

I encourage my colleagues to support this crucial small business surety amendment. This amendment was written after consulting with small business owners across the country, the SBA, and surety bonding companies on how best to revitalize this critical program. Without these changes, fewer small businesses will have the opportunity to participate on the plethora of construction and infrastructure projects that are likely to occur across the nation because of this stimulus package. Without these bonds many small businesses will be unable to compete for contracts and government work. For new companies, obtaining a surety bond will become a barrier to entry and competition they are unable to overcome.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AMENDMENTS NOS. 168, 197, AND 238, EN BLOC, TO AMENDMENT NO. 98

Mr. GRASSLEY. Madam President, on behalf of our leadership, I ask unanimous consent to temporarily set aside the pending amendment, and I call up three amendments and ask that they be reported by number. They are DeMint, No. 168; Thune, No. 197; and Thune, No. 238.

I further ask that Senator THUNE be the next speaker on the Republican side and that Senator JOHANNIS follow him, with a Democrat in between.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY], for Mr. DEMINT, proposes an amendment numbered 168.

The Senator from Iowa [Mr. GRASSLEY], for Mr. THUNE, proposes amendments numbered 197 and 238.

The amendments are as follows:

AMENDMENT NO. 168

(Purpose: In the nature of a substitute)

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. REDUCTION IN CORPORATE MARGINAL INCOME TAX RATES.**

(a) GENERAL RULE.—Paragraph (1) of section 11(b) of the Internal Revenue Code of 1986 is amended—

(1) by inserting “and” at the end of subparagraph (A),

(2) by striking “but does not exceed \$75,000,” in subparagraph (B) and inserting a period,

(3) by striking subparagraphs (C) and (D), and

(4) by striking the last 2 sentences.

(b) PERSONAL SERVICE CORPORATIONS.—Paragraph (2) of section 11(b) of such Code is amended by striking “35 percent” and inserting “25 percent”.

(c) CONFORMING AMENDMENTS.—Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking “35 percent” and inserting “25 percent”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 2. REDUCTION IN INDIVIDUAL MARGINAL INCOME TAX RATES.**

(a) IN GENERAL.—Paragraph (2) of section 1(i) of the Internal Revenue Code of 1986 is amended to read as follows:

“(2) REDUCTION IN RATES AFTER 2008.—In the case of taxable years beginning after 2008, the tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears, and

“(B) without regard to—

“(i) the rates on taxable income in excess of the amount with respect to which the 25 percent rate (determined after the application of subparagraph (A)) applies, and

“(ii) any limitation on the amount of taxable income to which the 25 percent rate (determined after the application of subparagraph (A)) applies.”.

(b) REPEAL OF EGTRRA SUNSET.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to section 101 of such Act (relating to reduction in income tax rates for individuals).

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 3. REPEAL OF ALTERNATIVE MINIMUM TAX.**

(a) IN GENERAL.—Section 55(a) of the Internal Revenue Code of 1986 (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

“No tax shall be imposed by this section for any taxable year beginning after December 31, 2008, and the tentative minimum tax for any such taxable year of any taxpayer which is a corporation shall be zero for purposes of this title.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 4. PERMANENT REDUCTIONS IN INDIVIDUAL CAPITAL GAINS AND DIVIDENDS TAX RATES.**

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is repealed.

**SEC. 5. ESTATE TAX RELIEF AND REFORM AFTER 2009.**

(a) RESTORATION OF UNIFIED CREDIT AGAINST GIFT TAX.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 (relating to general rule for unified credit against gift tax), after the application of

subsection (f), is amended by striking “(determined as if the applicable exclusion amount were \$1,000,000)”.

(b) EXCLUSION EQUIVALENT OF UNIFIED CREDIT EQUAL TO \$5,000,000.—Subsection (c) of section 2010 of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended to read as follows:

“(c) APPLICABLE CREDIT AMOUNT.—

“(1) IN GENERAL.—For purposes of this section, the applicable credit amount is the amount of the tentative tax which would be determined under section 2001(c) if the amount with respect to which such tentative tax is to be computed were equal to the applicable exclusion amount.

“(2) APPLICABLE EXCLUSION AMOUNT.—

“(A) IN GENERAL.—For purposes of this subsection, the applicable exclusion amount is \$5,000,000.

“(B) INFLATION ADJUSTMENT.—In the case of any decedent dying in a calendar year after 2009, the \$5,000,000 amount in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of \$10,000, such amount shall be rounded to the nearest multiple of \$10,000.”.

(c) FLAT ESTATE AND GIFT TAX RATES.—

(1) IN GENERAL.—Subsection (c) of section 2001 of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended to read as follows:

“(c) TENTATIVE TAX.—The tentative tax is 15 percent of the amount with respect to which the tentative tax is to be computed.”.

(2) CONFORMING AMENDMENTS.—

(A) Paragraphs (1) and (2) of section 2102(b) of such Code are amended to read as follows:

“(1) IN GENERAL.—A credit in an amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$60,000 shall be allowed against the tax imposed by section 2101.

“(2) RESIDENTS OF POSSESSIONS OF THE UNITED STATES.—In the case of a decedent who is considered to be a ‘nonresident not a citizen of the United States’ under section 2209, the credit allowed under this subsection shall not be less than the proportion of the amount that would be determined under section 2010 as the applicable credit amount if the applicable exclusion amount were \$175,000 which the value of that part of the decedent's gross estate which at the time of the decedent's death is situated in the United States bears to the value of the decedent's entire gross estate, wherever situated.”.

(B) Section 2502(a) of such Code (relating to computation of tax), after the application of subsection (f), is amended by adding at the end the following flush sentence:

“In computing the tentative tax under section 2001(c) for purposes of this subsection, ‘the last day of the calendar year in which the gift was made’ shall be substituted for ‘the date of the decedent's death’ each place it appears in such section.”.

(d) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN UNIFIED CREDIT RESULTING FROM DIFFERENT TAX RATES.—

(1) ESTATE TAX.—

(A) IN GENERAL.—Section 2001(b)(2) of the Internal Revenue Code of 1986 (relating to computation of tax) is amended by striking “if the provisions of subsection (c) (as in effect at the decedent's death)” and inserting “if the modifications described in subsection (g)”.

(B) MODIFICATIONS.—Section 2001 of such Code is amended by adding at the end the following new subsection:

“(g) MODIFICATIONS TO GIFT TAX PAYABLE TO REFLECT DIFFERENT TAX RATES.—For purposes of applying subsection (b)(2) with respect to 1 or more gifts, the rates of tax under subsection (c) in effect at the decedent’s death shall, in lieu of the rates of tax in effect at the time of such gifts, be used both to compute—

“(1) the tax imposed by chapter 12 with respect to such gifts, and

“(2) the credit allowed against such tax under section 2505, including in computing—

“(A) the applicable credit amount under section 2505(a)(1), and

“(B) the sum of the amounts allowed as a credit for all preceding periods under section 2505(a)(2).

For purposes of paragraph (2)(A), the applicable credit amount for any calendar year before 1998 is the amount which would be determined under section 2010(c) if the applicable exclusion amount were the dollar amount under section 6018(a)(1) for such year.”

(2) GIFT TAX.—Section 2505(a) of such Code (relating to unified credit against gift tax) is amended by adding at the end the following new flush sentence:

“For purposes of applying paragraph (2) for any calendar year, the rates of tax in effect under section 2502(a)(2) for such calendar year shall, in lieu of the rates of tax in effect for preceding calendar periods, be used in determining the amounts allowable as a credit under this section for all preceding calendar periods.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, generation-skipping transfers, and gifts made, after December 31, 2009.

(f) ADDITIONAL MODIFICATIONS TO ESTATE TAX.—

(1) IN GENERAL.—The following provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and the amendments made by such provisions, are hereby repealed:

(A) Subtitles A and E of title V.

(B) Subsection (d), and so much of subsection (f)(3) as relates to subsection (d), of section 511.

(C) Paragraph (2) of subsection (b), and paragraph (2) of subsection (e), of section 521. The Internal Revenue Code of 1986 shall be applied as if such provisions and amendments had never been enacted.

(2) SUNSET NOT TO APPLY TO TITLE V OF EGTRRA.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act.

(3) REPEAL OF DEADWOOD.—

(A) Sections 2011, 2057, and 2604 of the Internal Revenue Code of 1986 are hereby repealed.

(B) The table of sections for part II of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2011.

(C) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by striking the item relating to section 2057.

(D) The table of sections for subchapter A of chapter 13 of such Code is amended by striking the item relating to section 2604.

#### SEC. 6. INCREASE IN CHILD TAX CREDIT MADE PERMANENT.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 201 (relating to modifications to child tax credit) and 203 (relating to refunds disregarded in the administration of federal programs and federally assisted programs) of such Act.

#### SEC. 7. BASE BROADENING.

(a) IN GENERAL.—Section 63 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) RESTRICTION OF ITEMIZED DEDUCTIONS AFTER 2008.—In the case of any taxable year beginning after 2008, no itemized deductions shall be allowed under this chapter other than—

“(1) the deduction for qualified residence interest (as defined in section 163(h)(3)), and

“(2) the deduction allowed under section 170.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

AMENDMENT NO. 197

(The amendment is printed in the RECORD of Tuesday, February 3, 2009, under “Text of Amendments.”)

AMENDMENT NO. 238

(Purpose: To ensure that the \$1 trillion spending bill is not used to expand the scope of the Federal Government by adding new spending programs)

At the appropriate place, insert the following:

IN GENERAL.—Notwithstanding any other provision of this Act, for each amount in each account as appropriated or otherwise authorized to be made available in this Act, the Office of Management and Budget shall make determination about whether an authorization for that specific program had been enacted prior to February 1, 2009, and if no such authorization existed by that date, then the Office of Management and Budget shall reduce to zero the amount appropriated or otherwise made available for each program in each account where no authorization existed.

Mr. GRASSLEY. Madam President, our Nation’s fiscal outlook is very grim. The Congressional Budget Office projects the Federal budget deficit will exceed \$1 trillion. Despite this enormous deficit, President Obama is urging Congress to enact a massive stimulus plan that would add another \$1 trillion in Government debt over the next 10 years. The President and his advisers insist that we must spend this money as quickly as possible in order to save our economy.

In the grassroots of my State, I don’t think people argue with things that are in this bill that are truly stimulus, but I am getting outrage from my constituents about the large part of this bill that is strictly big-time spending.

In normal times, such fiscal excess, stimulus or otherwise, would be widely criticized and promptly rejected. But we all know these are not normal times. Our economy faces the worst recession since the Great Depression. Such comparisons may be overblown but everybody is understandably concerned about the present state of our economy. Congress needs to take action—and we are doing that—to address declining growth and rising unemployment. But we must not let our desire for a quick fix undermine our ability to address the real challenges we face.

A sustainable fiscal policy depends on a growing economy. A sound economy depends on a sound fiscal policy. Unfortunately, there doesn’t seem to be any consensus on what constitutes

sound policy. But I think we can all agree that Government doesn’t create wealth; Government only expends wealth. So we have to be about the business of having an environment that creates wealth.

There are two opposing views on how to help the economy. Some people say consumption is the key to economic growth. When people go shopping, the economy is good, so we need to spend more, they say. Other people say investment is the key. When businesses invest, the economy is good, so they say we need to save more.

Some economists try to reconcile these opposing views by suggesting the correct route depends upon the circumstances. When workers are fully employed and factories are fully utilized, they say we need to save more and increase supply. But when workers are unemployed and factories are idled, they say we need to spend more and increase demand. While this explanation is appealing, it doesn’t withstand careful scrutiny.

We are told that in order to stimulate the economy, all the Government has to do is put more money into the hands of consumers and they will spend it back into prosperity. The problem with this approach is that the only way the Government can put money into somebody else’s hands is by taking it from somebody else’s pockets—either in the form of taxes or borrowing. Now, this is a zero-sum game in which one person’s loss is another’s gain. Some economists try to obscure this fact by introducing a concept known as the marginal propensity to consume. In my judgment, that is just a fancy way of saying some people spend more of their money than others.

According to this concept, low-income people are more likely to spend an extra dollar than higher income people; thus, taking from the rich and giving it to the poor will stimulate consumer demand and boost the overall economy. It is the Government kind of playing the role of Robin Hood.

This concept is flawed because it ignores the very important role of people saving. Money that is saved does not disappear; it flows back into the economy in the form of business loans or consumer credit. Saving is just another form of spending—specifically spending on capital goods, such as factories and equipment, or consumer goods such as cars and houses.

Of course, the critics say this is not always true. During a recession, banks are less willing to lend and businesses are less willing to borrow. Thus, some of the money previously available in the economy is no longer being used, like right now with the credit crunch. It has been stuffed, in some cases, under the proverbial mattress, whether that is in anybody’s home or in a bank vault. Thus, advocates of fiscal stimulus claim the Government can borrow and spend during a recession without crowding out other private sector spending. This is true only in a very narrow sense that increasing money

supply allows the Government to borrow and spend without reducing the amount of money available to the rest of our population. That is monetary policy masquerading as fiscal policy. Moreover, when the Government borrows money, whether it is new money or old money, what the Government is really borrowing is the resources it acquires; thus, every dollar the Government spends has an "opportunity cost" in terms of the potential uses of those resources.

Much of the confusion over this point comes from the failure to recognize the nature of money in our economy. Economists often talk about the multiplier effect in order to explain how each dollar of Government spending can result in more than a dollar of economic activity. But the multiplier effect is simply a way of illustrating the fact that if I give you a dollar, you will spend part of it and save part of it. The portion you spend goes to someone, who spends a portion and saves a portion, and so on and so on; thus, \$1 effectively multiplies into many dollars.

Contrary to what some people might have you believe, the multiplier effect applies to every dollar, not just the dollar spent by the Government. According to Federal Reserve data over the past 50 years, the ratio between gross domestic product and our money supply—defined as currency plus bank reserves—has ranged from a ratio of 10 to 1, to 20 to 1. In other words, every dollar in our economy supports between \$10 and \$20 of economic activity.

During a recession, there are fewer workers producing fewer goods and services. That is why this is called a recession. Because the level of output is lower, the level of spending is lower as well. That means the available dollars are being used less. Economists often refer to this as a decline in the velocity of money. The money no longer being used reflects the goods and services no longer being produced. With fewer goods and services available to buy, Government efforts to borrow and spend will increase the money supply. Instead of the Federal Reserve increasing bank reserves to boost private lending, the Government will increase borrowing to boost private spending. But this is really monetary policy disguised as fiscal policy.

The success or failure of this policy will depend upon how the additional money is used. Unfortunately, when some advocates of Government stimulus talk about priming the pump, they give the impression that we can grow our economy by simply spending money and it doesn't matter in any way how you spend that money.

Consider the following comments by the great economist John Maynard Keynes, whom I don't agree with very much. He said this:

If the Treasury were to fill old bottles with banknotes, bury them at suitable depths in disused coal mines . . . and leave it to private enterprise . . . to dig the notes up again . . . there need be no more unemployment. . . .

People are probably laughing at that. Nearly everyone would recognize the ill effects of printing up \$1 trillion and dropping it from helicopters. But what if the Government hired 10 million Americans to dig holes and fill those holes back up and paid them each \$100,000? Would this prime the pump and get our economy moving again? The answer should be obvious: It would be a complete waste of resources.

The 19th century economist Fredrick Bastiat once observed:

There is only one difference between a bad economist and a good one: the bad economist confines himself to the visible effect; the good economist takes into account both the effect that can be seen and those effects that must be foreseen.

When the Government borrows money for some activity, that is what is seen. But what is not seen is what could have been created had those workers and resources been used in some different way. The benefit of a Government stimulus plan must then be weighted against cost. So far, there has been no comprehensive cost-benefit analysis of this proposed stimulus bill.

I may have talked about a lot of economic philosophy, but it is pertinent to what we are doing on the Senate floor this week, the stimulus bill. There is a glaring omission given in recent comments that have been made by President Obama. So I want my colleagues to take into consideration what my President says.

Shortly before his inauguration, President Obama gave a series of speeches and interviews. I will read a couple sentences from them. According to the January 16 Washington Post:

Obama repeated his assurance that there is "near unanimity" among economists that government spending will help restore jobs in the short term, adding that some estimates of necessary stimulus now reach \$1.3 trillion.

The President-elect said he believes that direct Government spending provides the most "bang for the buck" and that his advisers have worked to design tax cuts that would be most likely to spur consumer spending.

They quote President Obama:

"The theory behind it is I set the tone." Obama said. "If the tone I set is that we bring as much intellectual firepower to a problem, that people act respectfully toward each other, that disagreements are fully aired, and that we make decisions based on facts and evidence as opposed to ideology, that people will adapt to that culture and we'll be able to move together effectively as a team."

Going on to quote President Obama:

I have a pretty good track record at doing that.

I was quoting from the Washington Post, but also quoting within that article what the President said.

Now I want to go to a January 10 radio address by then-President-elect Obama, now our President:

Our first job is to put people back to work and get our economy working again. This is an extraordinary challenge, which is why I've taken the extraordinary step of work-

ing—even before I take office—with my economic team and leaders of both parties on an American recovery and reinvestment plan that will call for major investments to revive our economy, create jobs, and lay a solid foundation for future growth.

I asked my nominee for chair of the Council of Economic Advisers, Dr. Christina Romer, and the Vice President-elect's chief economic adviser, Jared Bernstein, to conduct a rigorous analysis of this plan and come up with projections of how many jobs it will create—and what kind of jobs they will be. . . .

The report confirms that our plan will likely save or create 3 to 4 million jobs. . . .

The jobs we create will be in businesses large and small across a wide range of industries. And they'll be the kind of jobs that don't just put people to work in the short term, but position our economy to lead the world in the long term.

That is a quote from the January 10 radio address by then-President-elect but now our President.

These comments from President Obama are noteworthy for several reasons. First, he is our President, and we ought to respect his views, not always agreeing with them but consider them. First, he suggests a level, in these quotes I just gave, of unanimity among economists, and that unanimity does not exist. Second, he suggests his administration will make decisions based on the facts instead of ideology. Third, he suggests his plan will create jobs that are more than just temporary.

In that regard, I note that the Congressional Budget Office released an analysis of the House stimulus bill. According to the Congressional Budget Office, the House stimulus bill will create between 3 million and 8 million new jobs over the next 3 years, depending on whether the multiplier assumption is low—that will be 3 million—or high—that will be 8 million.

Given the cost of the House bill, these figures imply a very surprising and a very troubling result. The CBO estimate shows it will cost between \$90,000 and \$250,000 per job created. These numbers should be contrasted to those under the CBO baseline which show the gross domestic product per worker is about \$100,000.

In other words, the jobs being created by the House bill could cost as much as 2½ times more than the jobs that would be created without the stimulus bill. There has been a lot of talk about "bang for the buck," particularly during this debate. But there doesn't seem to be any interest in actually making sure it happens. In other words, that it actually happens, we get bang for the buck. Before we spend another \$1 trillion, we ought to make sure we are getting our money's worth.

It should also be noted that the Congressional Budget Office's analysis only covers the years 2009 through 2011, but if you assume the ratio of employment to Government spending remains the same throughout the 10-year projection period that we always have in our bills, there will be only a few thousand new jobs. Moreover, if you adopt the standard assumption that increasing the national debt by \$1 trillion will

crowd out private sector investment, the net result will be fewer jobs because of this stimulus bill.

I have written a letter to the Congressional Budget Office Director requesting an analysis of both the House and Senate stimulus bills. This analysis will cover the full 10-year period, consistent with the January baseline.

The Director has indicated to me that this is a very complicated process, and their analysis may not be completed until next week. I strongly encourage my colleagues to have the CBO analysis before we have a final vote on this bill. The Senate must have the opportunity to carefully review the Congressional Budget Office analysis.

Let me repeat what I said at the beginning. Congress needs to take action to address declining growth and rising unemployment. At the grassroots of America, there may not be consensus on that, but there is an overwhelming feeling that Congress can do things that will help the economy. But for sure, before we spend another \$1 trillion, Congress must take time to look before we leap.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 140

Mr. INOUE. Madam President, I rise in opposition to the Feingold-McCain amendment. Yesterday, I received a message from the Obama administration that concludes that the economy faces its most serious crisis since the Great Depression, and I think that is something to which we all agree.

It goes further and says the economic recovery package now being considered by this body is an essential step in putting the economy back on the path of growth.

Our President, President Obama, has asked the Congress to send a bill to him before the February recess, and I believe we have that responsibility to act quickly and responsibly. Therefore, I believe now is not the time to debate controversial legislation that is not relevant to economic recovery.

There are no earmarks contained in the American Recovery and Reinvestment Act that we are now considering before the Senate. I maintain that now is not the time to debate Senate floor procedures for the consideration of appropriations bills.

However, I oppose this amendment on its merits. This amendment is an attempt to undermine Congress's power of the purse. Under this amendment, congressionally directed spending items that are not specifically authorized could be stripped from legislation.

As Senators are well aware, Congress is often called upon to approve spending that is not yet authorized. In a January 15, 2009, report the Congressional Budget Office concluded that in recent years, the total amount of unauthorized appropriations averaged between \$160 billion and \$170 billion per year.

In fact, for the current fiscal year, there are over \$718 billion worth of authorizations that expire before September 30, 2009. This includes funding for housing programs, energy programs, environmental programs, transportation programs, the Low-Income Home Energy Assistance Program, homeland security programs, public health programs, veterans programs, and on and on.

This amendment could tie the Senate in knots. Conference reports could be amended and returned to the other body, and once amended the House could further amend the bill. The regular order for producing spending bills is the best prescription for producing responsible spending bills, not creating new rules that will make the process so cumbersome that we will not be able to complete our work.

This legislation would also hand over to the President the authority to determine what spending should be considered by the Senate. Under this amendment, if the President requests funding for an unauthorized program, the funding would not be subject to a point of order. The Senate should not give such power to any President.

Nor is it clear to me why it would be all right for authorizers to authorize earmarks, for the President to earmark funds, but Members who are not authorizers could not earmark funds in spending bills.

I remind the Senate that the last highway authorization bill contained over 6,474 earmarks, and the last water authorization bill contained over 600 earmarks.

I believe Congress took significant action during the 110th Congress to add unprecedented levels of transparency and accountability to the process of earmarking funds for specific projects.

Under the rules in 2007, each bill must be accompanied by a list identifying each earmark that it includes and which Member requested it. Those lists are made available online before the bill is ever voted on.

In the Senate, each Senator is required to send the committee a letter providing the name and location of the intended recipient, the purpose of the earmark, and a letter certifying that neither the Senator nor the Senator's immediate family has a financial interest in the item requested. This certification is available on the Internet for at least 48 hours prior to a floor vote on the bill.

We also significantly reduce the level of funding for earmarks. In the 2008 bill, the total dollar amount of earmarks for nonproject-based accounts was reduced by 43 percent. In the fiscal year 2009 appropriations bill, we will further reduce earmarks.

In our continuing effort to provide unprecedented transparency to the process, the chairman of the House Appropriations Committee and I announced new reforms to begin in the 2010 bills.

To offer more opportunity for public scrutiny of Member requests, Members

will be required to post information on their earmark requests on their Web sites at the time the request is made, explaining the purpose of the earmark and why it is a valuable use of taxpayers' funds.

To increase public scrutiny of committee decisions, earmark disclosure tables will be made publicly available the same day as the Senate subcommittee or the full committee takes action.

We are committed to keeping earmark funding levels below 1 percent of discretionary spending in subsequent years.

The new requirements included in this amendment will hamstring the Senate from fulfilling its responsibility. The amendment says no funds can be included in appropriations bills unless already included in an authorization bill that has passed the Senate during this session.

I remind my colleagues the Senate has not passed a foreign affairs authorization bill in many years. All these measures aren't authorized. In the past 7 years, we haven't enacted an intelligence authorization bill. We don't have one for last year or the year before. It has been 7 years since the Senate passed an authorization bill for Customs. Should we stop funding the construction of ports of entry on our borders? The Environment and Public Works Committee does not report legislation through the Senate to authorize specific Federal buildings. Does that mean we should stop repairing and improving the security or constructing Federal buildings that house over 1 million Federal employees? The Agricultural Research Service has never been authorized. Yet it has existed for 56 years. Should we stop funding agricultural research? The National Oceanic and Atmospheric Administration has never been authorized—NOAA has never been authorized—so does that mean we should stop funding for hurricane forecasting and severe weather forecasting, tsunami forecasting? Congress has not authorized juvenile justice funding for the last 2 years. Does that mean we stop funding to keep kids out of gangs and in school?

Under this amendment, the Senate would be required to defer action on all items which it feels are important when the companion authorization bill is tied up. Are we going to allow the filibuster of an authorization bill to stop Congress from exercising its constitutionally mandated power of the purse? This amendment also applies to items which have been approved by the House. Any such item could be stricken if the authorization bill has not been completed.

Last year, we faced a situation on the Defense Subcommittee, which I am privileged to chair, in which we completed action on the Appropriations Act before we completed action on the Authorization Act. We were told by the President, the Department of Defense, the commanders on the field in Iraq

and Afghanistan: You cannot stall this. So we passed the appropriations bill before the authorizing bill. Yet under this amendment, all the House items could be stricken by the Senate.

The Constitution gives the power of the purse to the Congress. It is our job to use that power responsibly. We have put procedures in place to make the process transparent and to hold Members accountable for their spending decisions. Rule XVI already establishes rules against funding and including unauthorized spending in general appropriations bills. Rule XLIV already establishes rules concerning congressionally directed spending items.

I can't speak for all my colleagues, but I can say this much. I was not elected by my constituents in Hawaii to be a rubberstamp. They expected me to use my initiative and to address my colleagues and tell them about the urgent requests we need. I could go on and on and tell you about many of the projects that have been part of the law today because we took congressional initiative. Therefore, I urge a "no" vote on the Feingold-McCain amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from South Dakota is recognized.

AMENDMENT NO. 238

Mr. THUNE. Madam President, I wish to speak to an amendment that I introduced and filed and was made pending at the desk earlier today. What that amendment will do is eliminate new Government programs that are created by the proposed \$1 trillion stimulus legislation that is before the Senate today.

Earlier yesterday, I presented some information about the size and scope of this legislation and tried to put in very visual terms the immense amount of money we are talking about when you start looking at \$1 trillion. It is \$900 billion, but when you add interest on top of this—\$340 billion, \$350 billion in interest—you have \$1.2 trillion in new spending included in the stimulus bill. I say that because I think it is important to point out that is not the end; it is, frankly, the beginning.

We know for a fact the Omnibus appropriations bill—the sort of catchall appropriations bill we didn't complete last year—is going to be coming before the Congress, before the House first and then before the Senate. For the first time ever, that is going to exceed \$1 trillion. So we have \$1 trillion in the catchall appropriations bill. We expect at least a request from the administration for additional TARP authority—emergency funding to provide stabilization to the financial markets—to the tune of several hundred billion dollars. We don't know exactly what it will be, but we know it will be in the multiples with respect to hundreds of billions of dollars. We also have a supplemental appropriations bill that will be coming shortly after that to fund the ongoing conflicts in Iraq and Afghanistan.

My point simply is this: This is trillions of dollars of spending. This is a spending spree that is unprecedented even in this city, which is known for spending lots of money on lots of programs. What this amendment attempts to do is to put a little bit of restraint on some of that spending in the stimulus bill. Granted, many of us believe there are some things we should be doing, some steps we should be taking that would help the economy to recover, that would stimulate the economy and create jobs. Regrettably, the stimulus bill that is in front of us goes way beyond that.

The President's top economic adviser suggested when this whole debate began that whatever we do in terms of stimulus, it should be temporary, it should be targeted, and it should be timely. Much of what is included in this bill is none of the above. In fact, it is slow and unfocused and unending. So I am attempting, with this amendment, to say that new programs that are created in this bill have to have been authorized by February 1 of this year. In other words, earlier this week. So if there is not an authorization for this new program—and we would ask OMB to make that determination—that spending would be knocked out of the bill, essentially.

The whole purpose of the amendment is, again, to say that if we are going to do something that is meaningful in terms of stimulating the economy, it should be temporary and it should be targeted and it should be focused. Much of the spending that is in this bill is anything but that. History has shown, time and again, when you put new programs on the books, you almost always take a long time to get those programs off the ground. In fact, the Congressional Budget Office has examined this issue and they offered this insight:

Brand new programs pose additional challenges. Developing procedures and criteria, issuing the necessary regulations, and reviewing plans and proposals would make distributing money quickly even more difficult—as can be seen, for example, in the lack of any disbursements to date under loan programs established for automakers last summer to invest in producing energy-efficient vehicles. Throughout the Federal Government, spending for new programs has frequently been slower than expected and rarely been faster.

Again, that is the Congressional Budget Office. Given the current state of the economy, we simply can't afford to enact costly new programs that have little hope of making any real meaningful impact now, when the American people need it the most.

There may be programs in this proposed legislation that are worthy of support—I am not arguing that point—but surely not under the guise of economic stimulus. There are new programs that are created that will add to the size of this, and many of us have reacted to the size of it. As I have said already, we know for a fact there is going to be a lot of additional spending

coming down the pike that we are going to be asked to consider. But adding to that \$1 trillion for something that arguably does not create economic stimulus, does not create jobs, seems to me to be the wrong direction in which to head.

My amendment would simply prevent any new funding under the economic stimulus plan from going toward new programs that were not authorized before February 1 of this year—2009. As I said before, the amendment calls on the Office of Management and Budget to determine if a program was authorized before February of 2009. If the program fails to meet that standard, the program will not receive funding from the economic stimulus proposal.

Now, I would argue that this is a very commonsense proposal that protects the taxpayer and ensures funds are spent in a timely and effective manner. That isn't to say—and I will repeat myself—as I said earlier, that many of these programs are not worthwhile and, frankly, we ought to consider them. But we ought to do it under the regular order and procedures that we have in the Senate. We ought to have committee action, we ought to have hearings, we ought to have the necessary oversight, and we ought to be able to put these things on the floor where they can be debated. We have a process for doing that.

There are lots of programs that are included in the stimulus bill which, I would argue, don't meet that criteria. They aren't stimulus because they are not targeted, they are not timely, and they are not temporary. They are, in fact, creating new programs which, as I said earlier, the Congressional Budget Office has told us sometimes take a very long time to roll out. I think any of us can speak from experience on that point; that whenever we create any sort of a new Federal program, we have agencies that have to interpret it, regulations have to be promulgated, in many cases we are setting up new bureaucracies and people have to be hired and it makes no sense to me whatsoever for us to, in the context of an economic stimulus bill, start talking about new programs.

I would also say the whole purpose of this exercise, in my opinion at least, is job creation. It is to get the economy back on track and recovering and creating jobs. We have been losing jobs. The economy is hemorrhaging and a lot of people are hurting throughout the country. What they don't need is more spending on Government programs in Washington, DC. What we ought to be doing, on the other hand, is getting more money into the hands of the American people so they can spend it—more incentives for small businesses to begin to invest and create jobs because that is what they do best. In fact, two-thirds to three-fourths of all the jobs created in our economy are created by small businesses.

Now, \$900 billion, the principal amount—and with interest it is over \$1

trillion in new spending—is proposed in the stimulus legislation. If you divide that by the number of jobs that are proposed to be created—somewhere around 3 million—that comes out to \$300,000 per job. The average annual wage in my State of South Dakota is under \$30,000 a year. It is very difficult to explain to a constituent of mine in South Dakota how the Federal Government proposes to spend \$300,000 of their tax dollars to create one job at a time when we are handing the largest burden of debt to the next generation in American history.

Many of these jobs that are proposed are Government jobs. The Government can create Government jobs, and many of the spending programs in this bill do put money into Federal agencies which create Government jobs but at an enormous cost. I will use the example of the State Department, where it is over \$1 billion—I think \$1.3 billion, something to that effect—per job created. That doesn't seem to be a very good use of taxpayer dollars, and it doesn't get us the bang for the buck everybody has been coming to the floor and talking about.

As I said, it is a straightforward amendment. All it simply says is: No new Government programs created in the stimulus. If that program was not authorized by February 1 of this year, then any funding for it in the economic stimulus proposal would be denied. It is a commonsense proposal that does protect the taxpayers, ensures the funds will be spent in a timely and effective way, and that we focus on keeping jobs out there in the economy, putting people back to work. It is not spending on new Government programs in Washington DC which, however well intended, needs to go through a normal regular order process where Members of the Senate have an opportunity to evaluate those at the committee level and go through all the appropriate oversight that we normally include when it comes to create a new Government program.

Frankly, I do not think creating new Government programs, in the first place, is the way to do this, but at least this amendment brings some semblance of sanity to a bill which, as I said, is sort of a shotgun approach. It throws money at all kinds of different programs in hopes it will do something to stimulate the economy—knowing full well, I believe, that many of these are not going to be stimulative but on the other hand are creating new programs that people have wanted for a long time but have never had the opportunity.

That is not what this is about. This economic stimulus debate ought to be focused on creating jobs and getting the economy on the pathway to recovery.

That is the amendment. I encourage my colleagues to support it. I think it is very straightforward, very commonsensical, and, hopefully, it will meet with the approval of the majority of the Members of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. JOHANNIS. Madam President, let me start out and indicate I am aware of the fact that Senator BAUCUS has deferred so I can speak now. I appreciate that professional courtesy.

I rise today to address the decision that is before us and to maybe share some insight that I hope is relevant. I believe it is relevant to the legislation we are debating, the stimulus package. Maybe I can offer some insight that is a bit unique from the perspective of a former mayor and a former Governor.

The so-called stimulus would send a financial windfall to cities and States. The hope is that somehow that will filter into the economy. I will readily acknowledge that I have been on the receiving end of those kinds of windfalls—nothing this large—as both a mayor and as the Governor of Nebraska. In my home State, fiscal responsibility is not just a worthy goal that we aspire to achieve. It is demanded of our elected officials by Nebraska taxpayers. So when the Federal Government sent an infusion of money for education or social programs, whatever it was, the first place I looked as Governor or as a mayor was to the bottom line in my budget. I examined how much the State was budgeting for these programs, and I examined whether the State should save those State dollars.

Today's Governors, mayors, and school boards have many budget options also. They might allow this Federal money to pass on through. In the alternative, they might decide taxpayers are best served by allowing Federal funds to replace the State or local dollars. This would maintain existing funding levels and allow them to tuck away their State dollars in anticipation of tougher times ahead. Perhaps they would choose to pay down debt.

Keep in mind, choosing to turn on the Federal funding faucet means facing the challenges that will occur when the funding faucet is later turned off. Just imagine the tremendous difficulty of that. It would cause yet a new crisis.

If Governors choose to hold on to their cash, or some of them, it is true it may provide them some security as they work through very difficult budget issues. But to be very candid about this—and, again, I was in this position—it would do absolutely nothing to stimulate the economy. The money simply would never reach the economy.

The first tranche of the TARP funds does illustrate the point I am trying to make today. The Federal Government sent hundreds of billions of dollars to banks to get credit flowing. The expectation was that this money would translate very quickly into car loans, student loans and operating loans for businesses. What happened? Lending has declined—for a variety of reasons, many legitimate, and some banks that have received Government money have actually reduced lending more sharply

than banks that chose not to take the money.

If we truly want to maximize our chances of boosting the economy, then we must minimize the filters through which we send that money. In my career I have had an opportunity to manage enormous bureaucracies. I have watched as they devoured resources in the name of delivering resources to others. It seemed that no matter how forcefully and sternly I demanded effective operations, those filters often-times became very narrow funnels.

Tax relief, I would suggest, puts dollars directly in the hands of taxpayers and businesses. That is not necessarily a guarantee it will flow to the economy, but it is very clearly the most direct route to the people who are most in need.

I must also admit that I am deeply troubled by the rush to approve the largest spending bill in history with no plan to pay for it. There really is, literally, no plan—no plan at all. There is not even an attempt at a plan. It seems these days in Washington something can be deemed an emergency and suddenly all fiscal restraint is checked at the door and everything in the bill becomes a piece of solving the emergency. I cannot imagine how we justify passing the cost of this to our children. It is as if some believe we can use a credit card and history will somehow forgive the debt.

Just last year when the deficit reached a half trillion dollars it sent a shockwave across this country. Yet the spending machine just rolled on. For this year, that number doubled to more than \$1 trillion, and there was a collective outcry to rein in spending. Now we are faced with legislation that would double the deficit in the blink of an eye. How many times can it be doubled before the debt becomes insurmountable and, tragically, the dollar becomes worthless?

A group of Nebraskans came to see me recently. They brought me a beautiful picture. I have it on display in my office. It was drawn by a 2-year-old girl. We talked about the stimulus package, and I certainly reached the conclusion that they were advocating that somehow, if we passed this, it would deliver a benefit to this child. But I wondered out loud how our young people would feel about being asked to pay the \$1.2 trillion pricetag. I wondered how they would manage a national debt that now grows at a rate of \$3 billion a day. I contemplated how this little 2-year-old's quality of life would be so different from what we enjoy. If we do not take responsibility for spending, her quality of life will never match ours. She might never dream of going to college or owning a home, and here is why. As tough as the economy is today—and I do not debate anyone about how tough it is—there is a day of reckoning, when the burden of debt is crushing. If investors finally lose confidence in our ability to manage our debt, who then bails us out? It

is even more remarkable to me that we are contemplating the largest spending bill in history at a time when every one of us is aware that the current level of spending is not sustainable. It is not an abstract problem. It is real and it is growing with the passage of time. We cannot keep passing the buck with a promise to make tough decisions in the year to come. It does begin with the decisions we make today.

Like every single Member of this body, I am proud of the State I represent. I want Nebraskans to know every day that I support them. But that does not mean I support this bill. Some might be disappointed when I vote against this spending bill, but I believe Nebraskans understand what it means to take responsibility. They expect that of me today, just as they expected it when I served as their Governor.

The Nebraska State Constitution requires a balanced budget. That is not unusual. But the constitution of the State also basically bans any borrowing of money. So when the economy collapsed post-9/11, we made difficult decisions while other States issued debt. I not only had to balance the budget, I had to do it without borrowing a dime. It was not easy, but we did it and the tough choices were worthwhile. When I came to the Cabinet, I did not have to turn to the Lieutenant Governor and tell him that I had left a pile of debt behind. The State has steadfastly adhered to the principle of fiscal responsibility, and because of that it is better positioned to face the challenges of today.

I want to wrap up with this: I understand the significance of trying to do all we can to boost this economy. Of course I want people to have jobs. I want them to be able to pay the bills. But this is not a stimulus plan; it is a spending plan. It will not create the promised jobs, and it will not activate our economy. What it will do is place a punishing debt on our children and grandchildren.

I could not vote for this bill and still claim that I represent the principles and values of the State I come from, the State of Nebraska. I do want to say I will meet with my colleagues, any colleagues, across the aisle, to roll up our sleeves to set a fiscally responsible course, not only today but for the future. While we cannot solve all of our financial problems or balance the budget overnight—and no one is expecting that we can—we must begin this important work today. I want to be a partner in that.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I just had the opportunity to hear the initial—what we used to call the maiden speech around here—of the new Senator from Nebraska. I want to congratulate him on an extraordinarily insightful presentation that melded his own personal history in government

with his thoughts about this massive bill that we will be considering this week, and his feelings about it, which he expressed to his constituents today. On behalf of all of us, I welcome the Senator to the Senate. I would say he just made a great start, and I know he is going to have an incredibly effective career representing the people of Nebraska and America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I first want to congratulate the Senator from Nebraska. I have known him as Agriculture Secretary. He served the people of his State as Governor and also as mayor. I compliment Senator JOHANNIS for his service to his State and to his country. I very much look forward to working with him in the Senate. Again, I extend my congratulations.

AMENDMENT NO. 200 TO AMENDMENT NO. 98

On behalf of Senator DORGAN I ask unanimous consent the pending amendments be temporarily laid aside so we can call up Senator DORGAN's amendment No. 200 on runaway plants.

The PRESIDING OFFICER. Without objection, it is so ordered. If the Senator will suspend, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Montana [Mr. BAUCUS], for Mr. DORGAN, proposes an amendment numbered 200.

Mr. BAUCUS. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property)

On page 570, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.**

(a) GENERAL RULE.—Subsection (a) of section 954 (defining foreign base company income) is amended by striking the period at the end of paragraph (5) and inserting “, and”, by redesignating paragraph (5) as paragraph (4), and by adding at the end the following new paragraph:

“(5) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).”

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 is amended by adding at the end the following new subsection:

“(j) IMPORTED PROPERTY INCOME.—

“(1) IN GENERAL.—For purposes of subsection (a)(5), the term ‘imported property income’ means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

“(A) manufacturing, producing, growing, or extracting imported property;

“(B) the sale, exchange, or other disposition of imported property; or

“(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the mean-

ing of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

“(2) IMPORTED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term ‘imported property’ means property which is imported into the United States by the controlled foreign corporation or a related person.

“(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term ‘imported property’ includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

“(i) such property would be imported into the United States; or

“(ii) such property would be used as a component in other property which would be imported into the United States.

“(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term ‘imported property’ does not include any property which is imported into the United States and which—

“(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

“(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

“(D) EXCEPTION FOR CERTAIN AGRICULTURAL COMMODITIES.—The term ‘imported property’ does not include any agricultural commodity which is not grown in the United States in commercially marketable quantities.

“(3) DEFINITIONS AND SPECIAL RULES.—

“(A) IMPORT.—For purposes of this subsection, the term ‘import’ means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

“(B) UNITED STATES.—For purposes of this subsection, the term ‘United States’ includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

“(C) UNRELATED PERSON.—For purposes of this subsection, the term ‘unrelated person’ means any person who is not a related person with respect to the controlled foreign corporation.

“(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term ‘foreign base company sales income’ shall not include any imported property income.”

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) IN GENERAL.—Paragraph (1) of section 904(d) (relating to separate application of section with respect to certain categories of income) is amended by striking “and” at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

“(B) imported property income, and”.

(2) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) is amended by redesignating subparagraphs (I), (J), and (K) as subparagraphs (J), (K), and (L), respectively, and by inserting after subparagraph (H) the following new subparagraph:

“(I) IMPORTED PROPERTY INCOME.—The term ‘imported property income’ means any income received or accrued by any person which is of a kind which would be imported

property income (as defined in section 954(j)).”.

(3) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) is amended by inserting “or imported property income” after “passive category income”.

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

“(II) imported property income.”.

(2) The last sentence of paragraph (4) of section 954(b) (relating to exception for certain income subject to high foreign taxes) is amended by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

(3) Paragraph (5) of section 954(b) (relating to deductions to be taken into account) is amended by striking “and the foreign base company oil related income” and inserting “the foreign base company oil related income, and the imported property income”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

Mr. BAUCUS. Madam President, for the benefit of Senators, I would like to take a moment to talk about where we are in consideration of the bill. Today is the third day of Senate consideration. Yesterday was quite productive. We had a full debate and very little downtime, which I especially appreciate.

The Senate considered nine amendments and had rollcall votes on four. One was adopted by voice vote. The Senate adopted a Republican amendment by Senator COBURN to strike a tax amendment related to film production.

And with an overwhelming bipartisan 71-to-26 vote, the Senate adopted a Mikulski-Brownback amendment to allow a deduction for interest on the purchase of motor vehicles.

By voice vote, the Senate adopted a Harkin amendment on which Senator SPECTER played a very important role, who worked very hard, Senator SPECTER did, on the Harkin amendment, to provide additional funding for the National Institutes of Health.

So where are we now? Pending are a Murray amendment to strengthen infrastructure investments—these are all pending—a Vitter amendment to strike several spending items; an Isakson-Lieberman amendment to provide a tax credit for home purchases; a Feingold-McCain amendment to provide greater accountability of congressional earmarks; a Cardin small business bonds amendment; a DeMint amendment making a series of tax cuts in lieu of the pending substitute; a Thune amendment in the nature of a substitute; a Thune amendment on new programs in the bill; and a Dorgan amendment on runaway plants.

I might add that the Democratic caucus is conducting an issues conference today, but the floor is open for busi-

ness. We expect a number of Republican amendments and also Democratic amendments. We hope to have several votes on amendments this afternoon and evening after the Democratic issues conference concludes, perhaps starting about 5:30 today, although I cannot say that that is going to be an exact time. That is for the leaders to determine.

For the information of Senators, let me say I expect that we hope to have as many as 12 amendments pending today, and we hope to stack votes on these at the end of the afternoon and into the evening. In addition to the Republican amendments that we expect to be offered, we also expect Senator BINGAMAN, who has expressed an interest in offering an amendment, as well as I mentioned Senator DORGAN’s runaway plants. Senator WYDEN also spoke to me about his amendment on bonuses that he intends to offer with Senator SNOWE.

Once again, I urge Senators, let the managers know of their intentions to offer amendments. We want to give Senators as much notice as possible. I reemphasize notice is efficient. It helps us get our amendments passed here.

I thank all Senators for their cooperation.

AMENDMENT NO. 168

I wish to say a word or two on the DeMint amendment. I remind Senators that the DeMint amendment strikes the whole underlying bill and replaces that language with his amendment, which reduces the corporate rate to 25 percent, and it makes permanent the 2001 and 2003 tax cuts, including capital gains. That is a big item, as we all know.

It further repeals, permanently repeals the alternative minimum tax provisions in the Code today. It changes the estate tax treatments by creating an exception up to \$5 million per person. I do not know what he does with the rates, but it is an estate tax reduction below what estate taxes are today.

I remind all Senators that next year, in the year 2010, the Federal estate tax is zero. If Congress does nothing, it reverts to quite a higher level. The DeMint amendment takes the current 2009 level and lowers it even further. I do not know this, but I suspect it also is permanent.

The DeMint amendment further makes the child tax permanent. It repeals all itemized deductions currently in the Code which itemizers often take, except for the mortgage interest deduction and the charitable deduction; otherwise, all other deductions, if you itemize, are repealed; for example, State and local taxes, everything else in the bill before us.

What is the effect of that? There are several effects. First, we are trying to begin to address our health care system, and the DeMint amendment strikes all the health information technology provisions in the bill. We are trying to get health information tech-

nology up and running. I think it is a bad idea to strike health information technology. We have to get that started if we are going to begin to lower health care costs in this country.

It strikes the Medicaid provisions through aid to the States. It does not take a rocket scientist to know what effect that would have on the States. The States are in a recession. I think it was the Government Accountability Office that estimated about \$230 billion is being cut by States because they are in recession, and that basically comes out of Medicaid and other low-income programs.

The DeMint amendment says, oh, sorry, States, you do not get any assistance, which means all of those people getting cut are not going to have health care.

It strikes the changes to TANF. That is the program we put in place years ago to reform the welfare program. It is a great program. It works very well. It gets people off of welfare in a very solid way.

It also strikes provisions that extend unemployment insurance to people who have lost their jobs. I cannot believe it would do something like that, but that is what the DeMint amendment does.

It also strikes the COBRA provisions. That is very important. I can’t believe that is what he wants to do. In current law, when somebody works for a company and is laid off for reasons not of his or her own making, they are laid off and there are more than 20 people in that firm, that person is entitled to keep health insurance offered by that firm if that firm does offer health insurance, I think it is for 18 months.

But that person who is laid off can keep that health insurance only if the person laid off pays 102 percent of premiums, that is, the person laid off has to pay for all of that health insurance, plus 2 percent administrative costs.

Now, clearly not many people who are laid off, not working, can afford to pay 102 percent of the health insurance premiums, especially when the premiums these days are going up at such a rapid rate.

We, in the underlying bill, say a person laid off in that situation gets a 65-percent subsidy so that person can keep health insurance for 18 months. I think that is the right thing to do, given the current circumstances. But, no, the DeMint amendment says you have to pay 102 percent, because we are not going to help you in these dire times.

I also say, these are permanent tax cuts in the DeMint amendment. The 1-year deficit effects of this amendment are staggering. They are ugly, because basically this is a huge, big tax cut amendment is what it is.

Last night, Senator COBURN spoke eloquently about growing deficits in the future, how fast they are growing. It begins to maybe put our currency in danger. Other countries might be not as interested in holding dollars, might not be interested in buying Treasuries.

Countries such as China come to mind, other countries come to mind.

Obviously the DeMint amendment would make the concerns of Senator COBURN balloon. I mean, if Senator COBURN is concerned about the deficits today, Senator COBURN, I am sure, would be dramatically concerned about the effects of this amendment, which would balloon the deficits to an even greater amount.

So I think the underlying bill is important, it is crucial. The estimates are, between either passing the underlying amendments or not passing them, a difference of about 3 to 4 million jobs, 3 to 4 million jobs in this country. We could choose not to pass this underlying bill. That would mean no economic stimulus recovery package. That would also mean about 3 to 4 million further jobs lost. If we pass this legislation, it would begin to create and bring some jobs back into this economy.

Let's face it, banks are not lending for lots of reasons today. But one reason is because they are having a hard time finding creditworthy borrowers. It is hard to get creditworthy borrowers, when the borrower is having a hard time finding demand, because people are not buying the borrower's products.

There are many parts to the overall solution. But one of them is helping create some demand, and this underlying bill does create demand. If, on the other hand, we do not pass the bill and pass these big tax cuts, it further balloons the deficit to a staggering amount. It is not going to have nearly the stimulative effect that the proponents might say. It will not.

Our goal here, in representing our constituents in our State, is to take this kind of bad situation we find ourselves in—we kind of inherited this. This is where we are, these are the cards that were played, that is the hand we have right now. So let's do the best we can with what we have got. My judgment is, and I think it is the judgment of most Members of this body, this economic stimulus package may not be perfect, but it is pretty good. It will help create some jobs. It is certainly better than the alternative, which is nothing. Let's get on with it and keep improving upon it as we proceed.

I strongly urge my colleagues not to adopt the DeMint amendment, which is a full repeal of the program and replaces it with a massive increase in debt.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. GILLIBRAND). Without objection, it is so ordered.

AMENDMENT NO. 159 TO AMENDMENT NO. 98

(Purpose: To reduce home foreclosures, compensate servicers who modify mortgages, and remove the legal constraints that inhibit modification, and for other purposes)

Mr. MARTINEZ. Madam President, I ask unanimous consent to call up amendment No. 159.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ] proposes an amendment numbered 159 to amendment No. 98.

Mr. MARTINEZ. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in the RECORD of Tuesday, February 3, 2009, under "Text of Amendments.")

Mr. MARTINEZ. Madam President, Members on both sides of the aisle agree that any stimulus we pass must be timely, targeted, and temporary. We need to put our economy back on track. The key to putting the economy back on track is that the spending we do through this stimulus be targeted, temporary, and timely.

Each of these principles is important and they each are loaded with meaning. It needs to be timely because it needs to be directed as soon as possible. As the President as early as this morning said, it is essential we get it out there.

It also has to be targeted because it cannot just go to all the wonderful things upon which the Congress might spend money. It has to be targeted to that which the economy needs in order to create jobs at this moment in time.

It must be also temporary because we well know at some point this economy is going to recover, and as it recovers, it would not be a good idea for Government spending to be out of control and be the beast that feeds inflation. We do not want to come out of this economic crisis only to be creating the next one, which would be an inflationary problem for our economy.

Americans want and deserve solutions that will create jobs and support the American worker. I have joined a number of my colleagues in offering an alternative with the right incentives to foster job creation.

While creating jobs is essential if we want to achieve economic recovery, it will not fix the problem with that alone. Our Nation is still in the midst of the worst housing slump in decades, and many American families face the frightening reality of foreclosure.

To date, Congress and the White House and the private sector have put forth a number of programs to help struggling homeowners, but we have yet to see significant results from any of these various programs that have been out there. This is because at the core of the problem are privately

securitized mortgages, which were originated without a guarantee from the government-sponsored enterprises. These are the privately securitized mortgages that are not Fannie Mae, Freddie Mac or GSE sponsored. These mortgages account for only 15 percent of all outstanding mortgages, but they represent more than one-half of all the foreclosures that are taking place today.

If left alone, the crisis will only continue to worsen. According to one expert, we can expect to see 1.7 million more foreclosures in the year of 2009 alone. It is a downward spiral that seems to find no bottom.

Today I am proposing a plan that would provide troubled homeowners with options and incentivize participation from the private sector from these private securitizers who are out there in the private sector. Included in the plan is a loan modification program which will encourage mortgage servicers to help stem the tide of foreclosures.

Currently, there are two primary factors hindering mortgage servicers from modifying loans: a lack of proper compensation, and second and equally important is the threat of litigation.

The plan has a two-pronged approach that aims to address these concerns by the properly compensating mortgage servicers and removing the legal restraints that prevent modifications.

Under the plan, the Federal Government would temporarily provide a monthly incentive fee to servicers who modify privately securitized mortgages. It also includes a safe harbor provision that removes the legal constraints currently inhibiting modifications. This plan also recognizes the integrity of contracts.

There is always the potential that a relatively small number of junior investors could be harmed by the modifications permitted by the program. With this in mind, the proposed legislation eliminates the need for these junior investors to file suit by creating a small claims fund that the Treasury may use to resolve potential disputes. This will go a long way in protecting investors acting in good faith for the greater good—an incentive that is greatly needed if we want investors to be on board in helping to resolve this current crisis.

The plan has been supported by a number of economists, including Columbia Business School Dean Glenn Hubbard and Vice Dean Christopher Mayer. According to a Columbia report, the plan could reduce up to 1 million foreclosures at a cost of about \$11 billion—roughly 10 percent of the \$100 billion required by other plans.

I have been supportive of similar concepts, including the plan put forth by FDIC Chairman Sheila Bair, which is based on the model used to modify the loans the FDIC took over from IndyMac. I believe this plan is even more taxpayer friendly because future potential losses are shouldered by private investors, not the Government.

As we continue talking about the stimulus, I urge my colleagues to consider the need to address the root cause of this crisis, which is the housing market. Americans are struggling, and unless we provide them with realistic alternatives to foreclosure, we will fail to fix the larger problem at hand.

A lot of colleagues of mine have expressed support for this plan. I encourage Members on both sides of the aisle to please look at this plan carefully. Because as a result of what we are doing on stimulus, we need to also deal with the housing problem. The housing problem is what brought us into this economic mess until we once again resolve the housing problem.

We need to tackle it in two ways, in my view. We need to tackle it in keeping families in their homes, avoiding foreclosure where possible. A huge number of today's inventory of unsold homes are homes that have been or are coming out of foreclosure. Those homes in and of themselves obviously tend to be sold at much lower prices. So it continues to drive the market down. It depresses values. It depresses the market.

The second problem, obviously, is still the old law of economics of supply and demand. We have a huge inventory of unsold homes. This inventory of unsold homes also impacts price. So I support not only my proposal but the proposal my colleague from Georgia, the Senator from Georgia, JOHNNY ISAKSON, has proposed, which is to incentivize the purchase of homes by providing a \$15,000 tax credit, over a year or 2 years, to anyone in America who purchases a home.

The bottom line is, if we can get the market back again and people buying homes again and we draw down that inventory of unsold homes, if we slow down or can bring foreclosures to a halt, those two elements, working together, will be a greater way in which we can now begin to see the housing market stabilize in prices, which will also stabilize the foreclosures of the future.

You see, families who are in trouble today were not the same families who were in trouble 2 years ago when this crisis began. Families who are in trouble today are people who increasingly find themselves upside down on their mortgage because of the continuing decline in home values.

I hope my colleagues will carefully analyze these proposals—not only mine, amendment No. 159, but also Senator ISAKSON's proposal. I think these two proposals, hand in hand, will help us to make a difference in the current housing crisis. Many other things we can talk about in the stimulus, but fixing housing is at the core of what we must do.

Madam President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. McCAIN. Madam President, I ask unanimous consent that consideration of the present amendment be set aside, and I send to the desk an amendment and ask for it to be considered at the appropriate sequence of amendments.

The PRESIDING OFFICER. Is there objection?

Mr. INOUE. I object.

Mr. McCAIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENTS NOS. 278 AND 279 TO AMENDMENT NO. 98

Mr. McCAIN. Madam President, I ask unanimous consent for the consideration of that amendment in keeping with the order of consideration as decided by the majority leader and the minority leader.

The PRESIDING OFFICER. Is there an objection to setting aside the pending amendment and calling up the amendment of the Senator from Arizona?

Without objection, it is so ordered.

Mr. McCAIN. Madam President, I send another amendment to the desk and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes amendments numbered 278 and 279.

The amendments are as follows:

AMENDMENT NO. 278

(Purpose: To reimplement Gramm-Rudman-Hollings to require deficit reduction and spending cuts upon 2 consecutive quarters of positive GDP growth)

On page 431, after line 8, insert the following:

**SEC. . . . REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS' DEBT OBLIGATIONS.**

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

“(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

“(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

“(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

“(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American recovery and Reinvestment act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

“(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

“(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

“(2) MAXIMUM DEFICIT AMOUNTS.—

“(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

“(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105-33.

“(C) DEFICIT.—For purposes of this paragraph, the term ‘deficit’ shall have the meaning given such term in Public Law 99-177.”

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 252 of this Act and any procedure with respect to such sections in this Act shall be effective beginning on the date of enactment of this subsection.”

(c) BASELINE.—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

AMENDMENT NO. 279

(Purpose: To prohibit the applicability of Buy American requirements in the Act to the utilization of funds provided by the Act)

On page 429, strike line 6 and all that follows through page 430, line 12, and insert the following:

SEC. 1604. (a) INAPPLICABILITY OF BUY AMERICAN REQUIREMENTS.—Notwithstanding any other provision of this Act, the utilization of funds appropriated or otherwise made available by this Act shall not be subject to any Buy American requirement in a provision of this Act.

(b) BUY AMERICAN REQUIREMENT DEFINED.—In this section, the term “Buy American requirement” means a requirement in a provision of this Act that an item may be procured only if the item is grown, processed, reused, or produced in the United States.

Mr. McCAIN. Madam President, I rise to offer an amendment that would strike the protectionist “Buy American” provision from the pending economic recovery package. While the supporters of this provision state that they intend it to save American jobs, it would have exactly the opposite effect, causing great harm to the American worker and global economy.

In 1930, as the United States and the world was entering what would be

known to history as the Great Depression, this body considered issues similar to those we are discussing on the Senate floor today. Two men—Mr. Smoot and Mr. Hawley—led the effort to enact protectionist legislation in the face of economic crisis. Their bill, the Smoot-Hawley Tariff Act, raised duties on thousands of imported goods in a futile attempt to keep jobs at home. In the face of this legislation, 1,028 economists issued a statement to President Herbert Hoover. This statement, subsequently printed in the *New York Times*, is as relevant today as it was nearly 80 years ago. “America is now facing the problem of unemployment,” these economists wrote. “The proponents of higher tariffs would claim that an increase in rates will give work to the idle. This is not true. We cannot increase employment by restricting trade.” Mr. Smoot, Mr. Hawley, and their colleagues paid no heed to this wise admonishment, and the Congress went ahead with protectionist legislation. In doing so, they sparked an international trade war as countries around the world retaliated, raising their own duties and restricting trade, and they helped turn a severe recession into the greatest depression in modern history.

We know the lessons of history, and we cannot fall prey to the failed policies of the past. We should not sit idly by while some seek to pursue a path of economic isolation, a course that could lead to disaster. It didn't work in the 1930s, and it certainly won't work today. That is why I so strongly oppose the protectionist “Buy American” provision in the pending bill and believe we must strike it.

The Senate version of the stimulus bill goes beyond the stark protectionism of its House counterpart in a way that risks serious damage to America's economic well-being. The bill currently on the Senate floor prohibits the use of funds in this bill for projects unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. These antitrade measures may sound welcome to Americans who are hurting in the midst of our economic troubles and faced with the specter of layoffs. Yet shortsighted protectionist measures like “Buy American” risk greatly exacerbating our current economic woes. Already, one economist at the Peterson Institute for International Economics has calculated that the “Buy American” provisions in this bill will actually cost the United States more jobs than it will generate. Some of our largest trading partners, including Canada and the European Union, have warned that such a move could invite protectionist retaliation, further harming our ability to generate jobs and economic growth. And it seems clear that this provision violates our obligations under more than one international agreement.

The purpose of this stimulus legislation is to create jobs and generate eco-

nomical growth. I am very concerned about the potential impact these “Buy American” policies will have on trade relations with our partners, an impact that will directly affect the number of jobs we are able to create at home. For example, in a few days, President Obama will embark on his first trip abroad to Canada. I applaud his decision to visit our neighbors to the north, as they are one of our closest allies and strongest trading partners. Our two nations share an increasingly integrated trade relationship, resulting in nearly \$1 billion of trade and commerce crossing our border every minute, a level of trade that sustains approximately 7 million jobs here in the United States.

Should we adopt protectionist legislation, however, President Obama is likely to visit our ally with a dubious gift indeed: legislation that attempts to choke off Canada's access to the U.S. market. Prime Minister Stephen Harper said yesterday that the provisions “are measures that are of concern to all trading partners of the United States.” In a recent letter, Canada's ambassador to the U.S. Michael Wilson wrote, “If Buy American becomes part of the stimulus legislation, the United States will lose the moral authority to pressure others not to introduce protectionist policies. A rush of protectionist actions could create a downward spiral like the world experienced in the 1930's.” He writes further that this provision would “decrease North American competitiveness, thereby killing jobs rather than creating them.” It is beyond my comprehension why we would seek to hamper such an important relationship by passing legislation with provisions that have been proven counterproductive time and time again.

The reaction of our Canadian friends is just the beginning of what we can expect to occur should this provision become law. American trade with the European Union currently stands at over \$200 billion per year. John Bruton, the European Commission's ambassador to Washington, has raised serious objections to the “Buy American” provisions in a letter to Congress and the administration, saying that the provision “risks entering into a spiral of protectionist measures around the globe that can only hurt our economies further.” A European Commission spokesman noted, “We are particularly concerned about the signal that these measures could send to the world at a time when all countries are facing difficulties. Where America leads, many others tend to follow.”

Should we enact such a provision, it will only be a matter of time before we face an array of similar protectionism from other countries—from “Buy European” to “Buy Japanese” and more. In fact, in the 1980s we saw Japanese provisions that attempted to take the kinds of steps we are contemplating now, and barred American goods in Japanese government procurement.

The U.S. Congress responded just as we can expect others to do now—by threatening retaliation and considering legislation that would restrict Japanese imports.

We took these steps in order to persuade our Japanese friends to abandon these protectionist moves, and in the end we succeeded. The United States has spent decades pushing toward a globalized world of open trade and investment, governed by rules applicable to all. The “Buy American” provision contained in this legislation would undermine this longstanding tenet of American trade policy and would violate our international obligations and commitments. Just last November in Washington, the U.S. signed a joint declaration with members of the G-20 pledging that “within the next 12 months, we will refrain from raising new barriers to investment or to trade in goods and services.” Yet here we are, barely 2 months later, contemplating whether or not to go back on a commitment to some of our closest allies and trading partners, potentially damaging our credibility to uphold future agreements. Canadian Prime Minister Harper pointed out the irony here when he noted that “we all agreed that we had to have a global response to recession, which would include stimulus packages in all major countries and the avoidance of protectionism, and certainly not protectionism in a stimulus package.”

In addition, it appears that the “Buy American” provision would violate our obligations under the WTO Agreement on Government Procurement and, in fact, reports indicate that the European Union is already considering a legal WTO complaint—and the procurement chapter of the North American Free Trade Agreement. Such action is not only potentially disastrous for our economic interests, it is also a terrible way to conduct foreign policy. Pascal Lamy, head of the World Trade Organization, said recently, “I hope the senators will be wise enough . . . to make sure the U.S. complies with its international obligations.” Will we?

In addition to the growing chorus of international opposition, there is also opposition from the very American companies that would generate badly needed jobs at home. In a recent *Washington Post* article, Bill Lane, government affairs director for Caterpillar, is quoted as saying that “by embracing Buy American, you are undermining our ability to export U.S.-produced products overseas.” Karan Bhatia, GE's senior counsel for international law, said that adoption of the “Buy American” provision would “be creating an ample basis for countries to close their markets to U.S. products.” Why then should this body approve a bill that would potentially devastate the ability of American companies to tap into foreign markets and, in turn, continue to employ thousands of hardworking Americans? The short answer is that

we should not. President Obama himself spoke out against the Buy American provision. "I think that would be a mistake right now," he said yesterday. "That is a potential source of trade wars that we can't afford at a time when trade is sinking all across the globe."

I hope all senators will support this amendment, which would strike the existing "Buy American" provision and replace it with a limitation on "Buy American" clauses in this bill. To adopt anticompetitive, protectionist policies is to risk economic disaster, and it is the last thing we should consider at a time of economic difficulty.

I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent that the RECORD be held open for my second statement concerning the other amendment.

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

Mr. McCAIN. Madam President, there are other Senators who are waiting to speak and propose amendments, so I will come back at the appropriate time to speak at some length on both amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 161 TO AMENDMENT NO. 98

Mr. BOND. Madam President, today I wish to talk about a number of concerns I have about the underlying bill as well as some amendments I have filed and propose to call up. I have offered the distinguished chairman of the Appropriations Committee one amendment I wish to call up, and I will check with him before actually calling it up.

I think it is important to put this in context. Our Nation is in the midst of a serious economic crisis. Workers in my home State of Missouri and across the Nation are facing job losses, small businesses are failing, and families are struggling to pay their bills and put food on the table. It is clear we have to act quickly and boldly to protect and create jobs and put people back to work immediately. However, it is not nearly as important to act quickly as it is to do it right. I don't believe this bill is right. Let me tell my colleagues why.

For any economic recovery package to work, there are three critical components. First, we must invest in ready-to-go priority infrastructure projects. America's decades-long lack of improvement and investment in infrastructure—in roads, bridges, river navigation, housing, and all types of public improvements—is taking a huge toll on our economy. By investing now in shovel-ready projects, we will make significant long-term improvements to

our aching infrastructure. Good roads and highways connect people to communities, attract and sustain business, and are necessary to spur economic development in our communities. Also, investing in shovel-ready projects will create jobs in our communities now. New jobs and putting people back to work is the best way to help struggling families now and start turning our economy around.

The second necessary component of any successful recovery package is real tax relief for working families and small businesses. Working families need real and significant tax relief—more than just a few extra dollars in their paycheck. They need to keep more money in their pockets and send less to Uncle Sam. Tax relief for working families will help folks weather this economic crisis.

Small businesses are the backbone of our economy, as I hope all of us here recognize. Right now, small businesses across the Nation are struggling to meet payroll, struggling to pay rent, struggling to keep their books in balance. Tax relief for small businesses would give them the money they need to keep the workers they have now. Tax relief for small businesses would allow them to invest in new equipment. Most importantly, tax relief for small businesses would give them the money to create new jobs and hire new employees.

The third and most important component of any economic recovery plan is attacking the root cause of the problem. Without help, our economy cannot recover from the breakdown in our financial and credit markets.

Bad debt is weighing down the banking system. Bad debt is creating fear and uncertainty about the solvency of our financial system. We cannot ignore this problem or wait until later to tackle it head-on.

Let me be clear. Without addressing the root cause of our economic crisis, no economic recovery package, no stimulus bill can succeed. Just ask the Japanese, who "lost" a decade of economic growth, providing money for more spending but without dealing with the bad assets that were on the financial books in the country. We cannot just throw money at the problem. We already tried that last year, and it hasn't worked. It hasn't turned the economy around. There are a number of alternatives to fix the root of our economic crisis. It is imperative that we select and act on one now.

One option that makes a lot of sense to me is creating a new Federal entity that will take on the toxic assets that are weighing down the banks. Acquiring these toxic assets would also address the housing crisis by allowing the Government to modify home mortgages that will likely default, be able to reduce the payments and allow those people in the homes with the bad mortgages to keep them.

During the savings and loan crisis in the 1980s and 1990s, the Government

created the Resolution Trust Corporation to dispose of bad debt. We know this method can work. It was paid for. I was on the Banking Committee. We worked through it. But the RTC was the key component in helping our economy recover after almost 800 savings and loans failed. The good news is that a good deal of the money—not all of it—was brought back as the Federal Government disposed of those assets acquired.

Whether it is through an RTC or another alternative, such as a bad bank or guarantee program, or some other combination, addressing the root cause of the economic crisis is the key component to economic recovery.

Together, those three components—infrastructure investment, tax relief, and attacking the root cause of the crisis—are critical to any timely, targeted, and temporary economic recovery package. Unfortunately, I must say that the Democratic spending bill before us today fails on all three counts.

I have to say I was very disappointed that after many years where we worked together on appropriations matters and tax matters, these measures did not go through bipartisan creation. We had a brief hearing, a brief markup session, and essentially the Democratic bill was reported out—without any Republican fingerprints on it.

The bill that has come out stimulates the national debt, stimulates the growth of Government, but will do very little to stimulate the economy or job creation. First, the Democrats' spending bill shortchanges infrastructure. Next, the Democrats' spending bill fails to give working families and small businesses real tax relief. Third, the Democrats' spending bill fails to address the root cause of the economic crisis. The bill fails on all three counts.

Also, no one can ignore the massive price tag of this bill. The Democrats' trillion-dollar spending bill is a huge debt to saddle on our children and grandchildren. The cost is too high—especially when many economists agree it will do little to create jobs and stimulate the economy today, when we really need it.

In other words, the Democrats' trillion-dollar spending bill won't work for what we need it to do. The wasteful spending in this bill is running rampant. It seems this is a massive downpayment on the Democrats' policy priorities masquerading as a stimulus bill.

I was glad that we were able to strike the \$246 million tax break for Hollywood movie producers from the bill yesterday. But I am disappointed that even after the outpouring of calls from the American people—we certainly heard a lot in our office—45 Democrats still voted for that special interest tax break. I think it is insulting to struggling families in Missouri and across the Nation that the Democrats would try to sneak in an almost \$250 million tax break for Hollywood movie producers. Calling such a tax break for

Hollywood movies an energy stimulus is outrageous.

There are many more examples of this in the trillion-dollar spending bill that will have zero stimulative effect on our economy. How about the \$75 million for smoking cessation or the \$34 million to redecorate the Department of Commerce? This bill is loaded with many spending items that have nothing to do with stimulus or creating jobs. Maybe some of these items have merit on their own, but they won't create jobs or grow our economy, and they don't belong in an emergency stimulus bill.

The figures I have seen from CBO say less than 10 percent of this will be spent in the current year. Most of the spending is going to occur in 2011, 2012, and beyond. Only about 6 percent of it is on vitally needed infrastructure. We need a bill that meets the goals of creating jobs and solving the credit problem and helping American families now, not years down the road, if ever.

It is no surprise, Madam President, that the more Americans learn about this bill, the more they oppose it. You can see the results from the national polls. A recent Gallup poll shows that support is declining. A Rasmussen poll that came out today shows only 37 percent of Americans support this massive spending bill. In Missouri, our calls are running 9 to 1 against it. I think probably that 1 will even be reduced and the opposing figure will be greater as people learn more about it. My offices in Washington and in cities across my State have received overwhelming phone calls saying stop this trillion-dollar spending bill.

I think it is critical that we pass legislation that will help our economy recover, help create jobs, and help people get back to work now. But I cannot support this spending bill that fails to stimulate the economy or create jobs. I cannot support the bill that will saddle our grandchildren with even more debt. I cannot support this spending bill that would create a massive growth in Government programs, some of which may continue for years.

A critical ingredient to economic recovery is confidence that there be discipline in Government. There must be some confidence that we will not go hog-wild on a spending binge that saddles our kids with debt and sets off an inflationary cycle.

We must not repeat the mistakes of the Great Depression by throwing up trade barriers. We are living in a global economy, and we are in a global economic crisis. This demands more free trade, not less. I am heartened that just yesterday President Obama acknowledged the dangers of protectionism. I hope my colleagues don't follow the path of Smoot-Hawley and cause further damage to our economy and jobs. Cutting off trade not only threatens our export jobs, but many more jobs in my State depend upon exports and depend upon the one or two industries that might be affected.

Farmers in my State have been absolutely wiped out in the past when their exports to Southeast Asia, for example, a decade ago were cut off. This retaliation that the European Union and others have threatened could cut off the markets for our farmers.

Finally, the enormity of this spending bill sends the wrong signal about creating jobs.

I hope this body will agree to a complete substitute to get a bill that will work and work now. I think there are some improvements that can be made in it. I have several of these I intend to offer at the appropriate time with several of my distinguished colleagues, including the ranking member of the Environment and Public Works Committee. He and I, along with Senators BOXER, BAUCUS, COCHRAN, CRAPO, BAYH, BROWNBACK, and VOINOVICH, will be offering an amendment for better roads, bridges, and highways. That amendment would take \$5.5 billion provided in the new surface transportation investment program and put it into the highway and bridge formula, making the total for highways and bridges \$32.5 billion instead of \$27 billion. Every State wins, and it is offset. According to the American Association of State Highway and Transportation Officials, there are currently 5,148 ready-to-go projects, with a total price tag of \$64.3 billion.

In addition, I will introduce, with Senators BAUCUS, VOINOVICH, and SPECTER, an amendment that eliminates the \$8.7 billion rescission of contract authority found in SAFETEA-LU for September 30, 2009. What we had to do when we passed SAFETEA was put in a "gimme" at the end. Unfortunately, that "gimme" would cut off money that has already been authorized and ready to go to the States to spend on the Nation's highways and bridges. If this rescission is not revoked, we would see the cancellation of hundreds of major projects and the loss of jobs in every State. I think that for a stimulus it is appropriate to undo that artificial limit on spending on highways. For Missouri, the Department of Transportation estimates that this rescission would cost the State \$205 million in lost projects and 9,600 jobs. This is not the year to be losing those jobs. Our amendment would strike that destructive rescission.

On a totally different subject, I will join Senator COBURN in offering an amendment that will address a national health epidemic and empower families to make healthy food choices. The amendment is simple. It would require the U.S. Department of Agriculture to establish guidelines to ensure that Federal dollars are used to purchase food that is nutritious and consistent with the food pyramid. These guidelines would be developed by the USDA, and they would give all of our important health and community advocates the opportunity to give the Government their input about how to make the Food Stamp Program a

healthier program. According to the Centers for Disease Control and Prevention, poor nutrition leading to obesity can result in 1 out of 8 deaths in America today, which is caused by illnesses linked to being overweight or obese.

Another program that I intend to offer, in addition to investing in our transportation infrastructure, is investment in early childhood facilities. The shortage of these facilities is a chronic problem facing prekindergarten programs. I will offer an amendment that takes \$400 million out of the HUD Neighborhood Stabilization Program to fund capital investments for new construction, rehabilitation, and retrofitting of early childhood development centers. There is almost \$150 million in stalled capital projects in five States, which would serve 10,000 children. Projections on this survey suggest an immediate need that exceeds a billion dollars over the next 2 years and would serve 30,000 children and generate at least 4,000 jobs.

Finally, this is the amendment I am going to call up. It deals with low-income housing. Some of the folks who have been hit hardest by the economic crisis are needy families. They have been hit doubly hard by the reduction in available and affordable housing.

Today I intend to offer a bipartisan amendment with Senators MURRAY, DODD, REED, and KOHL to address this problem by providing \$2 billion in direct equity grants to States through the low-income housing tax credit program.

Much of these funds would be directed toward tax credit deals that have already been approved by State credit agencies and have financing in place to proceed into construction, except for a recent equity gap created by the credit crisis. In other words, these funds are ready to go. They are truly shovel ready, and they deal with a great problem.

The problem is, this crisis in the financial markets has made it impossible for the normal low-income housing credit deals to go forward. This money would fill in that gap. In my State of Missouri, there are about 703 affordable housing units approved by the Missouri Housing Development Commission that have been stalled. They are ready to go. For 2009, the States anticipate another 2,000 units would be stalled.

If the equity gap funding is provided, it not only will save these units, but also create some 3,000 new jobs.

It is estimated the low-income housing tax credit will nationally build 120,000 homes annually, while supporting 180,000 jobs. These are good to go, and when the President talks about shovel-ready projects, what better thing to do than to make sure we have affordable housing for those who most need it.

I believe this amendment provides that affordable housing for families displaced by home foreclosures.

Madam President, I ask unanimous consent that the pending amendment be set aside.

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

Mr. BOND. Madam President, I call up amendment No. 161.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself, Mr. DODD, Mr. KOHL, Mrs. MURRAY, and Mr. REED, proposes an amendment numbered 161 to amendment No. 98.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide \$2,000,000,000 from the HOME program for investment in the low income housing tax credit projects)

GAP FUNDING FOR LOW INCOME TAX CREDIT PROJECT

On page 253, line 1, strike "\$2,250,000,000" and insert in lieu thereof "\$250,000,000", and insert the following account after line 13 on page 257:

"For an additional amount for capital investments in low income housing tax credit projects, \$2,000,000,000, to remain available until September 30, 2011: *Provided*, That the funds shall be allocated to States under the HOME program under this Heading shall be made available to State housing finance agencies in an amount totaling \$2,000,000,000, subject to any changes made to a State allocation for the benefit of a State by the Secretary of Housing and Urban Development for areas that have suffered from disproportionate job loss and foreclosure: *Provided further*, That the Secretary, in consultation with the States, shall determine the amount of funds each State shall have available under HOME: *Provided further*, That the State housing finance agencies (including for purposes throughout this heading any entity that is responsible for distributing low income housing tax credits) or as appropriate as an entity as a gap financier, shall distribute these funds competitively under this heading to housing developers for projects eligible for funding (such terms including those who may have received funding) under the low income housing tax credit program as provided under section 42 of the I.R.C. of 1986, with a review of both the decision-making and process for the award by the Secretary of Housing and Urban Development: *Provided further*, That funds under this heading must be awarded by State housing finance agencies within 120 days of enactment of the Act and obligated by the developer of the low income housing tax credit project within one year of the date of enactment of this Act, shall expend 75 percent of the funds within two years of the date on which the funds become available, and shall expend 100 percent of the funds within 3 years of such date: *Provided further*, That failure by a developer to expend funds within the parameters required within the previous proviso shall result in a redistribution of these funds by a State housing finance agency or by the Secretary if there is a more deserving project in another jurisdiction: *Provided further*, That projects awarded tax credits within 3 years prior to the date of enactment of this Act shall be eligible for funding under this heading: *Provided further*, That, as part of the review, the Secretary shall ensure equitable distribution of funds and an appropriate balance in addressing the needs

of urban and rural communities with a special priority on areas that have suffered from excessive job loss and foreclosures: *Provided further*, That State housing finance agencies shall give priority to projects that require an additional share of Federal funds in order to complete an overall funding package, and to projects that are expected to be completed within 3 years of enactment: *Provided further*, That any assistance provided to an eligible low income housing tax credit project under this heading shall be made in the same manner and be subject to the same limitations (including rent, income, and use restrictions) as an allocation of the housing credit amount allocated by the State housing finance agency under section 42 of the I.R.C. of 1986, except that such assistance shall not be limited by, or otherwise affect (except as provided in subsection (h)(3)(J) of such section), the State housing finance agency applicable to such agency: *Provided further*, That the State housing finance agency shall perform asset management functions to ensure compliance with section 42 of the I.R.C. of 1986, and the long term viability of buildings funded by assistance under this heading: *Provided further*, That the term basis (as such term is defined in such section 42) of a qualified low-income housing tax credit building receiving assistance under this heading shall not be reduced by the amount of any grant described under this heading: *Provided further*, That the Secretary shall collect all information related to the award of Federal funds from state housing finance agencies and establish an internet site that shall identify all projects selected for an award, including the amount of the award as well as the process and all information that was used to make the award decision."

Mr. BOND. I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, first, I wish to make a comment on the remarks of the Senator from Missouri.

One of the most disturbing things, other than the cost of this stimulus bill, is the fact there is nothing in there to stimulate. There are two things that can be done that would be of great benefit to the United States of America.

One is, as he talked about, infrastructure. I was somewhat shocked that in the bill, on the other side, there was only \$30 billion, in the Senate bill \$27 billion that would go toward highways, bridges, and that type of construction. I am very much in support of his amendment No. 161 that will raise that amount by \$5.5 billion. I have to say, it is not enough. That would still be less than 5 percent of the total amount that would go to those items that would provide immediate jobs.

In my State of Oklahoma, we can identify over \$1.1 billion, just in Oklahoma, of projects that are spade ready, with environmental impact statements, everything has been done. We are ready to go on them. That is what will produce jobs tomorrow and the next day and the next day.

The other area is in the military. While those two amendments have to do with the infrastructure of which I am in strong support, the Boxer-Inhofe amendment has yet to be filed. It will be filed. We are talking there about

some \$50 billion that would go toward construction and infrastructure.

AMENDMENT NO. 262 TO AMENDMENT NO. 98

I want to mention, though, there is one other amendment I do want to bring up for consideration. That is amendment No. 262. This is a recognition of investing in our Nation's defense. It provides thousands of sustainable American jobs and provides for our Nation's security at the same time.

Major defense procurement programs are all manufactured in the United States, with our aerospace industry alone employing more than 655,000 workers spread across the United States. At the end of last month, conservative economist Martin Feldstein wrote in the Washington Post about the \$800 billion mistake. He was referring, of course, to the stimulus bill.

In that article, he pointed out the value of infrastructure spending on domestic military bases is the most significant we could do to try to stimulate the economy. In fact, it is clear that infrastructure investment alone with defense spending and tax cuts has a greater stimulative impact on the economy than anything else the government can do.

If our infrastructure needs repair, we equally need the tools to reconstruct our military readiness. That is what I am trying to do with this amendment. This is amendment No. 262.

I agree with everything that was said by the Senator from Missouri, that we need to do a lot of this with infrastructure. But, equally, my amendment increases defense procurement spending to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units.

We are accomplishing two things: We are providing the jobs; we are also rebuilding our military. The one thing we hear on the floor over and over, with the activity that is now subsiding in Iraq but, of course, escalating in Afghanistan, is that we are overworking everyone. The term we use in the military is the OPTEMPO is too high. We all recognize that fact.

We know we went through the decade of the nineties reducing spending on both end strength and modernization. What we need to do, if we are going to be having some kind of stimulative effect, if you can do it and rebuild our military, drop down the OPTEMPO for our people serving and at the same time do something about some of our FCS systems, for example, the Future Combat System, so we will become superior to our prospective enemies on the field in terms of equipment we give our kids.

Right now, we all recognize that with the exception of the F-22 and the Joint Strike Fighter, the Russians are making the SU series that is superior to our best strike vehicles, the F-15 and F-16. This is a procurement problem. We already have the lines going on C-17s and other vehicles, and it is going to be necessary to augment that.

This is fully offset. It does have \$5.3 billion that would increase procurement.

I ask unanimous consent to set aside the pending amendment for the purpose of bringing up Inhofe amendment No. 262.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 262 to amendment No. 98.

The amendment is as follows:

(Purpose: To appropriate, with an offset, \$5,232,000,000 for procurement for the Department of Defense to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material)

On page 60, between lines 4 and 5, insert the following:

**GENERAL PROVISIONS—THIS TITLE**

ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL

SEC. 301. (a) ADDITIONAL AMOUNT FOR PROCUREMENT.—

(1) IN GENERAL.—For an additional amount for “Procurement” for the Department of Defense, \$5,232,000,000, to remain available until expended, to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material.

(2) AVAILABILITY.—The items for which the amount available under paragraph (1) shall be available shall include fixed and rotary wing aircraft, tracked and non-tracked combat vehicles, missiles, weapons, ammunition, communications equipment, maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, and other expeditionary items.

(3) ALLOCATION AMONG PROCUREMENT ACCOUNTS.—The amount available under paragraph (1) shall be allocated among the accounts of the Department of Defense for procurement in such manner as the President considers appropriate. The President shall submit to the congressional defense committees a report setting for the manner of the allocation of such amount among such accounts and a description of the items procured utilizing such amount.

(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(b) OFFSET.—

(1) PERIODIC CENSUSES AND PROGRAMS.—The amount appropriated by title II under the heading “BUREAU OF THE CENSUS” under the heading “PERIODIC CENSUSES AND PROGRAMS” is hereby reduced by \$1,000,000,000.

(2) DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.—The amount appropriated by title II under the heading “NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION” under the heading “DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM” is hereby reduced by \$650,000,000.

(3) PROCUREMENT, ACQUISITION, AND CONSTRUCTION FOR NOAA.—The amount appropriated by title II under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” under the heading “PROCUREMENT, ACQUISITION, AND CONSTRUCTION” is hereby re-

duced by \$70,000,000, with the amount of the reduction allocated to amounts available for supercomputing activities relating to climate change research.

(4) DEPARTMENTAL MANAGEMENT FOR DEPARTMENT OF COMMERCE.—The amount appropriated by title II under the heading “DEPARTMENT OF COMMERCE” under the heading “DEPARTMENTAL MANAGEMENT” is hereby reduced by \$34,000,000.

(5) FEDERAL BUILDINGS FUND FOR GSA.—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “REAL PROPERTY ACTIVITIES” under the heading “FEDERAL BUILDINGS FUND” is hereby reduced by \$2,000,000,000, with the amount of the reduction allocated to amounts available for measures necessary to convert GSA facilities to High-Performance Green Buildings.

(6) ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT FOR GSA.—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT” is hereby reduced by \$600,000,000.

(7) RESOURCE MANAGEMENT FOR U.S. FISH AND WILDLIFE SERVICE.—The amount appropriated by title VII under the heading “UNITED STATES FISH AND WILDLIFE SERVICE” under the heading “RESOURCE MANAGEMENT” is hereby reduced by \$65,000,000, with the amount of the reduction allocated as follows:

(A) \$20,000,000 for trail improvements.

(B) \$25,000,000 for habitat restoration.

(C) \$20,000,000 for fish passage barrier removal.

(8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading “CORPORATION FOR NATIONAL AND COMMUNITY SERVICE” under the heading “OPERATING EXPENSES” is hereby reduced by \$13,000,000, with the amount of reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—The amount appropriated by title XII under the heading “FEDERAL RAILROAD ADMINISTRATION” under the heading “SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION” is hereby reduced by \$850,000,000.

Mr. INHOFE. Madam President, I am hoping to be able to consider this amendment in the near future. Let me mention one other point of equal significance, and it is somewhat controversial.

I just got back a couple days ago from Guantanamo Bay. I have been down there several times. As a matter of fact, I was one of the first Members—I think the first Member of Congress, of either House, to be there after 9/11. I have watched it as the years have gone by, the criticism of things happening at Guantanamo Bay that have never happened at Guantanamo Bay. People are talking about torturing and all these things. This is not the truth.

What really bothers me is, all you have to do, if you want to know the truth about it, is pull up on your computer the Red Cross Web site. They are down there with regularity talking about what is happening.

There are no human rights abuses. In fact, 3 days ago when I was there, some

of the detainees were kind of laughing about the fact they actually had better medical treatment than they ever had before. As far as the food is concerned, it is the best. There are six camps in conjunction with the severity of the problem with a particular detainee, what level of terrorist activities he was involved in. The first three are the ones ready to go back, and the last ones are the more severe.

In camp 5 and camp 6, we are talking about really bad guys up there. They still have recreational activities, health care, dental care, food. So things there are good.

I hope any preconceived notions by any Member of this Senate could be satisfied by going and seeing for yourself or pulling up the Web site. We even had al-Jazeera in there to evaluate how people are treated at Guantanamo Bay. It is an asset we have had since 1903. It is something we cannot do without.

I have submitted an amendment, which I will not call up at this time, amendment No. 198. People such as Senator MARTINEZ, who is from Cuba, recognize the fact that we have to keep that facility open.

Right now, even though it has a capacity of 11,000, we only have about 425 detainees there. Of that, there are 170 who cannot be returned to their home country, cannot be repatriated because they will not let them back in. Of the 170, 110 are the real serious, most severe of the terrorists. What do we do with those? If something should happen—and, of course, the President came out with two edicts. One was to suspend legal proceedings at this time, which the judge down there has rejected, so they are continuing. The other is to close Guantanamo Bay within 12 months.

The reason the second one is not workable is because you have to figure out what to do with all these detainees. I don't know of one Senator on the floor who would like them sent to his or her State. I know they have come up with some 17 institutions, one of which is in my State of Oklahoma, where they could relocate these detainees. That becomes a terrorist target. It is something that is not acceptable.

All the amendment does, which I am hoping we get cleared before too long, is to prohibit the use of funds in this stimulus bill to transfer detainees from Guantanamo Bay to any facility in the United States or to construct any facility for such detainees in the United States.

When I say that, it will be necessary to do it. The courtroom down in Guantanamo Bay cost \$12 million to build. It took a year to get it built. Because of the sensitive nature of the information, they cannot be tried in a normal court facility. This would preclude funds from being allocated toward the relocation of those detainees from Guantanamo Bay to any of the Continental United States areas.

With that, I serve notice I would like to get others to look at this amendment very carefully. This may be the

only opportunity they have to ensure their State is not flooded with detainees, with terrorists, and create the problems we all know would come from that transfer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I understand there are roughly 10 amendments pending. There is understandable concern about calling up additional amendments at this time. If I am mistaken, I am more than happy to call up my amendment. Failing that, for the time being, I would like to talk a little bit about it.

I believe it is important we pass a true stimulus package quickly. Across the Nation, we know millions of families and small businesses are suffering from the economic crisis in which we find ourselves. Many of these small businesses feel like families, and they are faced, of course, with tough choices.

Yesterday the New York Times featured a story about a small direct mail firm in Bellaire, TX, just outside Houston. Fewer orders combined with rising health care costs will force this firm to cut staff or cut benefits unless the economy turns around soon. So we must act quickly, but we must act wisely.

I don't believe the pending bill on the floor today meets that latter part of my criteria, a wise bill. The most recent Gallup poll I have seen said only 37 percent of the people in the polling sample believe the current bill would actually help stimulate the economy in a positive way. In the meantime, we would see in excess of \$1 trillion of additional new deficit spending passed on to our children and grandchildren.

We have to not only act quickly, but we have to act wisely. We have to deliver a stimulus plan that will immediately benefit America's families and small businesses. We have to avoid, as well, repeating mistakes of the past that failed to stimulate the economy—and I will talk about that more in just a moment—and we have to resist the temptation, which is all too common in Washington, DC, of trying to fund everybody's wish list. We know that wish list goes on and on without end, and we need to set the right priorities, the same thing families have to do every day.

I believe one of the best ways we can stimulate our economy is to provide true tax relief to everybody who pays taxes. Rather than reprocessing those tax dollars by having Washington redistribute them to the winners and losers in the political process, why not let the people who earn the money keep more of it. We know that is a lot more efficient.

As we have seen, the new chairwoman of President Obama's Council of Economic Advisers, Christina Romer, along with her husband, did a study—she is a real, live economist. We hear economist for this, economist for that.

Many are nameless and faceless. I thought how interesting it would be, instead of citing unnamed economists, if you just plugged in the word "lawyer" or let's say "veterinarians." Veterinarians believe this, lawyers believe that. We wouldn't accept that at face value. We would want to know what it was and whether it was credible and what they are talking about. Because we know there are economists who disagree with each other, and it is plain silly to suggest that among economists there is any consensus on these unprecedented times we find ourselves in.

But there are two economists—Christina Romer and her husband, she being the most recent chairwoman of President Obama's Council of Economic Advisers—who found in a study they published in 2007 that a tax cut of 1 percent of GDP generates real output by about 3 percent over the following 3 years, a 1-to-3 ratio. Now, that strikes me as a lot better than some of what I have seen in terms of the stimulative effect in spending, which is roughly for every \$1 spent, you may get a 1.5-percent increase in growth.

AMENDMENT NO. 277 TO AMENDMENT NO. 98

Mr. President, I just received a note from staff that indicates it is all right to go ahead and call up my amendment.

Let me pause, Mr. President, and call up my amendment No. 277 and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. BURRIS). Is there objection to setting aside the pending amendment?

Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A Senator from Texas [Mr. CORNYN] proposes an amendment numbered 277 to amendment No. 98.

Mr. CORNYN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with at this time.

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

The amendment is as follows:

(Purpose: To reduce income taxes for all working taxpayers)

Beginning on page 435, strike line 4 and all that follows through page 441, line 15, and insert the following:

**SEC. 1001. REDUCTION IN 10-PERCENT RATE BRACKET FOR 2009 AND 2010.**

(a) IN GENERAL.—Paragraph (1) of section 1(i) is amended by adding at the end the following new subparagraph:

“(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

“(i) IN GENERAL.—Subparagraph (A)(i) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

“(I) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(ii) Section 3402(p)(2) shall be applied by substituting ‘5 percent’ for ‘10 percent’.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Subclause (II) of section 1(i)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

Mr. CORNYN. Mr. President, simply stated, the amendment I offer today is based on the experience of what works. We have been presented all sorts of economic theories, some of which I have even bought into because I thought the smartest people on the planet knew more than I did, and perhaps I had to have faith in some of these smart people. But we know based on experience, not just based on faith, that this amendment will work to stimulate the economy.

This amendment cuts the income tax rate in the lowest tax bracket from 10 percent to 5 percent, so it will immediately help some of the people who earn the least amount of money in our society, and it will in fact help all working Americans immediately. Currently, married couples pay a 10-percent tax on income up to \$16,050, which is roughly \$8,000 for a single tax return. They pay a 10-percent tax on that now, and my amendment would cut it to 5 percent. That would put about \$500 per year back into the family budget, or roughly the same amount as the provisions in the current bill known as the “Making Work Pay” refundable tax credit. And I will talk about that in a minute. But this amendment would provide meaningful tax relief to more than 105 million Americans—to everyone who must file a tax return by April 15.

This amendment would provide an immediate economic stimulus and jolt to our economy and would show the American people and the global financial community that we are serious about delivering an economic stimulus that will actually work. Isn't that the first question we ought to ask: Will it work? This one will work, because experience proves it. This amendment will cut the size of this \$1 trillion bill by about \$25 billion because it replaces the so-called “Making Work Pay” refundable tax credit.

Now, the refundable tax credit, so everybody understands, is not like the usual credit against income. This is cash money paid by the Federal Government to a person whether they pay income taxes or not. In fact, what it amounts to is taking money from people who do pay taxes and giving it to people who don't necessarily pay taxes. It represents a huge transfer of wealth. But even worse, in this bill it represents a repetition of the failed stimulus bill that we voted on roughly 1 year ago.

I am sorry to say now I was one of those votes in favor of that stimulus bill. That is in the category of what I described earlier, where I believed the smartest people on the planet were telling us we had to spend this \$150 billion-plus. And we had bipartisan support for the bill. We borrowed \$150 billion or so from our children and grandchildren. In other words, we added it to

the Federal deficit. You know what kind of impact it had? It had zero, zip, nada, no impact on the economy, other than to rack up another \$150 billion in debt for our children.

So this refundable tax credit, if passed in its current form, represents a repetition of what we know will not work and which will in fact make our economic situation worse. It will represent a \$46 billion transfer of wealth to folks who don't pay income taxes in the first place. We should provide tax relief in a straightforward and transparent way to all taxpayers who owe income taxes. In other words, this amendment is about providing tax relief for taxpayers which, according to Ms. Romer, is the most efficient way to get our economy moving again, and one that will not pick winners and losers here in Washington, DC, after Congress takes its cut, but allows it to be kept by the people who earned it in the first place.

I ask my colleagues to support this amendment when we have an opportunity to vote on it later on. This is, once again, amendment No. 277, and I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, 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. BUNNING. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 242 TO AMENDMENT NO. 98

Mr. BUNNING. Mr. President, I call up my amendment No. 242.

The PRESIDING OFFICER. Is there any objection to setting aside the pending amendment? Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. BUNNING] proposes an amendment numbered 242 to amendment No. 98.

Mr. BUNNING. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to suspend for 2009 the 1993 income tax increase on Social Security benefits, and for other purposes)

On page 570, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . TEMPORARY REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.**

(a) IN GENERAL.—Paragraph (2) of section 86(a) (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

“This paragraph shall not apply to any taxable year beginning in 2009.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

(c) MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the amendment made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(d) OFFSET.—Notwithstanding any other provision of division A, the amounts appropriated or made available in division A (other than any such amount under the heading “Department of Veterans Affairs” in title X of division A) shall be reduced by a percentage necessary to offset the aggregate amount appropriated under subsection (c).

Mr. BUNNING. Mr. President, I have three amendments. Since there are so many amendments, I am going to only offer one at this time. It is an amendment I have offered on the floor numerous times on major bills. It has something to do with a serious problem that 12 million American seniors face every year. My amendment puts more dollars in seniors' wallets, which will hopefully stimulate the economy by giving them more expendable income.

My amendment would suspend for just 1 year, the year 2009, the increased tax on Social Security benefits that Congress passed in 1993. I have been a strong advocate for eliminating this tax entirely for many years. My amendment would give seniors a 1-year break from this unfair and punitive tax.

Let me start with a little background. Historically, Social Security benefits were not taxed by the Federal Government at all. However, in 1983, the Nation was facing an immediate shortfall in the Social Security Program, with the trust funds possibly running out of money in the next couple years. Acting on the recommendations of the Greenspan commission, Congress passed a law in 1983 that began taxing Social Security benefits for the first time. The new law required that 50 percent of a senior's Social Security benefit or Railroad Retirement benefit be taxed if his or her income was above \$25,000 or \$32,000 for married couples. This tax, over the past 26 years, has been dedicated to shoring up the Social Security system or the Railroad Retirement system.

In 1993, when I was a member of the Ways and Means Committee in the House, Congress was faced with a similar problem. This time it was the Medicare trust fund that was going broke. Once again, Congress called on American seniors to help fix this program by instituting another additional tax on Social Security benefits. In 1993, Congress passed a law that required 85 percent of a senior's Social Security benefit be taxed if their income was \$34,000 for a single person or \$44,000 for a couple.

As a Member of the House in 1993, I thought this tax increase was grossly

unfair to our senior citizens. On one hand we tell seniors to plan for retirement and on the other hand we tax them for doing that. CRS estimates that there are 12 million seniors paying this tax on 85 percent of their Social Security benefits.

Also, since the income levels are not indexed to inflation, many more seniors become burdened each year as we go forward and inflation rises.

My amendment is very simple. It gives seniors a break for 1 year from paying this tax. While I would love to see this tax permanently repealed, suspending it for 1 year is a start and a stimulus to get money into the pockets of our senior citizens so they can help stimulate the economy. It would help do it immediately, by allowing millions of seniors to keep more of their Social Security benefits. With wild fluctuations in gas prices and increases in health care and food costs, this tax relief could make a difference to millions of seniors across this country.

The amendment holds the Medicare trust fund harmless so the solvency of Medicare is not jeopardized. The amendment is paid for by reducing discretionary spending in the bill, except spending for veterans.

In the past, many of my Senate colleagues have supported sense-of-the-Senate amendments to remove this unfair tax. Today, Senators will have an opportunity to vote on actually giving seniors relief and removing this unfair tax for just 1 year, 2009. It is the fair thing to do. I hope my colleagues can support this amendment and support over 12 million seniors who are forced to pay this unfair tax.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank the Senator from Kentucky for offering his amendment. There are 14, I believe, maybe 15, pending amendments to this bill. I think it is healthy. It means we are actively debating this issue and getting suggestions from Democrats and Republicans about ways to change it.

But let's remember why we are here. This is H.R. 1, the first bill of the session. It is the bill, in terms of priority, that has the highest priority for the President of the United States and for the Nation. It is the American Recovery and Reinvestment Act of 2009.

It has been only 2 weeks now since we swore in a new President, the 44th President of the United States. He comes to this office, I believe, with extraordinary talents and potential. But he also comes facing some of the most serious challenges any President has faced in 75 years. You have to go back to Franklin Roosevelt, in 1933, and the Great Depression to find another time in American history that was any more challenging than what we face today. I think most Americans know what we are talking about.

We found, for the gross domestic product; that is, the production of

goods and services in America, our growth in that area has started to decline for the first time in 25 years. We have found that unemployment rates are higher than they have been in 15 or 20 years—in some places even worse. Ask the average person or family member: Does this affect you? And they will say, of course, it does. My savings for my retirement are not what they used to be. I have lost a lot. I had planned on a life of comfort and security and now I am not sure.

How about your home? For most people it is the most important asset in their life. Even if you are paying your mortgage payment, your home value has been going down in most communities across America. People understand, too, that many of their neighbors are losing their homes to foreclosure. Some of these are hard-working families who have played by the rules and all of a sudden the world is upside-down. The principal they owe on their mortgage is more than the value of their home.

Ask people about jobs, about all the jobs we have lost across America—half a million jobs in December, even more in the month of January. As we lose more and more jobs, of course, people face hardships. Part of our effort is to try to find a way to help them, provide a safety net, to give them a helping hand—as we should.

Let me tell you what President Obama's proposal means to America. First, we are going to try to help those people who are suffering. For those on unemployment right now, many of these people have been stretched to the absolute limit. Imagine losing your job and trying to keep your family together and make the utility bill payments and not lose the house—in the hopes that this is going to turn around and you will find another job. We provide an additional help to them. It is not a lot. I would like to give more, but it means more money in unemployment relief for these families.

The second thing we find is that as soon as you lose your job, guess what happens next. You lose your health insurance. There is a program called COBRA where you can turn around and buy health insurance, but take a look at the price. The price is dramatically larger than you paid as an employee, if you had coverage at your workplace. So we try to extend health insurance for these families. Shouldn't we, for the millions of Americans who are out of work, give them a little more to live on and a little helping hand when it comes to the paying of their health insurance? That is not just humane; if you are looking at the pure economics of it, trust me, those unemployed families with an extra few dollars a week are going to spend this money back into this economy, keeping their families together.

Then we take a look at what we need to do to get this economy moving forward. President Obama said the first thing we need to do is to give working

families, middle-income families, a helping hand. Tax policy over the last 8 years has been geared primarily, most of the breaks, to the wealthiest people in America. But the folks who have been falling behind are those whose wages didn't keep up. The cost of living kept up, but their wages didn't keep up. President Obama says, as part of our recovery plan, let's give a helping hand, \$500 to an individual, \$1,000 to a family, at least so that these working families can pay their bills and maybe try to get ahead a little bit. That, to me, is a sensible economic recovery.

Wouldn't we start at the base of America, the strength of America, the families of America, and make sure they get the first helping hand, after we have taken care of those who lost their jobs, through unemployment? That is part of it.

He also has asked us, in the Obama plan: Help businesses, small businesses in particular, because they are the bedrock of the American economy. They create most of the jobs. They are the most vulnerable. We have seen it happen. We get the announcements of the big companies that are laying off thousands of workers: 20,000 at Caterpillar, thousands at Starbucks and INTEL and the list goes on and on. But it is the small job in the mall or downtown that lays off a worker or goes out of business—then we start losing jobs that way. The President has proposed in his tax package, let's allow these businesses to write off their losses and apply them to previous years' tax liability. Give them a helping hand. If they want to buy things that might expand their businesses, let's encourage them, give them more of a tax writeoff. So we build this into the program here as well. I think these are all solid investments in people who are struggling with unemployment and middle-income families finding it hard to pay their bills and small businesses that are vulnerable to a weak economy.

Then the President goes a step further and the President says: Let's now create jobs, let's invest in America in a way that is going to build America's economy for decades to come. He has identified several areas of importance that I think will meet the test of time and I hope will meet the approval of my colleagues.

The first thing he says is energy. We know, as long as we are captives of foreign oil producers who can run the price of gasoline up to \$4.50 next week and back down again to \$2.50 a month later, it is tough to build an economy.

So President Obama has told us, as part of this, build into this energy-related investments, the kinds of things that make sense, research in areas that will give us energy capability.

We can't build an American economy without energy. Let's build it with homegrown energy, energy that uses our creativity and our resources and builds on them.

He also said: Let's take a look at our schools, let's take a look at our Gov-

ernment buildings, and if the energy is going out through cracks in the windows and the doors, let's do something about it—more energy efficiency.

That is a good investment. That is going to pay itself back over a period of time.

Secondly, there is this whole element of health care. We know that one of the crucial elements in our daily lives is the protection of health insurance, and we know the cost of that insurance and the cost of medical care continue to rise.

What President Obama has made part of this is something that is the most important single downpayment to health care reform. He believes we should start moving as a nation to put our medical records on computers so that we have technology that has my medical records, the records of my family, so that when you go to the hospital, the doctors who are there and the nurses who are there have access to solid available information. They are not going through pages hoping they don't miss one. It is going to mean that there will be more affordable health care, and it will be safer health care. That makes sense. That is a good investment.

The third element is education. What the President has said as part of his proposal here is that we need to start building—by building, putting people to work—we need to start building the laboratories, the libraries, and the classrooms of the 21st century.

Let's be honest about this. America is as ingenious, innovative, and creative as any nation on earth. But the reason we are is because our schools prepare our children to meet that challenge and to lead. That is part of the investment of this bill.

Overall, what the President is asking us to do is to do our very best today to invest about \$900 billion—a huge sum of money, I do not doubt that—so at the end of the day we will have saved or created 3 to 4 million jobs.

My friends, some of them on the other side of the aisle, say that is way too much money, \$900 billion. This \$900 billion represents about 6.5 percent of the gross domestic product of America. So you say: Is that enough? Is that enough of a catalyst? Most of the economists say: Err on the side of providing enough water to put out the fire. Don't put so little on it that you will have to revisit that conflagration tomorrow. And if you follow the lead of some who want to cut back the size of this program substantially, every time they cut back the size of it, they will cut back the number of jobs we will be creating in America at a time when we desperately need more jobs.

We expect to lose in economic activity in America \$1 trillion a year because of this recession. What we are putting back over 2 years, this \$900 billion, means we are about at half of what we are going to lose. We are going to put some \$450 billion of economic spending into an economy that is losing \$1 trillion in activity. So we are

not even keeping up with what the recession is doing to us. So those who want to cut this back dramatically, I can tell you, sadly, if they have their way, we will be back here again.

You remember last year, President Bush said to us: I think the economy is weak, and I know how to solve the problem. Tax cuts will do it. And he asked us, the Democratic Congress, to give the Republican President \$150 billion in tax cuts. And we did. Senator BAUCUS, the chairman of the Finance Committee, worked to deliver a bill, a bipartisan bill, focusing on tax cuts.

If you listen to my friends on the other side of the aisle, they believe this is the answer to every ill. If the economy is flourishing, more tax cuts; if the economy is struggling, more tax cuts. Well, tax cuts have their place, and they are a part of this, but they are not the complete answer. We learned that when we put \$150 billion into the economy in tax cuts last April, I believe it was, and it did not have the kind of positive impact we expected on our economy.

The point I want to get to is this: We have to act, and we have to act now. Sure, we should have this debate on the amendments. Some will prevail, some will not. But at the end of the day, the American people will not accept as a final verdict that the Senate did nothing. They will find it absolutely unacceptable that one of the worst economic crises in America was met with political resistance. They want us to work together. And we should.

I am open—I believe most Democrats are—to good ideas and good suggestions, and a lot of our colleagues are, in good faith, working toward that end. But there is one basic thing we should remember: When we get down to the bottom line, most of the critics of this program, this \$900 billion program, when you add up the total amount of their criticism, it is less than 1 percent—less than 1 percent.

Well, let's try to cure that 1 percent. Let's do our best to make sure we do. But let's not walk away from this challenge. Let's not walk away from this crisis because we find in some paragraph in here something to which we object.

If there were ever a time when the American people expect us to rise to the occasion, to stand with President Obama and try to turn this economy around, this is the time. I would say to my colleagues, let's get it done this week. We need to tell America first—and the world—that we are not going to stand back and be victimized by this economy. We are going to use every talent, every tool we can to get this American economy moving again for the workers and families and businesses that count on us so much.

In the Senate, it is easy to get something lost in the debate and end up doing nothing. That is the one thing that is prevalent in the Senate too many times. But this is different. This is a historic challenge.

I hope Senators from both sides of the aisle will work in good faith to find a way to put together a product that will ultimately serve this country and serve it well. Two-thirds of the American people now say they support this plan. They do not believe it is the last thing we are going to do, and they sure do not believe the economy is going to be cured in weeks or months; it may take us longer. But we need to start working together and give this our best effort. We need to follow on from this doing something about the housing market, mortgage foreclosures, people who are underwater with their own home mortgages, folks who will not consider buying a home because of the uncertainty of the economy. That is absolutely a priority. It may not be included in this bill. Perhaps it will be. But that is a priority we should turn to next.

Then we need to look at these financial institutions.

Make no mistake about it, when this Bernard Madoff is found guilty of a Ponzi scheme, people are wondering whether he will go to jail. I am not going to say whether he should or should not. He needs to be held accountable for what he did. A lot of innocent people lost a lot of money because of what he did. He needs to be held accountable.

What about the financial institutions that brought us to this moment in American economic history? I think we need accountability there too. We need to make sure these executives do not run off with millions of dollars in bonuses, capitalizing on the taxpayers' money, ignoring the fact that they failed in their business missions. We need to have a good, strong law in that regard too.

We need to have proper oversight and regulation of financial institutions so America never goes down this road again. That is our responsibility on our watch.

I sincerely hope both sides of the aisle will make it their business to get it done this week so the American people understand that we get it, we understand the severity of the crisis we face.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I would like to respond to some comments that were made about the—

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin has the floor.

Mr. FEINGOLD. Mr. President, if there was an arrangement that I am unaware of, I would defer.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, we try to be evenhanded and fair and balanced here. We have had a gentleman's agreement that we alternate sides on speakers. Since the Senator from Illinois last spoke, I think it is only fair and appropriate that we rotate.

Mr. FEINGOLD. Mr. President, I was unaware of that, and I defer to my friend from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. I will not take too long because I know there are other Senators waiting to speak.

I send an amendment to the desk and ask for its immediate consideration.

Mr. BAUCUS. Mr. President, reserving the right to object, I think the pending amendments would have to be set aside.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendments?

Mr. BAUCUS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. We already have 16 amendments lined up in the queue. It is going to be a very late night tonight because of that great number of amendments.

I was wondering, I would be more than willing to work out an arrangement where the Senator's amendment can be the next one available after our votes tonight, the first Republican amendment tomorrow. I have to draw the line somewhere here; otherwise, we would keep going. I renew my offer to make it the first amendment tomorrow.

Mr. MCCAIN. I would be pleased to accommodate the manager, who has been very accommodating to this side of the aisle, and he just demonstrated that. So I would be glad, if it is agreeable to the manager to allow me to propose the amendment now. Then I would be glad to ask for a vote on it at the convenience of the managers of the bill so that it is most convenient for them.

Mr. BAUCUS. Mr. President, I would prefer that you offer the amendment after we dispose of the 16 tonight.

Then we can agree by unanimous consent that it would be the first one up.

Mr. MCCAIN. If I could ask unanimous consent that I would be the first amendment considered tomorrow.

Mr. BAUCUS. That would be fine.

Mr. MCCAIN. Mr. President, I will withhold proposing the amendment. I ask unanimous consent that my amendment be allowed to be filed and considered at the beginning of legislative work tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. So far, I have to object, and I have to figure out why. I might say to my good friend, in order to get order here, they are telling me we are coming in at 9:30 tomorrow morning. I know the Senator, a former military man, is used to early hours.

Mr. MCCAIN. Whatever the floor staff wishes, as well as the manager. By the way, I say that with great respect to the staff on the floor who are making this machine, this unwieldy machine, run in the most efficient fashion.

Mr. BAUCUS. Thank you very much.

Mr. McCAIN. Mr. President, I will withhold until tomorrow morning, according to the unanimous consent agreement, and file the amendment and ask for its consideration at 9:30 a.m.

Mr. BAUCUS. Or whenever we come into session tomorrow morning. We expect to be in about 9:30. There may be some leader time.

Mr. McCAIN. Sure.

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

Mr. McCAIN. Mr. President, I would like to keep the floor, if I can, for a couple of minutes.

Basically, tomorrow morning we will be considering this amendment. I would like to say a few words because this is a proposal that I think should be considered, along with the legislation that is pending. It is a compilation of what we believe is the most effective way to address the stimulus and job creation. It has tax provisions, such as elimination of the 3.1-percent payroll tax for all employees for 1 year. It lowers the 10-percent tax bracket to 5 percent; lowers the 15-percent tax bracket to 10 percent; lowers the corporate tax bracket from 35 to 25 percent and has accelerated depreciation for capital investments for small business; the extension of unemployment insurance benefits; extension of food stamps, unemployment insurance benefits, tax-free training and employment services, as well as keeping families in their homes through a loan modification program. It has tax incentives for home purchases and GSE-FHA conforming loan limits; national infrastructure and defense, which is very badly needed; transportation infrastructure; and also contains the trigger that is also the subject of a separate amendment I have proposed, with a total of about \$420 billion.

Now, I know my friend from Wisconsin is waiting patiently, but I would like to point out where I think we are at this moment; that is, we basically have legislation which is too big, which is not stimulative, and which does not create jobs. The American people are beginning to figure it out. In fact, polling numbers in the last couple of days have shown a significant shift in American public opinion because they are beginning to examine this proposal.

I argue that it is time we sit down, Republicans and Democrats, and begin good-faith negotiations to create a real job creation and stimulus package. I think it would be unfortunate if this body passed, on a party-line basis or largely party-line basis, this package in similar fashion as it did in the other body.

I think we have a proposal here that deserves consideration, but I also think it is time that we had serious negotiations to try to reach some kind of consensus on a package and legislation that truly stimulates and truly creates jobs.

My colleague from Arizona will be pointing out, as many others have,

that there are many programs here, moneys in the hundreds of millions and billions, that simply do not meet any criteria for job creation: \$75 million for smoking cessation; \$150 million for honeybee insurance. The list goes on and on. We also have an obligation to future generations to understand that \$1.2 trillion, followed by another TARP, followed by an omnibus appropriations bill, requires us to put this country, once the economy recovers, back on the path to a balanced budget and reduce spending across the board once our economy has recovered.

I thank the Senator from Montana, the distinguished manager of the bill, for his consideration on my amendment. I thank my colleague from Wisconsin, as always.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I ask unanimous consent that following the remarks by the Senator from Wisconsin, the Senator from Arizona, Mr. KYL, be recognized.

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

The Senator from Wisconsin.

#### AMENDMENT NO. 140

Mr. FEINGOLD. Mr. President, I would like to respond to some comments that were made about the amendment I am offering with Senator McCAIN and others. Just to remind my colleagues, our amendment creates a point of order against unauthorized earmarks in appropriations bills. Again, it applies to unauthorized earmarks. If a provision is not both an earmark, as defined by the Senate Rule 44, and unauthorized, this point of order does not apply.

For the purposes of this amendment, we consider a program to have been authorized even if that authorization has only passed the Senate during the same Congress as the proposed spending item.

Moreover, as a safeguard we have taken care to also exempt programs that may have had their authorization lapse, but which are clearly needed and are included in the President's budget request.

The Senator from Hawaii noted, for example, that we haven't considered an Intelligence authorization bill for some time, or a Foreign Operations and State Department authorization bill. He argued that the programs covered by those lapsed authorizations, or programs that have never been authorized, would be subject to this point of order.

They would not be subject to the point of order established by this amendment.

First, to my knowledge, few if any of the programs under those measures would be considered "congressionally directed spending," and thus they could be funded without this point of order applying. Second, programs covered by those authorizing measures are typically included in the President's budget request whether or not the authorization has lapsed and, as such, are fully exempt from this point of order.

Let me reiterate, in order to be subject to our point of order, the program must be an earmark; that is, "congressionally directed spending" as defined in Senate rules, and it must not be authorized or included in the President's budget request.

The Senator from Hawaii used the specter of an authorization bill being filibustered to stop the ability of Congress to use its power of the purse as an argument against this amendment. Once again, if a program is not considered to be "congressionally directed spending" it will never be subject to this point of order, and Congress is free to fund it or not as it sees fit.

The Senator from Hawaii also raised the concern that this amendment creates a point of order against unauthorized earmarks added to conference reports. Darn right it does. We shouldn't be adding earmarks to conference reports. Under the amendment, if a point of order is sustained against a provision in a conference report, that provision would be stricken, but the legislative process would continue with no more potential roadblocks than exist currently. The conference report would revert to a nonamendable Senate amendment, which would be the conference agreement without the objectionable material, and the measure could then be sent back to the House. It won't tie the two Houses up in knots, as the Senator from Hawaii suggested. The House will accept the Senate amendment or it won't. If the House makes a further change, the Senate can consider it. That is the regular order of business around here. The best way to avoid this issue is not to slip earmarks into conference reports.

The argument was also made that if our amendment was adopted, then authorizers would have the power to earmark, but no one else. This amendment doesn't give the power to earmark to anyone. All it does is return the Senate to what should be the proper way to consider special interest spending. If you want some special project for your State or district, the authorizing committee of jurisdiction should review it, and legislation authorizing it should pass both Houses and be signed into law. That is the regular scrutiny we should require of special interest spending. Then the Appropriations Committee can decide whether and at what level to fund the authorized program. That is the way the system is supposed to work. Unfortunately, we now have an alternative, short-cut process, whereby Members stick spending provisions into appropriations bills without any scrutiny whatsoever. That is a recipe for waste, fraud and abuse.

I have great respect for the Senator from Hawaii, and I appreciate his willingness to debate my proposal on the merits. I wish more of my colleagues were willing to have this kind of public discussion about earmarks. But I disagree with his arguments. This is a sensible amendment. It will put some teeth into the earmark rules we adopted in the last Congress. As we consider

a bill that proposes to increase our debt to the tune of \$800 billion, we should be doing all we can to assure our constituents that their money is not being wasted on pork-barrel spending. One way we can do that is to pass the Feingold-McCain-McCaskill amendment, and I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent that an editorial in the February 4 edition of the Arizona Republic be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. KYL. I will refer to that editorial, because it sets the stage for what we need to do to fix this bill. The Gallup poll yesterday said that 56 percent of Americans believe that either this bill should not be passed or that it should require major changes before it is passed. That is not only what most American people believe but also what most of the people on the Republican side of the aisle believe and I know some Members on the other side as well.

This editorial is titled "Senators should just start over in fixing fiscal mess."

They say:

Far too much of the stimulus bill is simply unserious as "economic stimulus." The Senate would do us all a great favor if it started again from scratch.

In a different part they write:

When the Congressional Budget Office analyzed the stimulus bill in its original configuration, it found that just 25 percent of its content might have any effect on the economy this year.

A similar analysis by the Wall Street Journal concluded that just 12 cents of every dollar spent would have a chance to create immediate stimulus.

They conclude:

Make the measure look like a stimulus package rather than a pork package.

That is what most of us believe we should do. You build the bill from the bottom up. What actually stimulates the economy, what actually creates jobs, you put that in the program. There may be a place for extending unemployment benefits, though that probably should be in a separate bill, because it is clearly not stimulative even though it helps people who are hurting. I doubt that there would be any objection to doing it. But we ought to focus the stimulus on exactly that; otherwise the American people are going to be cynical when they look at a bill that is \$1.3 trillion in size, and the experts are saying a very small percentage of that actually does anything to create jobs or stimulate the economy.

Let's go back to last December. In the Washington Post, Lawrence Summers, head of the President's National Economic Council, said:

Investments will be chosen strategically based on what yields the highest rate of return for the economy.

The Congressional Budget Office, the CBO, projects that in fiscal year 2009, the deficit is going to total \$1.2 trillion, and that doesn't include any of this stimulus bill which is about \$1.3 trillion. Add those two together, we are talking about \$2.5 trillion. So we need to take Lawrence Summers' advice and only spend money that will yield the highest rate of return for the economy. If we do that in building this bill from the bottom, we can actually do something that is great for the American people and still not be wasting taxpayer money. It might take 2 or 3 more days, but this is the most important economic bill this Congress will have considered in decades. It is the biggest bill in the history of the United States. We spent yesterday, Tuesday, on it, today, tomorrow, probably Friday, perhaps Saturday. We spent 5 weeks on an energy bill a couple years ago. Surely on a bill of this magnitude and with the emergency facing the country, if it takes us 3 or 4 more days to do it right, we ought to do it right. That means constructed from the bottom up with things we know will stimulate the economy and create jobs, not just fulfill campaign promises, not just make good on 8 years of things we wanted to spend money on but have not been able to find any other bill to stick it in until we got to this bill. Let's try to do this in a bipartisan way that will achieve the objective.

The President himself, on Super Bowl Sunday, in a nationally televised interview on NBC, said:

There will be no earmarks in the bill.

He said he is going to be trimming out things that are not relevant to putting people back to work right now. My guess is he is fairly embarrassed with a lot of the earmarks that are in the bill. Most of my Democratic colleagues are meeting now. I hope they are talking about what can be eliminated from this bill, what kind of earmarks or wasteful spending can be eliminated from the bill. It has become an embarrassment. We would be very happy to have them join in some of our amendments which will eliminate that spending.

Senator CONRAD, chairman of the Budget Committee, knows what he is talking about in these matters. He told Fox News:

There are other areas of the package that are really very questionable in terms of whether they would stimulate the economy. Some of the programs that are given money only have 10 percent spend out in the next two years.

He is correct on that. On the same day Senator DORGAN also commented to Fox News that "major chunks of the package do not spend out for years which is problematic."

We all agree. We ought to start over and start by eliminating these programs. If we do that, then we can meet an objective which is far higher than either 12 percent or 25 percent in terms

of the money we spend that will actually provide new jobs.

The Congressional Budget Office, nonpartisan, says only 12 percent of the discretionary spending in the bill will be spent by the end of this year and that less than half of the total of the discretionary money will be spent by the end of the following year. So more than half of the bill starts spending in the year 2011. I hope the recession is over by 2011. If it is not, obviously, we can look at that time to see whether we need more stimulus. But having stimulus for 2 years, that is a pretty long time to be stimulating. Let's adopt the McCain idea that after 2 years we take a pause and see what else we might need to do. We could probably save a lot of money. We would make wiser decisions, and we would be stimulating in the short term which is what we want to do.

The President's Chief of Staff said last year: You never want to waste a crisis. He was referring to the use of a crisis such as this to accomplish certain good. He was talking about reform ideas and so on. But we have to be careful that others aren't using this as an excuse to put spending in a bill that has been pent up for 8 years, that some of our colleagues wish to have done but haven't found a vehicle to carry it and, thus, stick it in this bill. That is what the American people are so upset about.

If we will solve this problem, the American people will be a lot more generous in their support for the other things we want to do. I have talked about some examples. I don't want to go through a laundry list. A lot of this is oriented to Washington, DC: \$9 billion for a Federal buildings fund; more money to help the auto companies, \$600 million to buy more cars for Government employees; \$248 million for USDA facilities modernization; \$34 million to spruce up the Commerce Department headquarters; \$125 million for the DC sewer system. All of these may well be important things to do. You can't argue that they are directly stimulative, though some people will have to do the work associated with them. But we have no idea whether these things are ready to go, whether they can be done in the first 2 years, or whether these are things that actually will be spent, as will the majority of the money, in the 2 years after 2010.

In any event, we have a process, as Senator COCHRAN, the ranking member on the Appropriations Committee, has said, that enables us to vet all of this spending and prioritize it so we put the most helpful spending first, and those things that are not as justified then fall out of the spending for this year and maybe come back next year. But it is our way of determining what we really want to do as a country that, obviously, cannot just have everything we want, and we cannot pay for simply everything. So, as Senator COCHRAN said, we have the responsibility to be deliberate and consider these items

carefully in the context of the President's formal budget request. It is a matter of making tough decisions, and I would hope we could do that.

Now, let's assume—because I am sure our Democratic colleagues will agree to eliminate some of these wasteful programs—we still have the problem that if the money is not reduced, then the money is still in the bill to be spent by somebody somewhere. So it is not just a matter of taking earmarks out, but it is a matter of eliminating the funding categories those earmarks are in, or as soon as we authorize the money, it will come right back in and we will have the same projects.

In this regard, I am very troubled by programs that would fund directly States and local governments because we have seen the lists they have sent to us—their wish list of things they would like to get. If we simply strike the exact delineation of where they want some of this money to go but leave the pot of money there, I ask you, where is it going to be spent? It will not take 5 minutes for them to get that list back out, put it on the table, and start going to town.

Just some general categories here:

There is \$16 billion to repair and build schools. That has always been a local school function. It is not a Federal function.

There is \$5.5 billion for a brandnew discretionary program on transportation.

There is \$2.25 billion for a neighborhood stabilization program. That is the same kind of program that would have made funding available for groups such as ACORN that we took out of the housing bill in June of last year. I do not think people want this kind of money going to ACORN or groups like that.

There is \$500 million to upgrade fire stations. I know all our local fire departments would love to have money to upgrade their fire stations. Is that a Federal responsibility?

There is \$9 billion to the National Telecommunications and Information Administration for grants to provide access to broadband.

There are huge chunks that would go to local projects specifically delineated by the Conference of Mayors. On January 17, they issued their fourth update of a report that details much of the spending they would like to accomplish. It is a stunning list of porkbarrel projects involving swimming pools, water slides, corporate jet hangars, skateboard parks, dog parks, equestrian trails, golf courses, parking garages, museums, bike paths, and so on. Some of those things might be perfectly appropriate; all of them should be local responsibilities. If people in the community want something like that badly enough, they will find a way to get the money to support it.

Just to illustrate the degree to which this prospect of free money has motivated people to what I regard as silliness—again, some of these projects

may be perfectly appropriate; if they are, local governments will find a way to fund them—there is \$8.4 million—a lot of money—for a polar bear exhibit in Providence, RI. There is \$6.1 million for corporate jet hangars in Fayetteville, AK. There is—a small amount of money—\$100,000 to create one cop job in Sulfur Creek, CA. I do not know what kind of community Sulfur Creek is, but surely California could come up with \$100,000 to get a police officer on the force for that community, I would think. There is a lot of money here for California. There is money to rehabilitate a skateboard park in Alameda, CA; \$500,000 for Sunset View Dog Park in Chula Vista, CA. There is money for an equestrian park in San Juan, Puerto Rico, and so on.

The bottom line is, these things ought to be subjected to the usual appropriations process. I guarantee you, the appropriators are pretty careful when they go through these items. Yes, some of this stuff slips in, but they try to prioritize these projects, and it is not just a giveaway to local communities.

I think it is worthwhile noting what some of the money is specifically spent for in categories. Golf courses seem to be a big item. Golf courses. There are several million dollars for golf course renovations and construction in Shreveport, LA; Brockton, MA; Roseville, MN; Florissant, MO; St. Louis, MO; Lincoln, NE. There is an environmentally friendly golf course in Dayton, OH. That one might win the approval of the appropriators. There is the renovation of a golf course maintenance building in Kauai County, HI.

Not to leave out my own State—there are a lot of museums that are apparently in need of some renovation or construction here—there is one in Scottsdale, \$35 million for a museum of the West. I guarantee you that will be a great museum, but I would hope we could help the folks in Arizona generate the money for this museum. There are museums in Miami, FL; Meridian, MS; a Minor League Baseball museum in Durham, NC; a museum of contemporary science—there are several museums of contemporary science; that must be a new trend—in Trenton, NJ. There is a music museum in Puerto Rico; a music hall of fame in Florissant, MO.

I may be mispronouncing the names of some of these communities, in which case I apologize.

There is a local history museum at Imperial Centre in Rocky Mount, NC. I bet that would be fun to go to. In Trenton, NJ, there is another contemporary science museum—again, in Trenton, NJ. There is the Las Vegas Historic Post Office Museum in Las Vegas, NV, and the Las Vegas Performing Arts Center in Las Vegas. There is the Art Walk at the Rochester Museum and Science Center in Rochester, NY; Lima, OH; Puerto Rico—well, there are three more in Puerto Rico—four more; one in Green Bay, WI. You get the drift.

Parking garages are a pretty big item, and I will not list them all here, but there are a lot of them in California, Colorado, Connecticut. There is a maintenance garage recycling and sanitation truck wash—let me say that again—a maintenance garage recycling and sanitation truck wash in Bridgeport, CT—I am sure that is necessary, actually—\$27 million. I gather all other communities in the country find a way to pay for theirs, but Bridgeport needs some help on that. Structural repairs to Yankee Doodle Garage in Norwalk, CT. And that list goes on and on. In fact, the list goes on and on. I will refrain from reading about another 30 of these.

Bicycles are a big item. Bike paths in Long Beach, CA; Miami, FL; Lewiston, ME; St. Louis, MO; Austin and Arlington, TX; Salt Lake City.

Water slides are a pretty good item. There is one in Carmel, IN. There is one in Shreveport, LA.

Pools—as I said, that is a big item. There is lots of swimming pool rebuilding and refurbishing and so on: California: San Leandro, CA; Sulfur Creek, CA—a lot of California swimming pools. There are a couple here in Connecticut, Colorado. There is one to replace pools at city high schools in Meriden, CT; one to upgrade swimming pools and school restrooms in New Haven, CT. Florida has several pools. They are going to build a fishing pier in Savannah, GA. This one I do not understand, Mr. President: millions of dollars for propane heating replacement with solar water heating systems for county swimming pools in Maui, HI. I did not think they needed heated pools in Maui, but more power to them if they can go with solar. Again, the list goes on and on and on. This is the wish list.

These are the kinds of things that when you make money free, people will line up to take part in. Even if we were to eliminate the pots of money here that these particular specific items would come from—let's assume all of the earmarks are gone but the pot of money is there—there are still other pots of money in the bill worth billions of dollars that represent wasteful Washington spending, money that will not go to create jobs.

I urge my colleagues here, as we talk about bipartisanship, as every one of us is struck by the absolute seriousness of the crisis that faces our country, we want to do something that works. And to ask somebody to support this is to say, in 6 months or a year or a year and a half, did it work? For those who support something that does not work, not only is that not in the best interests of the United States, but I think there will be a very high price to pay for wasting perhaps a trillion dollars. It is money we do not have, and we cannot afford to waste it.

So what I would urge my colleagues to do: We have several amendments today and tomorrow that will be offered to try to end the wasteful Washington spending and relegate those

kinds of bills to the Appropriations Committee, where they can make the tough choices, and then focus on the things which can actually create jobs and stimulate the economy. Our colleagues on our side of the aisle will have several important suggestions in that regard. We probably need to start with housing, which is where the problem started. Experts, as I read this morning, agree that until you solve that, you are probably not going to solve the rest of the problem.

So if we can approach the bill from a commonsense standpoint, which is what the American people want us to do, we can create a very good piece of legislation. But as it stands right now, there are going to have to be fundamental changes in this bill, starting basically from scratch, in order for it to do the work we want it to do and to be supported by the American people. We can afford the extra time, if it is 2 or 3 days, to get it done right.

I urge my colleagues, let's put the partisanship aside, the victory dances and all of that, and roll up our sleeves and try to see if we can follow the admonitions of the President when he laid out the original concept of this bill—timely, targeted, and temporary—and try to focus on those things which will do the job rather than simply to fulfill our spending wishes or those of many of our well-meaning constituents.

#### EXHIBIT 1

[From the Arizona Republic, Feb. 4, 2009]  
 SENATORS SHOULD JUST START OVER IN  
 FIXING FISCAL MESS

In opposing President Barack Obama's economic-stimulus package—now ballooned to more than \$900 billion—congressional Republicans risk letting Democrats earn all the credit as stewards of a national economic revival.

Unfortunately, their strategy looks to be a safe bet.

Far too much of the stimulus bill is simply unserious as "economic stimulus."

The Senate would do us all a great favor if it started again from scratch.

Congress now enjoys a public mandate to spend like the drunken sailor of its dreams . . . on one condition. That it allocate spending not to its beloved "pork," but to spending projects that offer some promise, however slight, of sparking the economy.

And just what constitutes an economy-igniting spending project?

We know what doesn't. Smoking-cessation programs may be helpful, but they are not "stimulus."

Spending \$870 million to combat bird flu may be a worthwhile investment in public health. But its prospects for kick-starting the 2009 U.S. economy are pretty much nil.

When the Congressional Budget Office analyzed the stimulus bill in its original configuration, it found that just 25 percent of its content might have any effect on the economy this year.

A similar analysis by the Wall Street Journal concluded that just 12 cents of every dollar spent would have a chance to create immediate stimulus.

And there are outright dangerous provisions to the bill.

The "Buy American" clause in the legislation, ensuring that only American-made steel and manufactured goods are purchased

with stimulus money, is an open invitation to an economy-wrecking trade war. Europeans are rightfully infuriated by it.

So are serious Democratic-leaning economists like Lawrence Summers.

Make the measure look like a stimulus package rather than a pork package.

Then, Democrats might manage to peel off some of the GOP support that the president deems so valuable.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Carolina.

Mr. DEMINT. Thank you, Mr. President.

I would like to speak for a few moments on a couple of amendments. But before I do, I ask unanimous consent that following my talk that Senator SAXBY CHAMBLISS be allowed to speak.

The PRESIDING OFFICER. Is there objection?

The Senator from Montana.

Mr. BAUCUS. Mr. President, reserving the right to object, we have been going back and forth, so if someone from this side of the aisle does appear by the time the Senator finishes his remarks, we could either have a gentlemen's agreement or I could ask unanimous consent that the next speaker be a Democrat. Everyone is an honorable Senator here, so if a Democrat is here, after you finish, I say to the Senator—

Mr. DEMINT. I revise my request, Mr. President, to fit that request.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the request as revised?

Mr. BAUCUS. I have no objection.

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

Mr. DEMINT. Thank you, Mr. President.

#### AMENDMENT NO. 168

Mr. President, I would like to speak for a few minutes about Amendment No. 168. It is the DeMint amendment we are calling the American Option to the spending plan that has been proposed by the majority. This is a complete substitute for the spending plan. We call it the American Option because it helps to develop a free market American economy by leaving money in the hands of people and businesses rather than taking it and then having the Government direct where the money goes. So it basically puts our faith in the American people, in our free market economic system, instead of political decisions here in Washington.

Americans are very concerned about the direction of our country. In fact, I have never seen people more anxious about where we are. They are worried about the economy but even more worried about the reckless spending and Government intrusion into our culture and into our free markets.

Our economy is in trouble. That is obvious. The national unemployment rate is now over 7 percent and climbing. Stock markets have plunged, jeopardizing the retirement security of millions of seniors. Nearly a million homes were repossessed last year, and in the last week, thousands of Americans have lost their jobs at some of our

Nation's strongest companies, including Home Depot, Microsoft, Caterpillar, and Boeing. In the midst of these difficult and uncertain times, Americans understandably voted for change. Frustrated with runaway spending, Wall Street bailouts, and soaring energy prices, they voted for President Obama who, as a candidate, promised to lower taxes, cut spending, increase domestic energy, and create millions of new jobs.

I like President Obama very much. We were elected to the Senate together, and we have worked together on several common goals. I truly believe he wants to do what is best for our country, but our economy needs more than slogans and empty promises.

As I have said before, I believe the stimulus bill that is being championed by President Obama and the Democratic majority is the worst piece of economic legislation Congress has considered in 100 years. Not since the passage in 1909 of the 16th amendment which cleared the way for Federal income tax has the United States seriously entertained a policy so comprehensively hostile to economic freedom, nor so arrogantly indifferent to economic reality. The bill, if it were a country, would have the 15th largest economy in the world—right in between Australia and Mexico and greater than the gross domestic product of Saudi Arabia and Iran put together. The American people will be forced to borrow 100 percent of the unprecedented \$1.2 trillion pricetag when you include interest. The stimulus bill will cost well over \$1 billion for every page it is printed on and \$400,000 for every job it hopes to create or save.

Proponents argue that we are facing a once-in-a-lifetime economic crisis and only an immediate and overwhelming stimulus bill can ignite the economy, create jobs, and spur growth. That may very well be true, but the spending bill before us today is just that: a spending bill, not an economic stimulus bill. The Democratic bill takes money—it actually borrows money—and decides where it should go. It does virtually nothing to stimulate the economy while it wastes billions of taxpayer dollars. It is a hodgepodge of long-supported pet projects that should be considered in the normal budget process but not an economic stimulus bill. Using the troubled economy as their motive, Democrats have opened the floodgates for all sorts of outrageous wasteful spending.

Here are just a few of the examples from the Senate substitute: \$400 million for researching sexually transmitted diseases. They are telling us now that they took that out, but then we find they left the money in there, which could be used for the same purposes once we pass the bill. There is \$200 million for bike and pedestrian trails and off-road vehicle routes; \$200 million to force the military to buy electric cars; \$34 million to renovate the Department of Commerce headquarters; \$75 million for a program to

end smoking, which, if successful, will bankrupt the children's health program Democrats just passed last week.

Of the more than \$800 billion in the bill that is being sold as infrastructure investment, only \$30 billion will actually go to build highways, about \$40 billion for upgrades in our telecommunications and electricity infrastructure, and about \$20 billion in business tax cuts. These are the only three components of the bill that might arguably stimulate the economy and create jobs and, even then, only temporarily. Altogether, only 11 percent of this so-called "American Recovery and Reinvestment Act of 2009" will have anything to do with either recovery or reinvestment. And rest assured, the elevated spending levels in this bill will never recede.

The tax side of the bill is not much better. We can think of it this way: If nearly every Democrat in Congress supports a tax cut, it is probably not a tax cut. Indeed, the text of the Democratic plan reveals that \$212 billion of smoke-and-mirror gimmicks—temporary cuts and rebates exactly like those that failed to stimulate the economy last year. Half of the tax changes in this bill are for people who don't even pay taxes, and all of them are temporary, which will undermine their impact. This bill is not an economic stimulus bill at all, but really a political stimulus—a stimulus to grow Government in Washington.

Any doubters of the bare-knuckled partisanship at the heart of the Democrats' trillion-dollar catastrophe will do well to ask a simple question: Who benefits from this legislation? Who, indeed? Alternative energy companies, public employee unions, teachers unions, university faculty and administrators, welfare recipients, ACORN-style community organizers, politicians who spend the money, Federal bureaucrats who allocate it, and the limousine liberal lawyers and lobbyists who will influence every dime behind the scenes. In other words, this bill is a massive transfer of wealth not from the rich to the poor, but from middle-class families and small businesses to favored Democratic constituencies who are not the poor and middle class we promised to help.

This bill is not a stimulus; it is a mugging. It is a fraud. Conservatives who fear proponents of this bill want to inch our economy closer to a European style of socialism are kidding themselves. The proponents of this bill want to strap a big rocket on the back of our economy and launch it all the way to Brussels. This massive spending bill is fatally flawed. It will not rescue our economy; it will strangle it.

That is why this bill must be stopped dead in its tracks. It cannot be fixed by tweaking it here or tweaking it there. It must be scrapped entirely so the leadership in Congress will be forced to consider real alternatives.

Fortunately, there is another way, a better way, a way that will actually

stimulate the economy, spur investment, and create jobs, a way that will permanently and immediately save billions of dollars in the private sector and in the hands of Americans who buy goods, provide services, start businesses, and hire employees. We call it the American Option because it relies on the American people to generate jobs and growth, not the Federal Government.

The plan I am offering is not new or clever. It is only 11 pages long. It comes with no bells or whistles, no smoke and mirrors, but it will work, and it is based on proven American principles of freedom, equality, and opportunity.

The plan—developed by scholars J.D. Foster and William Beach at the Heritage Foundation—is the best anyone has proposed since the recession first took hold. The idea is simple. First, make the temporary tax cuts of 2001 and 2003 that are currently set to expire in 2011 permanent. Make our current rates permanent. This would create the certainty for citizens and businesses they need to plan their spending and to grow their businesses. The short-term, temporary tax relief of the sort envisioned by the Democratic plan does not stimulate economic growth; it is temporary and it creates economic uncertainty. It is the difference between a \$1,000 gift one month, which you might put away or use to pay off some credit card, and a \$1,000-a-month raise which might get you thinking about buying a house, a new car, or taking a summer vacation or starting a new business. To encourage people to take risks and create new jobs, we must make tax relief for families and small businesses permanent. Recessions are caused by uncertainty that keeps investors on the sidelines. Permanent low taxes allow for plans and decisions to be made with an eye toward the future.

With the 2011 tax bomb diffused, part 2 of our plan will cut income tax rates across the board. The top marginal rate—the one paid by most of the small businesses that create new jobs—will fall from 35 percent to 25 percent. It simplifies the code to include only two other brackets: 15 and 10. These marginal rate reductions would be permanent and give the private sector maximum predictability as it decides how to best spend its recovered income. This is a matter of fairness. No American family should be forced to pay the Federal Government more than 25 percent of the fruits of their labor.

Just as we cut taxes for families and small businesses, we need to cut them for corporations as well, from 35 to 25 percent, and we shouldn't be afraid to say so. Our corporate tax rate is one of the highest in the world, driving investment and jobs overseas. Lowering this key rate will unlock trillions of dollars to be invested in America instead of abroad. Rather than giving large companies loopholes and targeted tax benefits which only encourage them to spend money on lobbyists who

secure such goodies, Congress should get out of the business of picking winners and losers in the market and simply cut everyone's taxes and let's let the best companies win. This plan will make businesses compete for consumers, not Congressmen and Senators.

To further simplify and improve the code, our plan would also permanently repeal the alternative minimum tax, permanently maintain the capital gains and dividend taxes at 15 percent, permanently kill the death tax for estates under \$5 million, and cut the tax rate to 15 percent; permanently extend the \$1,000-per-child tax credit, permanently repeal the marriage penalty, and permanently limit itemized deductions to home mortgage interest and charitable contributions.

The Heritage Foundation's Center for Data Analysis' widely respected economic forecasting model projects this plan would result in nearly 500,000 more jobs this year, almost 3 million new jobs by 2011, 7.5 million new jobs by 2013, and a total of nearly 18 million jobs over the next decade. That is an average of nearly 2 million jobs every year. Instead of taking \$1 trillion out of the economy so politicians can spread it around to special interests, the American Option will keep a trillion more dollars in the hands of American families and businesses. Instead of growing Government where waste and corruption run rampant, we grow the private sector where innovation flourishes. Instead of giving the power and control of our economy to politicians and bureaucrats, we give Americans and small businesses the freedom to spend and invest their own money. The positive effects of letting more money stay in the private economy immediately and permanently will quickly become apparent.

Beyond the job creation, I know we are all also interested in seeing our housing and real estate markets, as well as the automobile sector, emerge from the doldrums. Within 5 years, the American Option would produce \$175 billion in residential investment and \$362 billion in nonresidential investment. That is more than a half trillion dollars left to private citizens with the motivation to care for their families, invest in a new business, or expand their current productive activities.

The auto industry will also experience a dramatic increase in sales activity. Between 2009 and 2011, total sales of new cars and light trucks would rise \$24.5 billion more than they would otherwise. Again, allowing private citizens and businesses to use their own capital instead of sending it off to Washington benefits all sectors of the economy.

The evidence in support of this legislation is not theoretical but historical, unlike the Keynesian arguments behind the Democratic spending and debt plan. In 1964 John F. Kennedy's tax reductions led to 9 million private sector jobs in 5 years. Ronald Reagan's 1981 tax cuts led to 7 million in the same

timeframe. Five years on, the 2001 and 2003 tax cuts led to the creation of 4 million and 6 million jobs, respectively. Every time the United States has cut marginal tax rates, millions of jobs have been created—jobs that lifted the unemployment into the workplace, the working poor into the middle class, and the middle class into long-term economic security.

Similar stories can be told of Great Britain's rescue under Margaret Thatcher in the 1980s. More recently, Israel's economic reforms under their Finance Minister changed their whole economic platform.

President Obama's own chief economist has shown that tax cuts do truly stimulate economic activity to the tune of \$3 of increased output for every dollar of tax relief.

On the other hand, the world's greatest experiments in spending our way out of a recession have three textbook examples. The first is Franklin Roosevelt's response to the Great Depression. The New Deal began in 1933 with unemployment around 25 percent and effectively ended with the establishments of F.D.R.'s "war economy" in 1940 with unemployment still hovering around 20 percent. The second example is from the 1970s when huge deficits in the United States neither spurred economic growth nor curtailed inflation. The third example is Japan, their so-called Lost Decade, in which the Japanese Government tried in vain for 10 years to spend its way out of a national real estate and investment collapse.

Every discredited idea from these three monuments to economic mismanagement can be found in the fine print of the Democrats' \$1 trillion socialist experiment we are considering this week: massive spending, skyrocketing deficits, inevitable tax increases, and the disastrous unintended consequences of hurried and arbitrary meddling in our economy.

Finally, there is another issue I want to address. I have recently heard some of my colleagues say that this recession is the fault of the free market, that President Obama has inherited the problems of a conservative ideology.

Mr. President, the charge is flatly, demonstrably false. In fact, it is incredible that anyone would say it.

Let me be clear: conservatism has nothing to apologize for.

It was not conservatism that foisted Fannie Mae and Freddie Mac onto the national credit market.

It was not conservatism that that shook-down the Nation's banking system with the Community Reinvestment Act.

It was not conservatism that asked for, lied about, and then wasted \$350 billion for the Troubled Asset Relief Program.

Nor did conservatism sign on to the second tranche of the TARP funds now in the hands of our esteemed new Treasury Secretary.

It was not conservatism that used taxpayer funds to bail out the perpetrators of the Wall Street meltdown.

It wasn't conservatism that led our financial industry to make these reckless loans, and it certainly wasn't conservatism that made that industry ask for the taxpayers to foot the bill for their idiocy.

It wasn't conservatism that bailed out an auto industry bankrupted by its inability to manage costs and strangled by the tentacles of unionism.

Every problem now plaguing our economy can be directly traced to some Government policy that was passed over the vehement objections and warnings of principled conservatives.

The same scenario is playing out with this spending bill, but the result is not preordained.

The Democrat plan will fail, it will hurt our economy, it will kill jobs, it will lengthen and deepen the recession, and it will delay any hope of recovery.

But it is not enough to merely stop this, the wrong bill—we must pass the right one.

It is not simply a viable alternative—it is the American option to rescue our economy from an inexorable slide toward European social-democracy.

With a troubled economy, mounting national debt, and an entitlement crisis ready to explode, conservatives must offer bold and proven solutions to secure America's future.

We cannot simply derail the "liberal express"; we must show our fellow countrymen a better path.

There is nothing wrong with our economy that a free people cannot solve. All we need is the freedom to take back from Washington control of our economic destiny.

The policy approach I have outlined can work, and if implemented, will work. How do I know?

Because liberating people to pursue their own happiness and fortune is the only thing that ever does.

I thank the Chair, and yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise to discuss the economic stimulus package. First of all, my friend from South Carolina has raised so many valid points in his discussion. I know he has an amendment that is primarily focused on reduction of taxes to stimulate this economy, create jobs, and put more money into people's pockets. I concur with him 100 percent that this is the direction in which we need to go. I look forward to further debate on his amendment and seeing his amendment reach the floor.

This stimulus package we are now debating gets more expensive and, frankly, less stimulating with every passing day. The Democrat's plan is not a job creating bill. Plain and simple, in its current form it is a spending bill.

We have been going through a number of amendments over the last several days and I am pleased to see that some of those amendments have had

success. I think the bill looks somewhat better, but we still have a long way to go. This bill should not be about pet projects. Instead of wasting \$600 million, for example, of hard-earned taxpayer money for new cars for the Federal Government or \$650 million for a failed digital TV transition program or even \$120 million for the Census Bureau to hire personnel who specialize in "partnerships," we should be spending Americans' money on creating jobs for Americans. These jobs should allow Americans to go out and buy new cars themselves and thereby stimulate and energize a very struggling automobile industry. This bill should put money in the pockets of individuals who can buy new TVs instead of having to worry about the digital transmission issue covered in this particular proposal.

I have been in discussions with Senators MCCAIN, MARTINEZ, and others. We are in the process of finalizing an amendment that will be a substitute for the base bill that does exactly that—focus on creating jobs and stimulating the economy.

Any package that is intended to focus on strengthening our economy should focus on three things and three things only:

First of all, job creation. Despite an injection of hundreds of billions of dollars into our banking system, the credit markets remain frozen.

A lack of both confidence in the market and credible borrowers are precluding our credit markets from thawing and freeing much needed capital. Along with the current dual track of the TARP program, we can loosen this tight grip on capital is through job creation.

We must incentivize the creation of new jobs through favorable tax treatment of businesses and individuals. My friend from South Carolina mentioned an issue we are going to have in our amendment that is very critical, I think, to the long-term corporate structure in America. A solution that really will provide for the creation of jobs is the reduction of the corporate tax rate from 35 percent to 25 percent. We have the second highest corporate tax rate in the world. What are we doing about charging corporations that amount of money? What we are doing is exporting jobs out of America.

I talked to one of the leading economists in the country this morning who happens to be a resident of my State and is somebody whom I look to for guidance from time to time. I asked him, "If you could point to anything that would create jobs in America, what would the first thing be?" He immediately said, "Cutting the corporate tax rate." He said it is ridiculous what we do and that what we are going to hear from folks on the other side is that what we are doing by cutting the corporate tax rate is looking after the big corporations. The fact is, according to this renowned economist, the big corporations don't pay that 35 percent

anyway. It is the guys on Main Street, the insurance agencies in my home State, the veterinary hospitals down the street, and all the other small businesses that are, in fact, paying that 35 percent. It is our small manufacturers that depend on export markets to be competitive that are having to pay that 35 percent. If we reduce the corporate tax on those entities, then we are going to have the potential and the reality of creating jobs in this country. We also need to put more money in the pockets of individuals. One way we can do that, which we are going to have in our amendment, is by the reduction of payroll taxes. That will put a bigger paycheck into the pockets of every hard-working American every single week; make no mistake about it.

We have to look at spending measures that will have an immediate stimulative effect on our economy. Military and highway construction can provide jobs in the immediate future and put stability and confidence back in the marketplace and start people spending their paychecks again. There is no better way to put money into the manufacturing sector tomorrow than by putting money into defense contracting if it's done in the right and responsible way. We need to increase defense spending and make sure America remains safe and secure. Yet there is nothing in the base bill that the Democrats have offered that will increase pure defense spending.

In addition to job creation, second, we have to focus on housing. The housing crisis is what got us into this real financial mess that we are in today. I don't care what we do with respect to trying to spend or tax our way out of this; unless we fix the housing sector in this country, we are never going to recover from the economic crisis we are seeing today.

How do we do that? Again, you will see measures that have already been discussed in the form of amendments over the next couple of days—amendments such as that from my colleague and friend, Senator ISAKSON, to provide a \$15,000 tax credit to anyone who buys a house between January 1 and December 31. Measures that are outside-the-box thinking such as the one by the Senator from Nevada that proposes to provide long-term, low-interest loans for individuals seeking to either purchase a home or to refinance a home, where if they are not able to do this, they will be subject to foreclosure. So it is these types of housing measures and provisions that will allow us to stimulate the housing sector and try to get that portion of our economy back on track.

Third, in addition to the job creation and housing, we have to focus on compassion for folks who have lost jobs during these tough times, through no fault of their own. In my State, we have had 2 weeks of major announcements of job losses. It is simply due to the fact that these corporations are having to develop cost-cutting meas-

ures that will improve their bottom line because their sales are down significantly. Their workers are quality workers and they would like to keep them on, but they simply cannot afford it. They have to find cost-cutting measures.

So when you find folks such as that who are in need of assistance, we have an obligation, I think, to provide some relief to them. It is important that we prevent the bottom from getting deeper. We need to work to assist those who have fallen as a result of this spiraling economy and not from irresponsible fiscal decisions.

We must act to expand protections to serve as a compassionate step toward regrowth of our economy, a restrengthening in our markets, and a return to fiscal security.

All these provisions are going to be included, along with others, in the substitute amendment that will be forthcoming either tonight or tomorrow. We must be clear—job creation doesn't mean "Buy American." In tough economic times, it is all too easy to turn inward, to want to build protectionist walls around America. Nobody believes in buying American more than I do, but it is not the time to pretend our economy knows only the bounds of our borders.

I say this as someone who represents a State with a strong manufacturing sector. We live in an interconnected, global economy, where most manufactured products have at least one component not made in America. "Buy American" is the quickest way to export American jobs.

The biggest problem I see with the current proposal that is under debate, which came out of the Finance Committee from the Democratic side, is that we are now having to approach that bill in a top-down way. In other words, we are having to take the bill as it is and have amendments forthcoming that seek to strip out provisions in there that are not stimulating. These are the pet projects for individuals in this body, projects that will do nothing but take money out of taxpayers' pockets.

What we should do is develop a system directed toward this crisis that is a bottom-up review and a bottom-up attack on this financial crisis. We can do that basically by scrapping the current bill and starting over again. It is not that complicated to do.

I hope, at the end of the day, that this is the approach we will ultimately take. It is not just this trillion dollar spending package we are looking at in the Senate; we have to be responsible as we move forward because there are other bills that are coming right behind this one. There is a TARP III, which we understand will be laid on the table within the next few days. We have heard numbers as high as another half trillion dollars that may be asked for in TARP III, and that may not be the end of the road there.

There is also an Omnibus bill that I understand has already been put to-

gether that spends \$1 trillion of taxpayers' money. One of my constituents said to me the other day, "We used to talk in terms of a million. Then we got to where we talk in terms of a billion. Now you folks are talking in terms of a trillion. What comes after a trillion?"

That is a pretty tough question to answer, but we are fast getting there. We as policymakers in the Senate have to be responsible with the taxpayers' money. Sure, we want to do everything we can from a policy standpoint to stimulate America out of this economic crisis. But spending our way out of this situation is not the answer. That is why I hope we can review where we are with this current proposal, and instead of having a top-down review of it, look at it in more positive terms and have a bottom-up review. Let's start over again with the basics. We should start with the housing sector and figure out how to fix it. If there are other ideas out there than what has already been talked about, let's put them on the table and figure it out.

Secondly, let's look at how we are going to create jobs. We simply know by spending money that we are not going to create or maintain jobs. There are a lot of smart people in this body. Let's figure out the best solution.

Lastly, let's be compassionate. We need to make sure Americans are taken care of when they have lost their jobs through no fault of their own.

Mr. President, I yield the floor. I see the Senator from Rhode Island is here. I assume going back and forth he would be next.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to discuss a feature of the economic recovery legislation that will both create jobs in the short term and help us confront the long-term economic challenges that are facing us.

Clearly, creating jobs is a paramount goal of this legislation. In this time of deepening recession, one in ten Rhode Islanders is looking for a job. At 10 percent, our unemployment rate is second in New England and the second highest across this entire Nation. As I have traveled around my State, I have heard from countless Rhode Islanders struggling to hold on to their retirement savings, their homes, and their livelihoods.

Against this dark background, jobs mean security. Steady employment helps families pay the bills and plan for the future. Jobs mean confidence in an unsettled time. In this weakening economy, job creation should be our highest economic priority.

But at the end of the day, the best jobs this legislation can create are jobs that produce lasting infrastructure, assets that will help our economy function smoothly for years to come, such as highways, bridges, weatherized homes and schools, and water treatment plants. These are win-wins for the American people.

Fortunately, this bill goes beyond a definition of infrastructure as just the things the Romans could build. The last few decades have seen enormous innovation in this country—new communications platforms, the Internet and mobile phones, new sources of energy. This technological revolution is transforming the way we live and work, as the rail system did and the highway system did in decades and centuries past. And as the Federal Government helped build the railways and highways, the bricks and mortar infrastructure of the 20th century, today this recovery bill will support the digital infrastructure of the 21st century. It is a dual benefit: jobs today and a platform for growth tomorrow.

To me, one of the most vital parts of our Nation's infrastructure in this 21st century will be the development of a national health information network to improve the quality and efficiency of health care, to save money, and to save lives. But today this network is growing at the speed of mud. Health care is frighteningly behind the rest of American industry in its development and implementation of information technology. Why? Because of economics, the strange, bizarre, twisted economics of our health care system that fails to reward doctors and hospitals when they invest in health information infrastructure.

If we can solve the health information network problem, private industry will develop technology to allow doctors to prescribe drugs electronically and help remind you to take them. Technology will help doctors update your vital information in real time and cross-reference your health issues with the best illness prevention and treatment strategies. And technology promises decision support programs implementing best medical practices which will help health care providers avoid costly, life-threatening, and completely unnecessary medical errors that now bedevil our health care system.

Look at what private technology and innovation have already done with the Internet—Google, e-Bay, Amazon, YouTube, Facebook. Whose life has not been changed?

Imagine what can happen in health care. Wonderful opportunities beckon, both in the near term, because funding this infrastructure will create jobs in the information technology sector, and in the long term to help us bring down the spiraling health care costs that threaten to engulf our economy.

But the broken economics of the health care system mean that those opportunities will not arise without help. Unless the Federal Government gets involved to set standards for this technology on which everyone can agree, the resolution of a digital x-ray image, for instance, or requirements protecting a patient's privacy or leveling economic obstacles, we will never get to a national system.

The Romans could not build an electronic health information infrastruc-

ture, but we can and we must, and this legislation will.

There are rumors that an amendment will shortly be adopted that would, among other things, strip out this investment in health information technology. Of all the dumb mistakes we could make in this bill, that would be the very dumbest of all. It would harm the immediate element of job creation that is important to this infrastructure. It would slow down the development of a national health information infrastructure, and it would compromise our ability to deal with the health care crisis that is looming behind the economic crisis we are dealing with now.

As I see it, we have three waves stacked up. We have an economic crisis that is upon us that we need to address. Immediately behind that is a bigger and worse health care crisis, bigger and worse than the crisis we are facing now. And behind that is an environmental, global warming, and climate change crisis that is bigger still.

Now is the time to prepare for that next health care crisis, the one we will have to address as soon as we begin to get our arms around the economic crisis.

I have been a champion of health information technology since I was attorney general of Rhode Island years ago, and the snail's pace of adoption has both perplexed and disappointed me. I frequently ask doctors from all across the country why they insist on using paper, and I always get the same three answers. One: I can't afford in my practice to put all this machinery in. Two: I tried using health information technology, but it was too complicated. Or three: I don't want to invest in this and then get it wrong. I don't want to invest until I know what the standards are. I don't want to take what I call the Betamax risk of investing in the wrong technology.

There is an additional problem, at least for electronic prescribing. The Federal Government insists on doctors maintaining a paper system for controlled prescriptions. If you tried to move to an electronic system, you have to maintain two. It does not make any sense.

The doctors' concerns about health information technology are answered in this recovery package.

First, the bill addresses the cost issue in a number of ways. If you are a doctor who cannot afford to purchase a health information system so that your patients can have an electronic health record of their own that is private and securely theirs, this bill has grant money to help you. If you are a doctor doing well enough not to need a grant but could certainly use a loan to make this happen, the bill has loan money for you. Or maybe you are a doctor who can afford the upfront investment but have not been able to make the business case for the ongoing use of the technology and the change it will require in the day-to-day adminis-

tration of your practice. This bill reverses the backwards incentives that discouraged the use of health information technology and that discouraged quality improvement efforts.

For the first time, Medicare and Medicaid are going to pay for meaningful use of health information technology in doctors' offices. Starting with this recovery bill, keeping people healthy will keep the business of medicine healthy.

Second is the challenge of technology. Health information technology is about much more than digitizing data, more than going from illegible handwriting to clear electronic type. Health IT is about coordinating care between multiple providers. Anybody who has a serious illness is aware of the confusion that surrounds having to deal with multiple doctors. Health IT is about helping patients and their loved ones manage those complex, chronic conditions. Health IT is about using best practice protocols so the wide variation—the wide and unexplained variation—in American medicine can be narrowed down to the best practices we know of and Americans can be assured they are getting the best quality of care. Health IT is about better care for patients who are ill, and it is also about preventive care for patients so they do not become ill.

The recovery bill recognizes that the goal is not health IT in every pot, but higher quality, more efficient care for every single American who interacts with our health care system. The economic recovery bill also recognizes that for some doctors, this is a lofty goal and that they will need more than money to get there.

Everyone knows that new technologies are hard to learn, hard to adapt to, and hard to incorporate into an existing system. You can be a brilliant doctor, a master at the healing arts, and still have trouble coping with the demands of a new information technology. It often seems easier to keep doing things as they have always been done. So this bill does not just hand out grants to buy big fancy new boxes of equipment to sit in office closets. This bill includes implementation assistance so the doctors have a little help opening that box, installing that technology, and putting it to work on behalf of their patients.

That assistance will be offered through regional extension centers, not unlike our agricultural extension service that has been helping farmers all over this great Nation for decades. Every Senator in this body from a rural State knows how helpful and effective the agricultural extension model is. And for those of us from urban areas, think of it as a "geek squad" for American doctors.

Third, the standards issue. Our esteemed colleague Dr. COBURN has often noted that the greatest challenge he sees in building up our national health information infrastructure is the lack of national standards. Doctors are

often afraid to adopt new technology before they are sure their health information system will be able to talk to other doctors' health information systems. Fortunately, significant progress has been made in creating a broad set of standards for health information technology products, thanks in large part to the leadership of outgoing HHS Secretary Mike Leavitt. The recovery bill acknowledges that progress and builds upon it, establishing a new health information technology standards committee and establishing a process for the adoption of future standards, implementation specifications, and certification criteria so you know what you are buying meets the standards.

All that said, we all know that health information technology is ultimately about patients. Patients must trust and participate in the health information technology revolution if it is going to reach its full potential. Therefore, the recovery bill includes a number of vital privacy protections to ensure the security and the confidentiality of electronic patient records. These protections include changes in notification policy if there is an unauthorized acquisition or disclosure of health information. It includes the establishment of privacy officers in HHS regional offices, new restrictions on the sale of health information, improved enforcement of violations to privacy law, and other strong provisions.

I am well aware that privacy is a controversial and highly charged area of debate. I think it is important we all view the privacy provisions in this bill as the beginning and not the end of our national discussion about health care privacy.

These provisions will require oversight and, perhaps over time, adjustment. I look forward to this ongoing challenge and remain committed to being engaged in it. But for now, this is a good, strong privacy package. It has, I think, solid agreement in this building.

Last, but certainly not least, I wish to acknowledge the extraordinary work of the man who has been committed to health care in the Senate longer than anyone else—the incomparable Senator from Massachusetts, EDWARD KENNEDY. He has been a tremendous supporter of advancing health information technology for years, and was the primary architect of this language in the Senate. As always, we are in his debt for the expertise and the leadership, the passion and the compassion he provides, and we look forward to his speedy return to the floor.

I will conclude, Mr. President, by saying I know there is an enormous amount of politics now surrounding this economic recovery plan. But in order to try to make the politics look good, let us not hit what is probably the smartest and the best investment in this whole plan, one that not only works to provide jobs in a key Amer-

ican industry today but that lays the foundation for addressing what is probably the next biggest, most dangerous problem that is facing Americans behind this immediate economic crisis. Let us not be fools here in the service of political expedience. Let us stick with these health information technology elements of the bill, support them energetically, and I hope every colleague will see the wisdom of them and support their inclusion in this bill.

I thank the Presiding Officer very much for his courtesy, and I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

AMENDMENT NO. 140

Mr. COCHRAN. Mr. President, I am bringing to the attention of the Senate my opposition to an amendment that has been offered on this bill. Earlier today, the Senator from Wisconsin, Mr. FEINGOLD, offered amendment No. 140 to create a so-called "earmark point of order" that would lie against appropriations provisions before the Senate. This amendment, if it should be adopted, serves no desirable purpose. In my opinion, on the contrary, it would only serve to weaken the Congress as an institution, and in relationship in particular to the administration, and would yield more authority to the unelected bureaucracy of the Federal Government to make decisions that all of our constituents in all of our States sent us here to make. It is, in effect, a restriction of the power of Congress and the direct representatives of the people and the States.

Individual appropriations bills should be brought to the floor subject to amendment by any Senator, whether a member of the Appropriations Committee or not, without any restrictions. This makes the Senate different from the House of Representatives, as all Senators know. The House has a Rules Committee. When legislation is brought to the floor of the House of Representatives, the originating committee has to go before the Rules Committee and basically get permission to call up the bill and present it to the body. The Rules Committee decides whether amendments will be in order and, if so, which amendments, and how much time for debate on the amendments. Here, we don't have a rules committee; it is not necessary. Each Senator is, in effect, the member of the rules committee. The Senate decides under its rules as a body, with each individual Senator having equal power and equal say as to what amendments can be offered. Any Senator should have the right to offer an amendment to any bill, and it doesn't have to be germane, unless cloture has been invoked.

So what this amendment seeks to do, intentionally or not, is to limit the power of this body to be involved in the process of deciding how taxpayer funds are going to be spent by the Federal Government and for what purposes. So this is an unnecessary abrogation of a

constitutionally vested responsibility in the Senate. It subrogates the Senate to the power of the executive, and this amendment should be defeated.

The bill that contains the legislation offered by the Senator would not do anything about \$100 billion in new programs that are being funded in this stimulus bill to which the amendment is being offered. There are 128 pages of legislation in the bill before the Senate dealing with health information technology, and \$23 billion of funding is associated with that language—\$23 billion. It is a new program that has not been authorized by the relevant committee. Is that subject to a point of order, I ask the Senate? I don't think so. But under the language of this amendment by the Senator from Wisconsin, I suppose it would be subject to a point of order, but nobody is demanding a point of order against the bill containing that provision.

Since I have been in the Senate, I have served on authorizing committees and the Appropriations Committee. The authorization process is an important function of our Senate. The Appropriations Committee works closely with authorizing committees. If any Senator opposes authorizing language that is contained in an appropriations bill, the Senator can offer an amendment to strike it. The Senate can strike the language if it determines that is the appropriate thing to do.

Now, all the committees produce earmarks, not just the Appropriations Committee. When I served on the Agriculture Committee, the farm bill customarily contained specific authorizations for expenditures of funds—entitlement to Federal dollars by certain classes of producers of agriculture products. If any Senator had an objection to any portion of that authorizing bill, he or she could offer an amendment to strike it or amend it. Individual Senators are free and have the power to modify any bill before the Senate, and appropriations bills are no different. But to give a Senator a point of order to raise over some provision with which they disagree is not an appropriate change in the rules of the Senate and should not be tolerated in this legislation. It should be stricken. My experience has shown that because a program is authorized doesn't necessarily mean it is a good idea or that it will be funded. And that is another point.

Supporters of the amendment have made it clear their goal is to get rid of all earmarks—however earmarks may be defined by them—regardless of what committee may produce them, regardless of whether they have been specifically authorized. This amendment is a step toward that goal, in my opinion. So I suggest that the Senate should look carefully and consider seriously the impact that this amendment may have, and when it is called up, if it is, I hope the Senate will vote it down.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, one specific area of this cobbled-together bill is spending. The bill provides significant increases in Medicaid spending. There is \$87 billion in Medicaid funds in this bill. There is a fundamental change to Medicaid that is in the House bill waiting to be put into the Senate bill when it comes to conference.

There are numerous amendments to try to fix some of the problems with the Medicaid provisions of this bill, and I wish to discuss some of those at this point. I start with this \$87 billion of FMAP money they have referred to. This is a huge payment to States. Now, some will say that \$87 billion in Medicaid payments in this spending party bill is meant to help States pay for people already enrolled, but the facts tell a different story.

In January, the Urban Institute produced a report for the Kaiser Commission on Medicaid and uninsured titled "Rising Unemployment, Medicaid and the Uninsured." The Urban Institute's research asserts that for every 1 percent increase in nationwide unemployment, Medicaid and Children's Health Insurance Programs will see an increase of 1 million additional beneficiaries nationwide.

I want to make clear that for the unemployed who qualify, we ought to provide enough money in Medicaid to take care of it, but we are raising questions about money beyond that. So we have this formula that is kind of a benchmark—this Urban Institute research. Using that formula and the unemployment baseline that is in the bill, I had the Congressional Budget Office prepare a cost estimate for an amendment giving States additional funding based on the Urban Institute's published research. This amendment would provide for an additional per capita Federal payment to States for every new enrollee—every new enrollee—that the Urban Institute research assumes will go on Medicaid or SCHIP during the 27 months contemplated in this bill.

Everyone watching probably knows that the Urban Institute is not exactly a conservative think tank, so their research should be credible to my friends on the other side of the aisle. Now, remember, the cost of the additional Medicaid funds for States in this bill is a whopping \$87 billion. The cost of my amendment to take care of the unemployed going on SCHIP or on Medicaid—\$10.8 billion. That is \$10.8 billion for what the Urban Institute suggests are enrollment-driven increases in Medicaid spending due to the recession.

So the question is: Why does this bill provide almost eight times what the States actually need for new enrollments resulting from this economic downturn? The Senate is considering \$87 billion in funding because States are facing deficits of as much as \$312 billion in the aggregate over the next 2 years. So let us not kid ourselves. What this is all about is a bill giving States money to help them fill their

deficits. This outlandish sum of money is not needed for Medicaid. It might be needed for something else—and we ought to discuss it in terms of the something else—but not for Medicaid.

So you may want to ask: What commitment is Congress getting from the States in exchange for \$87 billion, of which only \$10.8 billion might be used for the need for which is supposedly in this legislation? Congress is giving States \$87 billion and hoping that States don't take actions contrary to Medicaid actually providing the care that people need. I use the word "hope" because the underlying bill doesn't do enough to make sure the States do what is best for Medicaid. Does the bill prevent States from cutting their Medicaid Programs? It does not. The bill only prevents States from cutting Medicaid income eligibility. But if Congress is giving States \$87 billion and telling them not to cut Medicaid eligibility, I think it is very important we in Congress also tell the States that they can't cut benefits. But this bill doesn't do that. If Congress is giving States \$87 billion and telling them not to cut Medicaid eligibility, shouldn't Congress also tell States they can't cut payments to providers? So you have eligibility, you have providers, you have benefits—and we are only dealing with eligibility in this bill—and, yet, giving out \$87 billion of which almost \$11 billion is needed for the purpose of unemployed going on Medicaid.

States cannot change income eligibility, but under this bill as written they can cut provider payments to doctors, pharmacists, dentists, and benefits to providers.

Will there be Medicaid beneficiaries who are elderly or disabled, able to receive home- and community-based services? If we want to keep seniors and the disabled in their homes rather than in institutions, paying direct care workers to provide home- and community-based services is very critical to that goal.

Will there be enough pharmacists taking Medicaid? Will there be enough rural hospitals and public hospitals taking Medicaid?

I had one member of the Senate Finance Committee on my side of the aisle tell me in that State, their State legislature owes \$400 million to hospitals. Shouldn't we be taking care of problems like that?

Will there be enough community health centers taking Medicaid? Will Medicaid beneficiaries who are elderly or disabled get into nursing homes if they need to do that?

Will States cut mental health services because Congress didn't prevent them from doing so in this bill, even at the same time giving them \$87 billion, which is about \$76 billion more than the demands of Medicaid because of unemployment?

Will there be pediatricians or children's hospitals there for children on Medicaid?

If the Senate does nothing to protect access to these vital providers, nobody

will be able to assure the people who count on Medicaid that the care they need will be there for them. I have filed an amendment that prevents States from generally cutting eligibility and benefits and provider payment rates while they are receiving the \$87 billion in additional aid. In other words, I go beyond just a requirement in the underlying bill that eligibility can't be changed. We go to benefits and we go to protecting providers.

If we want to protect Medicaid, then we ought to really protect Medicaid. I hope we will do that by adopting this amendment.

As written, the bill gives States \$87 billion, also in the hopes that States do not take action that is contrary to economic growth. Here again, I use the word "hope" because the bill doesn't do enough to make sure States do what is best for the economy either. We should ask for more guarantees that States will spend the money appropriately and not make decisions that work against economic recovery. If Congress gives States \$87 billion and tells them not to cut Medicaid, should Congress also tell States not to raise taxes because, if States react to their deficit by increasing taxes—even in view of getting this \$87 billion—they will defeat the goal of economic recovery that we in Congress are trying to make happen through this legislation. For sure you do not increase taxes at a time of economic distress because it is going to make that distress worse. It makes no sense for us to leave the door wide open then for States to raise taxes while getting a \$87 billion windfall from the Federal Government.

I have an amendment that prevents States from raising income, personal property, or sales taxes as a condition of the receipt of \$87 billion in Federal assistance. If Congress gives States \$87 billion and tells them not to cut Medicaid, should Congress also tell States not to raise tuition at State universities? There is a report out just today that I heard about on the news about how unaffordable college is becoming, particularly to middle-income Americans. People are not going to go to college even though a college degree is very essential for success in our society, and we are here giving \$87 billion to States without any direction to the States whether or not they increase tuition once again, as they tend to do every year.

If States can price young people out of an education, that does nothing for preparing our workforce for the 21st century. So I also have an amendment that prevents States from raising tuition rates at State colleges and universities as a condition of the receipt of the \$87 billion of Federal assistance.

For \$87 billion—we are talking about \$87 billion, just to give to the States—shouldn't Congress expect States to modernize their Medicaid Program? We have heard my friend and colleague, Dr. COBURN, having an amendment requiring States to improve chronic care

in Medicaid and develop medical homes as a condition of the receipt of \$87 billion in Federal assistance—because these things are some of the best advancements you can make in the practice of medicine that are going to improve the quality of life, but more important they save taxpayer dollars or even private dollars. For \$87 billion, what does this bill do to ensure that all those Federal taxpayers' dollars are being spent appropriately? Almost nothing.

During the markup we were able to get funding for the Department of Health and Human Services Office of Inspector General increased by \$3.25 million. For those of you doing the math back home, \$3,250,000 is just under four one hundredths of 1 percent of the \$87 billion Medicaid spending on the bill. Senator CORNYN and I have an amendment that requires States to do something to improve their waste, fraud, and abuse rates in exchange for the \$87 billion in Federal taxpayers' money. That is what that money for the inspector general is all about. It provides a list of eight options to combat waste, fraud, and abuse, and the Secretary can provide more options at his or her discretion as well.

States are given time to plan and implement options. States can choose to make their payments transparent. States can choose to implement recovery audit contractors—as is used very successfully in Medicare. States can choose the Medicare/Medicaid data matching program. States can implement third party liability programs that find other insurers who should pay before Medicaid pays out of the public fisc. States can implement electronic verification systems to limit fraud and abuse. States can implement the recently passed Paris system to protect the integrity of the program. States can comply with the recently implemented disproportionate share hospital audit requirement. States can choose to increase their budget for Medicare fraud control units. These are all very reasonable steps that States could and should take, if Congress is going to send them \$87 billion in additional Medicaid dollars, when only \$10.8 billion of that is necessary to take care of the people who will go on Medicaid because they are unemployed.

They do not have to do all these options I just gave. They only have to do four of these many options; just show the American people that States can take four simple steps to reduce fraud, waste, and abuse. Shouldn't Congress at least ask that much of the State, for \$87 billion? If Congress is going to give States \$87 billion in Medicaid funds, shouldn't the formula be fair?

While I admire the hard work devoted to the exceedingly complex formula in this bill, it simply is not fair to certain States. States with low unemployment rates, States that have not seen the recession hit in full yet—those States will see less of the \$87 billion than other States.

Senator BINGAMAN started down this road to correct this in our Finance Committee markup. You have an amendment that picks up the baton and drives it the rest of the way home. Each State gets a flat 9.5-percent increase in their FMAP payment and States can choose which 9 consecutive quarters in an 11-quarter period best fits the economic needs of their specific State. This is a better, this is a fairer way to spend \$87 billion.

If Congress passes all of this Medicaid spending, what guarantee do we have that the fiscal challenges facing Medicaid in the future will be solved? Sooner rather than later, we all must recognize our entitlements are unsustainable as currently constructed.

President Obama has acknowledged this himself on numerous occasions recently. One of my concerns about the additional Medicaid funding that is in this bill is that it places too much emphasis on Medicaid in the here and now, the short term, and ignores future fiscal challenges down the road, the next two or three decades.

Just last year the Center for Medicare Services Office of Actuary reported that Medicaid costs will double over the next decade. That is simply unsustainable, and I think every Senator knows that. It is critical that both the Federal Government and States recognize the fiscal challenges we face and the need to take action right now. Senators CORNYN and HATCH and I have an amendment that requires States to submit a report to the Secretary detailing how they plan to address Medicaid sustainability. It is critical that we look at the future of Medicaid if Congress is to give States \$87 billion in additional Medicaid funding when it is only going to take about \$10.8 billion to take care of the uninsured because of the economic recession we are in.

The House bill has a provision that fundamentally changes Medicaid. Medicaid is a program that is generally, as we know, for low-income pregnant women, children, and low-income seniors. Under the House bill, the Federal taxpayer would step in to pay the full cost to provide Medicaid coverage to people who lose their jobs and are not eligible for continuing coverage from their employer. Normally, Medicaid is supposed to be a shared State/Federal responsibility, with the States and the Federal Government sharing the costs on a national average—57 percent to 43 percent. In my particular State, the Federal Government pays 62 percent—but not in this new Medicaid Program the House would create because under the House bill—get this—the Federal Government, for the first time ever, would pick up 100 percent of the costs. The House bill transforms Medicaid into a coverage for anyone who loses their job if they do not have access to COBRA coverage from their former employer, and the House bill would offer this taxpayer-paid Medicaid coverage regardless of how wealthy they might be.

Now Medicaid is for low-income people, but it is being expanded in the House to, no matter how wealthy you might be, but being unemployed, you could qualify for Medicaid. Tell me if that is not a waste of taxpayers' money. It is taxing low-income people to help wealthy people, just the opposite of what we normally do in this country.

With all the fiscal challenges this country faces, and with entitlement spending already out of control, this ought to be seen by every Member of the Senate as an outrage. Obviously, it was not an outrage to the 244 people who voted for it in the other body. I hope folks on the other side of the aisle will come to the floor and defend a policy that, if you are unemployed—I suppose if you are an unemployed CEO who previously made \$5 million, you can walk into the State office and get Medicaid. I don't understand it.

My bigger concern is what happens in 2 years when the money goes away. On December 31, 2010, what happens to all the people who have been covered by this massive expansion of Medicaid entitlement? What happens to all of the people who have been added to the rolls in States that expand coverage with the \$87 billion influx in this bill, when only \$10.8 billion is needed, according to CBO, based on the Urban Institute program, for those who are going to be unemployed? Mr. President, \$76 billion more is going to be spent someplace.

Someone on the other side needs to convince me that this policy we are putting in place is truly temporary. I do not buy that it is temporary. Every one of us knows the States will be coming back in the middle of next year to beg for an extension so they don't have to cut Medicaid rolls. There are too many former Governors in this Chamber for anyone to argue that it is not going to happen.

I know a lot of people have worked very hard putting this bill together. I respect that they have worked hard. I wish they would have worked smarter. Giving States \$87 billion even though that is about eight times what they need to stay ahead of enrollment-driven Medicaid increases is not well thought out. Giving States \$87 billion while still allowing them to cut their Medicaid Program is not well thought out. Giving States \$87 billion while still allowing them to raise taxes or tuition is not well thought out. Giving States \$87 billion without requiring them to do a better job of addressing fraud, waste, and abuse is not well thought out. Giving States \$87 billion without making them address the fiscal sustainability of their Medicaid Program is not well thought out. A massive expansion of the entitlements under the guise of the word "temporary" is not well thought out.

This bill is cobbled together—a spending party. It is not well thought out. It is out of control. The Senate should support numerous amendments, as I have discussed this afternoon, to

address the shortcomings that occur when partisan bills are moved too quickly.

I filed what is referred to as a Grassley-Schumer amendment to amend the American Opportunity Tax Credit work. In my opinion, the amendment makes the American Opportunity Tax Credit better. Senator SCHUMER agrees with the me, or obviously he would not be cosponsoring this with me, because he is joining me.

I thank Senator SCHUMER for his support and look forward to working with him on simplifying the education tax credit Congress has put into the Tax Code. I have long been an advocate for helping Americans afford college through the Tax Code. So when I was chairman of the Finance Committee, I successfully included a number of education measures in that tax bill of 2001. These measures were enacted into law as part of a bipartisan agreement—I want to emphasize, bipartisan agreement. Now Americans can take an above-the-line deduction for the cost of higher education expenses because of that bill. In addition, people with student loans have greater flexibility when deducting student loan interest. I have also promoted section 529 qualified tuition programs by repealing the sunset provisions Congress imposed back in 2001.

The other education tax provisions we included in the 2001 bipartisan tax legislation should also be made permanent. Several provisions would fall into that category, but that debate will be left to another day. We are not pursuing that on this bill.

Today, Senator SCHUMER and I are here to build on the American Opportunity Tax Credit included in the legislation we are debating today. This is how we do it. The amendment Senator SCHUMER and I are offering would increase the tax credit while maintaining a refundable portion of the tax credit, which will help low-income individuals with college expenses. The amendment would also spread out the way the tax credit is calculated. Under this amendment, more Americans will receive a more robust and uniform tax credit regardless of income. In addition, taxpayers currently claiming the HOPE scholarship credit will get a bigger tax benefit. Again, low-income individuals will continue to benefit from the credit's refundability feature, which I will note has never been done in the area of education tax until now.

If my Senate colleagues argue that the Grassley-Schumer amendment adds to the cost of the stimulus package—which, in full disclosure, the amendment adds \$3 billion to the existing \$10 billion price tag on the American Opportunity Tax Credit—I will tell them to cut wasteful spending that is included in the bill.

The Grassley-Schumer amendment is stimulative. The same cannot be said for the spending provisions in the bill, including millions upon millions of dollars for parking garages or millions

upon millions of dollars for swimming pools, water slides. This spending does not pass the stimulative test.

The Joint Committee on Taxation has even said that under the Grassley-Schumer amendment, we will “lower the cost of higher education, which will induce more individuals to enroll in higher education programs.”

So I hope everybody agrees that this is a very good thing, particularly considering the fact that there was this report on the news today where there is, particularly because of the recession we are in, not enough middle-income people going to college because of the problems we have. So we need to make more help available for people going to college, especially for displaced workers who would like to go back to school for training in another career. That is more essential during an economic downturn like we now have. An education means jobs, and that is what a large part of this stimulus package is all about.

I urge my colleagues to support the Grassley-Schumer amendment.

Lastly, and then I will yield the floor, I have a statement I wish to read entitled “CBO Analysis” that shows stimulus bill jobs to cost as much as \$300,000 each. A preliminary analysis by the Congressional Budget Office shows that the jobs created by the economic stimulus legislation being debated in the Senate will cost taxpayers between \$100,000 and \$300,000 apiece. These numbers should be contrasted to those under the January baseline of the Congressional Budget Office in which there is no stimulus. That shows the gross domestic product per worker is about \$100,000. The new analysis indicates the cost of each stimulus job to be as much as three times more than jobs created without the stimulus bill.

There has been a lot of talk about bang for the buck, but there is no talk about actually making sure it happens so that Americans get the help they need. Before Congress spends another \$1 trillion, we ought to make sure we are getting our money's worth. Congressional leaders should postpone a final vote on a stimulus bill until the Senate has had the opportunity to carefully review a full analysis of the Congressional Budget Office.

Mr. President, I ask unanimous consent to have the February 4, 2009, CBO report printed in the RECORD.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, February 4, 2009.

Hon. CHARLES E. GRASSLEY,  
Ranking Member, Committee on Finance,  
U.S. Senate, Washington, DC.

DEAR SENATOR: At your request, the Congressional Budget Office (CBO) has conducted an analysis of the macroeconomic impact of the Inouye-Baucus amendment in the nature of a substitute to H.R. 1. CBO estimates that this Senate legislation would raise output and lower unemployment for several years, with effects broadly similar to

those of H.R. 1 as introduced. In the longer run, the legislation would result in a slight decrease in gross domestic product (GDP) compared with CBO's baseline economic forecast.

#### EFFECTS ON OUTPUT AND EMPLOYMENT

The macroeconomic impacts of any economic stimulus program are very uncertain. Economic theories differ in their predictions about the effectiveness of stimulus. Furthermore, large fiscal stimulus is rarely attempted, so it is difficult to distinguish among alternative estimates of how large the macroeconomic effects would be. For those reasons, some economists remain skeptical that there would be any significant effects, while others expect very large ones.

CBO has developed a range of estimates of the effects of the Senate legislation on GDP and employment that encompasses a majority of economists' views. According to these estimates, implementing the Senate legislation would increase GDP relative to the agency's baseline forecast by between 1.2 percent and 3.6 percent by the fourth quarter of 2010. It would also increase employment at that point in time by 1.3 million to 3.9 million jobs, as shown in Table 1. In that quarter, the unemployment rate would be 0.7 percentage points to 2.1 percentage points lower than the baseline forecast of 8.7 percent. The effects of the legislation would diminish rapidly after 2010. By the end of 2011, the Senate legislation would increase GDP by 0.4 percent to 1.2 percent, would raise employment by 0.6 million to 1.9 million jobs, and would lower the unemployment rate by 0.3 percentage points to 1.0 percentage point.

Those estimated effects differ modestly from CBO's estimates for H.R. 1 as introduced. In particular, the effects on output and employment are slightly higher in 2009 and 2010, but slightly lower in 2011. The differences stem from three main sources. First, the Senate legislation's provisions regarding the alternative minimum tax (AMT), which do not appear in the House bill, would add stimulus to the economy, especially in 2010. Second, the Senate legislation would allow faster spending from the State Fiscal Stabilization Fund, increasing such spending by about \$20 billion over the 2009-2010 period compared with that under the House bill (and decreasing spending correspondingly in the following years). And last, the estimated decrease in withholding (and thus the reduction in revenues) associated with the Making Work Pay Credit would be greater in 2009 under the Senate legislation than under H.R. 1.

#### EFFECTS OF VARIOUS TYPES OF LEGISLATIVE PROVISIONS ON OUTPUT

Although the Senate legislation has numerous detailed provisions, the macroeconomic effects can be illustrated by considering the provisions in seven categories. Table 2 shows the range of estimated effects on the economy—the multiplier effects—of a one-time increase of a dollar of additional spending or a dollar reduction in taxes. For all of the categories that would be affected by the Senate legislation, the resulting budgetary changes are estimated to raise output in the short run, albeit by different amounts.

The numbers in Table 2 indicate the cumulative impact on GDP over several quarters. For example, a one-time increase in federal purchases of goods and services of \$1.00 in the second quarter of this year would raise GDP by \$1.00 to \$2.50 in total over several quarters, with most of that effect in the first two quarters and little effect beyond a year.

As shown in the first two categories in the table, direct purchases of goods and services by governments, including investment in infrastructure, tend to have relatively large effects on GDP. Because infrastructure spending takes time to occur, increased funding

for that purpose would not boost outlays or GDP much this year, but it would probably provide significant stimulus from 2010 through 2012.

Grants to state and local governments (such as increased assistance for education) might not increase state spending for the programs designated in the grants but, instead, might free up funds that the states would otherwise spend on those programs. States could use those extra funds in a variety of ways: direct purchases of goods and services (or smaller cuts in such purchases), tax cuts (or smaller tax increases), transfer payments, or reduced borrowing. The impact of grants therefore would depend on how states used them.

Transfers to persons (for example, unemployment insurance and nutrition assistance) would also have a significant impact on GDP. Transfers have a relatively strong effect on consumption because they tend to go to people, such as the poor or unemployed, who are likely to spend much of any additional income. For that reason and because transfers can be increased quickly, they are estimated to have a significant impact on GDP by early 2010. Transfers also include refundable tax credits, which have an impact similar to that of a temporary tax cut.

A dollar's worth of a temporary tax cut would have a smaller effect on GDP than a dollar's worth of direct purchases or transfers, because a significant share of the tax cut would probably be saved. The amount saved, and therefore the size of the effect on GDP, would depend on who received the tax cut and how temporary it would be. Most households probably save most of a temporary tax cut, to keep their purchases relatively smooth over time. However, the predominantly lower-income households that spend all of their income and would like to borrow funds to spend more if they could (that is, households that are "liquidity constrained") probably spend a large share of temporary boosts to income. In addition, the longer a tax cut is expected to last, the greater the impact on total after-tax income, and the larger the likely effect on consumption.

CBO's analysis divides the temporary tax cuts in the Senate legislation into those that would go primarily to higher-income households and last for only one year (mostly the provisions affecting the AMT) and those that would go primarily to lower- and middle-income households and last for two years (predominantly the Making Work Pay Credit), with the former having a considerably lower range of multipliers than the latter. Taken together, the temporary nonbusiness tax cuts in the Senate legislation would reduce revenues much more in 2010 than in 2009 because much of the reduction in taxes would be realized by households when they filed their returns in 2010.

The provision for greater tax-loss carrybacks would result in a large up-front cost to the government, but the effect of that provision on business spending would probably be small because it primarily would affect firms' after-tax income rather than their marginal incentives for new investment. Therefore, the effect of the provision on revenues would be significantly greater than its effect on the economy.

#### THE RELATIONSHIP BETWEEN OUTPUT AND EMPLOYMENT

CBO derived its estimates of the effect of the Senate legislation on employment from the estimated effect on GDP. Historical evidence suggests that GDP growth that is 1 percentage point faster over a year (relative to a baseline forecast) will cause the unemployment rate to decline by a little more

than half a percentage point (relative to a corresponding baseline forecast). The fall in the unemployment rate leads more people to enter the labor force and seek jobs and fewer to drop out. Therefore, employment rises both from a decline in the number of unemployed workers and a decline in the number of people out of the labor force. In addition, some workers otherwise working part time move to full-time status.

The change in employment relative to the change in GDP in CBO's estimates is small compared with that in most industry-based studies of stimulus. By the end of 2010, CBO estimates, about \$140,000 of additional GDP would lead to one additional person employed. That relationship is similar to those indicated by other macroeconomic studies of stimulus proposals. However, a number of other sorts of studies imply more employment per dollar of additional GDP. Because the macroeconomic studies use the historical relationship between changes in economic growth and changes in jobs, they incorporate a number of broad economic effects. For example, output per employee tends to fall in a recession because employers try not to fire their best workers even as they cut production in response to decreased demand. Therefore, as fiscal stimulus increases demand, firms can ramp up production without increasing employment proportionally. Historical evidence thus suggests that fiscal stimulus boosts both productivity and hours of work as well as employment. Studies that ignore those effects are likely to overstate the impact of fiscal stimulus on employment.

#### LONG-RUN EFFECTS ON OUTPUT

Most of the budgetary effects of the Senate legislation occur over the next few years. Even if the fiscal stimulus persisted, however, the short-run effects on output that operate by increasing demand for goods and services would eventually fade away. In the long run, the economy produces close to its potential output on average, and that potential level is determined by the stock of productive capital, the supply of labor, and productivity. Short-run stimulative policies can affect long-run output by influencing those three factors, although such effects would generally be smaller than the short-run impact of those policies on demand.

In contrast to its positive near-term macroeconomic effects, the Senate legislation would reduce output slightly in the long run, CBO estimates, as would other similar proposals. The principal channel for this effect is that the legislation would result in an increase in government debt. To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive capital. In economic parlance, the debt would "crowd out" private investment. (Crowding out is unlikely to occur in the short run under current conditions, because most firms are lowering investment in response to reduced demand, which stimulus can offset in part.) CBO's basic assumption is that, in the long run, each dollar of additional debt crowds out about a third of a dollar's worth of private domestic capital (with the remainder of the rise in debt offset by increases in private saving and inflows of foreign capital). Because of uncertainty about the degree of crowding out, however, CBO has incorporated both more and less crowding out into its range of estimates of the long-run effects of the Senate legislation.

The crowding-out effect would be offset somewhat by other factors. Some of the Senate legislation's provisions, such as funding for improvements to roads and highways, might add to the economy's potential output

in much the same way that private capital investment does. Other provisions, such as funding for grants to increase access to college education, could raise long-term productivity by enhancing people's skills. And some provisions would create incentives for increased private investment. According to CBO's estimates, provisions that could add to long-term output account for roughly one-quarter of the legislation's budgetary cost.

The effect of individual provisions could vary greatly. For example, increased spending for basic research and education might affect output only after a number of years, but once those investments began to boost GDP, they might pay off over more years than would the average investment in physical capital (in economic terms, they have a low rate of depreciation). Therefore, in any one year, their contribution to output might be less than that of the average private investment, even if their overall contribution to productivity over their lifetime was just as high. Moreover, while some carefully chosen government investments might be as productive as private investment, other government projects would probably fall well short of that benchmark, particularly in an environment in which rapid spending is a significant goal. The response of state and local governments that received federal stimulus grants would also affect their long-run impact; those governments might apply some of that money to investments they would have carried out anyway, thus freeing funds for noninvestment purposes and lowering the long-run economic return to those grants. In order to encompass a wide range of potential effects, CBO used two assumptions in developing its estimates: first, that all of the relevant investments together would, on average, add as much to output as would a comparable amount of private investment, and, second, that they would, on average, not add to output at all.

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on those incentives.

Including the effects of both crowding out of private investment (which would reduce output in the long run) and possibly productive government investment (which could increase output), CBO estimates that by 2019 the Senate legislation would reduce GDP by 0.1 percent to 0.3 percent on net. H.R. 1, as passed by the House, would have similar long-run effects. CBO has not estimated the macroeconomic effects of the stimulus proposals year by year beyond 2011.

#### OTHER EFFECTS OF STIMULUS PROPOSALS

It is important to note that effects on GDP, the aggregate domestic output of the economy, do not necessarily translate into effects on people's well-being. First, the part of GDP that contributes directly to people's welfare is consumption. However, changes in GDP do not necessarily imply corresponding changes in consumption. For example, if GDP rises because foreigners finance greater investment, much of the additional income generated by the investment will flow overseas as payments to foreigners and will not be available to support higher consumption.

More fundamentally, many things that make people better off do not appear in GDP at all. For example, healthier children or shorter commute times can improve people's welfare without necessarily increasing the nation's measured output in the long run (though spending in those areas would still provide short-run stimulus). Even legislation explicitly intended to affect output may also seek to accomplish other goals and can be evaluated accordingly.

I hope this information is helpful to you. If you have any further questions, I would be glad to answer them. The staff contacts for

the analysis are Ben Page and Robert Arnold.

Sincerely,  
DOUGLAS W. ELMENDORF,  
Director.

TABLE 1.—ESTIMATED MACROECONOMIC IMPACTS OF THE INOUE-BAUCUS AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 1, FOURTH QUARTERS OF 2009, 2010, AND 2011

	2009	2010	2011
GDP (Percentage from baseline):			
Low estimate of effect of plan	1.4	1.2	0.4
High estimate of effect of plan	4.1	3.6	1.2
GDP Gap <sup>a</sup> (Percent):			
Baseline	-7.4	-6.3	-4.1
Low estimate of effect of plan	-6.1	-5.2	-3.7
High estimate of effect of plan	-3.7	-3.0	-2.9
Unemployment Rate (Percent):			
Baseline	9.0	8.7	7.5
Low estimate of effect of plan	8.5	8.1	7.2
High estimate of effect of plan	7.7	6.7	6.5
Employment <sup>b</sup> (Millions of jobs):			
Baseline	141.6	143.3	146.2
Low estimate of effect of plan	142.5	144.6	146.8
High estimate of effect of plan	144.0	147.2	148.1

Source: Congressional Budget Office.  
<sup>a</sup> The GDP gap is the percentage difference between gross domestic product and CBO's estimate of potential GDP. Potential GDP is the estimated level of output that corresponds to a high level of resource—labor and capital—use. A negative gap indicates a high unemployment rate and low utilization rates for plant and equipment.  
<sup>b</sup> Figures for employment are based on surveys of households.

TABLE 2.—POLICY MULTIPLIERS: THE CUMULATIVE IMPACT ON GDP OVER SEVERAL QUARTERS OF VARIOUS POLICY OPTION

	High	Low
Purchases of Goods and Services by the Federal Government	2.5	1.0
Transfers to State and Local Governments for Infrastructure	2.5	1.0
Transfers to State and Local Governments Not for Infrastructure	1.9	0.7
Transfers to Persons	2.2	0.8
Two-Year Tax Cuts for Lower- and Middle-Income People	1.7	0.5
One-Year Tax Cuts for Higher-Income People	0.5	0.1
Tax-Loss Carryback	0.4	0

Note: For each option, the figures shown are a range of "multipliers," that is, the cumulative change in gross domestic product over several quarters, measured in dollars, per dollar of additional spending or reduction in taxes.  
 Source: Congressional Budget Office.

Mr. LIEBERMAN. Mr. President, I rise to address comments made by my colleagues regarding several measures for the Department of Homeland Security in the American Recovery and Reinvestment Act: the \$248 million provided for the construction of a consolidated headquarters, and the \$500 million provided to fund construction and renovation of fire stations. These are both projects that will save lives, save money, and most importantly for this bill, create jobs.

The Senator from South Carolina has included funding for the DHS headquarters project among a list of what he refers to as "cats and dogs" which he is intent on stripping from the bill. But the DHS consolidation project is far more important to our Nation than those comments might suggest.

DHS is responsible for leading a unified, national effort to secure the United States, yet the Department does not have all the necessary tools to do so, including an adequate headquarters. DHS is currently spread throughout more than 70 buildings located on 40 sites across the national capital region making communication, coordination, and cooperation among DHS components a significant challenge. Moreover, the existing space housing the Office of the Secretary, Intelligence, and other key functions is grossly inadequate, contributes to recruitment and morale problems, and is simply not befitting a cabinet agency critical to Americans' security.

Some of my colleagues have argued that funding this important homeland security project is not appropriate in the stimulus bill. I respectfully disagree.

The DHS headquarters project will create jobs. The final environmental impact statement for the headquarters plan found that the overall project would create direct employment opportunities for over 32,000 people in the national capital region. Put another way, the economy would gain payroll earnings of approximately \$1.2 billion during construction and renovation of the St. Elizabeths West Campus plus approximately \$3.8 billion in additional expenditures during the construction phases.

Funding this project through the stimulus will also expedite the creation of these jobs. DHS estimates that the funding included in this bill will allow the headquarters project to be completed 12 months earlier than previously planned. This means funding will be spent into the local economy earlier creating real jobs and stimulating economic growth in DC, Maryland, and Virginia when it is most needed.

This bill will also save money. Accelerating the project will reduce the cost of the overall headquarters project by \$18 million. Moreover, the Federal Government will be able to negotiate better prices with contractors because they can sign larger contracts up front which will result in additional cost savings.

In short, this project creates a win-win situation by creating jobs today and saving money for the taxpayer in the long run. And, most importantly, by fostering a more efficient and effective Department of Homeland Security, it will make our country safer.

I would also like to take a moment to address the mischaracterization by some of my colleagues and members of

the media that this money will only be spent on furniture. The \$248 million allocated to DHS will fund construction, IT infrastructure, security, and a host of other activities associated with constructing a building. Furniture is one allowable use of the funding, however less than 7 percent of the total funding proposed for the headquarters in this bill would be allocated towards furniture.

And I would also like to address the comments of my colleague from Oklahoma regarding the value and the appropriateness of providing funds for the construction of fire stations. I would argue that as an issue of security, safety, and of job creation, there is nothing more valuable or appropriate.

The Nation's fire houses are in dire need of attention. In cities and towns across America, they are too few in number, aging, and crumbling, and as a result, they are inadequate to provide the necessary protection to families and communities. The U.S. Fire Administration—a part of the Department of Homeland Security—has provided a grim picture in its second needs assessment of the U.S. Fire Services. Consider the following: 60 to 75 percent of fire departments have too few stations to provide an optimal response; 36 percent of fire stations in the United States are over 40 years old; 54 percent of fire stations lack backup power; and 72 percent of fire stations are not equipped for exhaust emission control.

These figures show that our country's fire stations are just not able to ensure that firefighters can serve the needs of their communities with the adequate safety and effectiveness.

These infrastructure problems are spread across the country, in communities large and small. Permit me to address the need for building more fire stations, from the ground up, to ensure that there are enough to protect the public.

Without an adequate number of fire stations, the response time of firefighters may increase significantly in incidents where every moment counts. A fire doubles in size every 60 seconds. A heart attack victim suffers irreversible brain damage after four minutes. So imagine the impact on a neighborhood where the fire houses are spread too far apart—imagine the increase in risk of death, injury, and property damage. This is a risk we cannot afford to take.

This funding, which would be distributed by the Department of Homeland Security to the communities with the greatest need, could be applied immediately to projects in need of attention right now. The U.S. Conference of Mayors has identified over 100 fire station construction or renovation projects that are “Ready to Go,” so thousands of jobs would be created immediately with this \$500 million. This is funding that we cannot afford to trim from this bill—both for the jobs it creates, and the safety and security it will provide for our communities.

I encourage my colleagues to look at the facts. These projects, which are essential to the security of our Nation and our communities, will also create jobs and stimulate the economy. It is not wasteful spending and belongs in the stimulus bill we are considering today.

Mr. INOUE. Mr. President, earlier today Senator MCCONNELL singled out for criticism funding in this bill for upgrades of outdated information technology at the State Department and U.S. Agency for International Development.

He said: “\$524 million for a program at the State Department that promises to create 388 jobs . . . that comes to \$1.35 million per job.” He went on to say: “\$100 million for 300 jobs at the U.S. Agency for International Development, \$333,333 per job.”

With all due respect to my friend, the minority leader and former chairman of the State and Foreign Operations Subcommittee who was a strong supporter of these programs in the past, that is a simplistic statement which does not tell the whole story.

First, it undercounts the number of jobs these funds will generate, as I will explain. And second, it implies that the only value of a stimulus project is the jobs created, as if the resulting product is of no value. If we adopt that standard, I hate to think what the minority leader would say about other Federal projects, whether the cost of building the Washington Monument or a project in his State.

Computer systems are inherently not personnel intensive, but they do have a significant impact on the supply chain economy.

The State Department’s and USAID’s estimate of the number of jobs related to information technology upgrades is approximately 688 jobs. I doubt the unemployed citizens of Kentucky, any more than the citizens of Hawaii, would scoff at that number.

But this does not take into account the jobs created across the country when a Federal agency has a major investment in computer technology and systems. Much of the hardware would be manufactured by workers here in the U.S. Other components are made overseas and shipped to our ports, like Long Beach, CA.

U.S. workers unload the container ships and load the computer parts onto trucks or rail cars. Those trucks or trains travel across the country, and their drivers purchase fuel and food. The components are then unloaded and delivered to their final destination.

The 688 jobs cited by the Senate Appropriations Committee were merely those jobs directly identified with installing these computer systems and providing services to these Federal agencies. It does not take into account the impact of manufacturing, purchasing, and transporting new equipment.

But this funding will do more than create jobs.

The information technology upgrades proposed in this bill would improve the worldwide technology capabilities of two Federal agencies which are out of warranty and not up to current user demands. These technology systems form the core of communications between Washington and posts overseas.

Some of these funds would be used to upgrade secure phones as the current secret level phones are no longer supported by the available technology.

The Department has identified serious weaknesses in cybersecurity which these funds will address. Recent legislation mandating the Comprehensive National Cybersecurity Initiative requires all Federal agencies to become compliant with new standards to prevent cybercrime.

Federal agencies working overseas are particularly vulnerable to attack from foreign agents attempting to hack into the State Department’s computer system. Sometimes this is to gain intelligence, but recently entire government computer systems have been taken down by malicious actors.

We cannot take this risk, which is why the Congress supported legislation last year to improve cybersecurity measures. Funds in this bill would address that need. Without these funds the State Department would not likely be able to make these critical investments for some years.

Funds will also be used to construct a back-up site for the worldwide information technology system, to prevent a single-point failure in communications. This need was identified after the 9/11 attacks by many independent reviews, but there have not been sufficient funds in the budget. This invest-

ment would ensure that the State Department’s technology system, which supports 265 embassies and consulates in 154 countries, would not shut down if there is a major incident on the east coast of the U.S., like a power failure.

No. 1, the bill includes funding for many Federal agencies and departments to upgrade facilities or technology, and the State Department funding is in line with these same types of projects.

No. 2, this funding included for the State Department and USAID is for existing construction projects and upgrades that have been under-funded or deferred for years.

No. 3, these will support only domestic facilities which will improve the efficiency of the State Department’s operations and create jobs in the U.S.

No. 4, in several instances, like the diplomatic security training facility and cybersecurity upgrades, the funds will strengthen security for U.S. diplomats posted overseas.

No. 5, all of the funds will be spent domestically at facilities in the U.S.

The PRESIDING OFFICER (Mr. UDALL of Colorado.) The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 5:45 today, the Senate proceed to vote in relation to the amendments specified in this agreement in the order listed; that no amendment be in order to any of the amendments prior to the vote; that there be 2 minutes of debate equally divided and controlled in the usual form prior to each vote; and that after the first vote, the succeeding votes be limited to 10 minutes each: Vitter amendment No. 179; Isakson amendment No. 106, as modified; Cardin amendment No. 237; DeMint amendment No. 168; Thune amendment No. 238; Martinez amendment No. 159, that the amendment be modified with the changes at the desk; McCain amendment No. 278, that the amendment be modified with the changes at the desk; Bond amendment No. 161; Inhofe amendment No. 262; Cornyn amendment No. 277; Bunning amendment No. 242; Dorgan amendment No. 300; and McCain amendment No. 279.

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

The amendments (Nos. 159 and 278), as modified, are as follows:

AMENDMENT NO. 159

At the end of division B, add the following:

**TITLE VI—FORECLOSURE MITIGATION**

**SEC. 6001. SHORT TITLE.**

This title may be cited as the “Keep Families in Their Homes Act of 2009”.

**SEC. 6002. DEFINITIONS.**

For purposes of this title—

(1) the term “securitized mortgages” means residential mortgages that have been pooled by a securitization vehicle;

(2) the term “securitization vehicle” means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-

backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term “servicer” means a servicer of securitized mortgages;

(4) the term “eligible servicer” means a servicer of pooled and securitized residential mortgages, all of which are eligible mortgages;

(5) the term “eligible mortgage” means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term “Secretary” means the Secretary of the Treasury;

(7) the term “effective term of the Act” means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term “incentive fee” means the monthly payment to eligible servicers, as determined under section 6003;

(9) the term “Office” means the Office of Aggrieved Investor Claims established under section 6004(a); and

(10) the term “prepayment fee” means the payment to eligible servicers, as determined under section 6003(b).

#### SEC. 6003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized during the effective term of the Act, to make payments to eligible servicers in an amount not to exceed an aggregate of \$10,000,000,000, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—During the effective term of the Act, eligible servicers may collect monthly fee payments, consistent with the limitation in paragraph (2).

(2) CONDITIONS.—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may collect an incentive fee equal to 10 percent of mortgage payments received during that month, not to exceed \$60 per loan; and

(B) prepaid during a month, an eligible servicer may collect a one-time prepayment fee equal to 12 times the amount of the incentive fee for the preceding month.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) LEGAL COSTS.—If an unsuccessful suit is brought by a person described in subsection (d)(4), that person shall bear the actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, disaggregated to reflect whether the loss mitigation was in the form of—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection.

#### SEC. 6004. COMPENSATION FOR AGGRIEVED INVESTORS.

(a) IN GENERAL.—

(1) COMPENSATION.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of loan modifications made pursuant to this title; and

(B) damages described in subsection (d)(3), as determined by the Secretary of the Treasury.

(2) OFFICE OF AGGRIEVED INVESTOR CLAIMS.—

(A) IN GENERAL.—There is established within the Department of the Treasury an Office of Aggrieved Investor Claims.

(B) PURPOSE.—The Office shall receive, process, and pay claims in accordance with this section.

(C) FUNDING.—The Office—

(i) shall be funded from funds made available to the Secretary under this section;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and

(iv) upon the request of the Secretary, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department of Treasury to assist it in carrying out its duties under this section.

(3) OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.—The Secretary may appoint an Independent Claims Manager—

(A) to head the Office; and

(B) to assume the duties of the Secretary under this section.

(b) SUBMISSION OF CLAIMS.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Secretary a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Secretary determines to be appropriate.

(c) INVESTIGATION OF CLAIMS.—

(1) IN GENERAL.—The Secretary shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) EXTENT OF DAMAGES.—Any payment under this section—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) PAYMENT OF CLAIMS.—

(1) DETERMINATION AND PAYMENT OF AMOUNT.—

(A) IN GENERAL.—Not later than 180 days after the date on which a claim is submitted under this section, the Secretary shall determine and fix the amount, if any, to be paid for the claim.

(B) PARAMETERS OF DETERMINATION.—In determining and settling a claim under this section, the Secretary shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from a loan modification made pursuant to this title;

(iii) the amount, if any, to be allowed and paid under this section; and

(iv) the person or persons entitled to receive the amount.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Secretary may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) ALLOWABLE DAMAGES FOR FINANCIAL LOSS.—A claim that is paid for injury under this section may include damages resulting from a loan modification pursuant to this title for the following types of otherwise uncompensated financial loss:

(A) Lost personal income.

(B) Any other loss that the Secretary determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this section, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter;

(3) constitute a complete release of all claims against the eligible servicer of the securitization in which the injured person was an investor under any Federal or State law, arising out of or relating to the same subject matter; and

(4) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this section.

(g) CONSULTATION.—In administering this section, the Secretary shall consult with other Federal agencies, as determined to be necessary by the Secretary, to ensure the efficient administration of the claims process.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for one or more injuries resulting from a loan modification made pursuant to this title by—

(A) submitting a claim under this section;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from a loan modification made pursuant to this title that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall establish by regulation procedures under which a dispute regarding a claim submitted under this section may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this section may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(1) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Secretary under this section may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of Columbia, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Secretary.

(3) STANDARD.—The decision of the Secretary incorporating the findings of the Secretary shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY’S AND AGENT’S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this section, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this section.

(1) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f), and annually thereafter, the Secretary shall submit to Congress a report that describes the claims submitted under this section during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this section.

(m) GAO AUDIT.—The Comptroller General of the United States shall conduct an annual audit on the payment of all claims made under this section and shall report to the Congress on the results of this audit begin-

ning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the payment of claims in accordance with this section up to \$1,700,000,000, to remain available until expended.

**SEC. 6005. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

**SEC. 6006. SUNSET OF AUTHORITY.**

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

AMENDMENT NO. 278

On page 431, after line 8, insert the following:

**SEC. . . . REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS’ DEBT OBLIGATIONS.**

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

“(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

“(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

“(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

“(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American recovery and Reinvestment act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

“(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

“(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

“(2) MAXIMUM DEFICIT AMOUNTS.—

“(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

“(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105-33.

“(C) DEFICIT.—For purposes of this paragraph, the term ‘deficit’ shall have the meaning given such term in Public Law 99-177.”

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 253 of this Act and any procedure with respect to such

sections in this Act shall be effective beginning on the date of enactment of this subsection.”.

(C) **BASELINE.**—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

The **PRESIDING OFFICER.** The Senator from Missouri is recognized.

Mrs. **MCCASKILL.** I would like to talk about a few of the amendments I will be offering to this very important piece of legislation. Let me say this again: This is a very important piece of legislation. I think everyone needs to take a moment, take a deep breath, and consider what the alternatives are. Either we come together in the Senate over the next few days and pass this bill or we do nothing—or we do nothing. I will tell you, where I live in Missouri, “nothing” is not an option. If people think we can do nothing and this problem will begin to take care of itself, they do not understand the economic situation we are facing. So I have no problem with a full debate. I have no problem with us looking at every line and figuring out whether there is money we can take out that is wasteful or not stimulative. But at the end of the day, this notion that we are going to put this on the shelf—are you kidding me? Put it on a shelf.

We have a crisis in this country. We are in a dramatic recession. The Government must act to stimulate job creation. If we do not, then we are going to have some explaining to do. Being brave and bold enough to do something is always harder than finding something wrong with something. And we will always be able to find something wrong in everything we do around here. So buck up. Be strong. Move forward for the American people because that is what they said to us last November. That is what they want. They wanted it to be a new day.

I am glad we are talking with each other. I am glad we are debating amendments. I am glad we are working in a bipartisan fashion to try to pull some of the things out of this bill that have distracted the conversation about the Economic Recovery Act. They have distracted us. They put us on defense. Excuse me, we are on offense. We are trying to help our economy. Sitting back and shooting that thing is not going to get us there.

There are some things I think we can do to make it better, and several of the amendments I have offered have to do with our ability to make this process transparent and to make sure we are accountable for the money.

First, I have submitted an amendment to strengthen the whistleblower protection. We have to make sure our whistleblowers are well taken care of. Some of the best information we get in cleaning up Government comes from inside the companies that work for the Federal Government. We gave these protections to defense contractors in last year’s Defense Authorization Act. We need to give it to every Federal

contractor so that we can get the best information possible about what is going on internally in these companies as they spend public money.

Another amendment improves the transparency requirements for the public database Web site.

We need this public database to work, because it is a new tool to allow us to track all the money to make sure the money is going where it was intended to go, to make sure we don’t have fraud, waste, and abuse in these contracts and programs, as we fund the various infrastructure needs of the country, whether it is building a school, a bridge, or an electric grid.

Another amendment I have will boost the resources for the inspectors general. Those are our cops in terms of accountability. We cannot do this kind of government spending without giving the same kind of increase to the inspector general community for them to do their jobs.

Also additional funding for acquisition personnel is included. Acquisition personnel are going to be called to this cause in a dramatic fashion. As we spend this money, we have to make sure we have enough folks that we can monitor the contracts, make sure the contracts are drafted in a way that protects taxpayer money. So we need to increase both acquisition personnel and inspector general resources.

There is also another technical amendment I will be offering that has to do with a vagary in Missouri law and another State’s laws as it relates to the ability of my State and another State to use water and sewer funding.

Let me say this before yielding the floor. I compliment the President today on the dramatic steps he took on curbing executive pay in the various companies that have received Federal money. The proposal he laid out today is aggressive. It is broad in scope. It is just what the doctor ordered. I am so pleased that not only the President but Senator **WYDEN** and Senator **SNOWE** offered another amendment in the area of taxing some of the excessive bonuses that have occurred. We are watching Wall Street. We are paying attention. Please behave as you should, if you have taken this kind of public money. Please understand it is not business as usual. It is not luxury retreats and fancy parties and big-time bonuses. It is a new day. Please start behaving as if you get it. Because if we cannot convince the American people that we are looking after them, we will never get the recovery we must have so that everyone has the opportunity to succeed. That is all it is about, that opportunity that is unique to America—that everyone can have a chance to succeed.

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

The **PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 179

Mr. **VITTER.** Before we start voting in a little less than an hour, I encourage all colleagues to look seriously at and to support the Vitter amendment which will be voted on tonight. The Vitter amendment is an attempt to start the important work of cutting out some of the clearly nonstimulative parts of this bill. Fundamentally, it does two things. First, it cuts out \$35 billion of spending, which is not stimulative, which is not focused on quick job creation and economic stimulus. It takes that out of the bill. Secondly, it takes out the Davis-Bacon language, which is not part of any reasonable stimulus program and which will, in fact, cost the Government more money by significantly increasing labor costs on many projects. That has been estimated to cost about \$17 billion. The American people get it. This is a big debate, an important matter they have been watching carefully. Every day that goes by, they understand ever more clearly that this is a big spending bill with the whole spectrum of traditional big government Washington spending items, a laundry list, and that is not the same animal at all as real focused job creation, economic stimulus.

There is now a plurality of all Americans who think this is a bad bill, not stimulative, and it should be either dramatically changed—not at the margin but at the core—or defeated. Quite frankly, that plurality is growing every hour of every day. They are staggered, the Louisianians I have talked to, by two things. First, the enormous size and cost of the bill. This is a direct cost. There is no argument that we can recoup this as possibly we can recoup some of the TARP money. This is a direct cost. It adds on to the debt and the deficit penny by penny. A trillion dollars is a lot of money. As one of my colleagues said: A trillion dollars or nearly that surely is a terrible thing to waste. This current stimulus bill of almost a trillion dollars is the largest spending bill ever enacted by Congress. It makes the entire New Deal, even adjusted for inflation, look small. If it would be divvied up equally, the \$825 billion, it would be like every family in America borrowing \$10,520. That is not an analogy drawn from the air. In fact, we are collectively borrowing every cent of this money. Every dollar is another dollar of deficit and debt. We are borrowing that, \$10,520 for every American family. If all of our families were asked to equally shoulder that burden, this would be the equivalent of what each average family roughly spends on food, clothing, and health care in a year.

The bill, if it were a country with a GDP, would be the fifteenth largest GDP in the world, right between Australia and Mexico, greater than the gross domestic products of Saudi Arabia and Iran put together. It does cost well over \$1 billion for every page it is

printed on, \$400,000 for every job it hopes or even claims to save or create.

This is about job creation. A lot of us have questions, if any of these goals are going to be met. But let's assume the stated goals are met of saving and creating jobs, \$400,000 per job. Of course, I don't think it will ever meet those goals. Altogether, by the analysis of many expert analysis, only 11 percent of this bill has anything to do with recovery or reinvestment. Fact one is the enormous size and cost of this bill which is staggering and frightening to so many Americans. Part two is that Americans get it. It is common sense, and they can tell the difference between a laundry list of spending items, traditional Washington, big government items. Virtually every major item we find in the Federal Government's budget every year, they can tell the difference between that, which this bill is, which the House bill is, and true focused job creation, economic stimulus. They know the difference. They know this is a laundry list of spending.

The Vitter amendment would begin to try to change that. It would not be enough, but it would begin to make a dent in that by cutting \$35 billion of spending that is line item spending, nothing particularly focused on job creation, economic development. That spending is in a number of different categories. I invite Members to look at all details of the amendment. It starts with the truly inane. For instance, \$20 million for the removal of fish barriers. Let me clarify, small and medium-size fish barriers, in case one was wondering. What the heck is that, to begin with? I would venture to say 95 percent of the Senate has no idea, but we are going to throw \$20 million at that issue. How many jobs will that save or create?

That is similar to some of the items in the bill as originally introduced: An enormous amount of money for honeybee insurance; \$400 million for the prevention of sexually transmitted diseases; \$70 million still in the bill for supercomputing related to global climate change models. I am starting with what is the truly ridiculous and inane. From there we go to a lot of other items we can debate, which we may have to do, we may have to consider, but it is not stimulus. It is traditional Washington spending. How about \$1 billion for the 2010 census. We just threw \$210 million at the new census a few months ago. We are going to throw a billion dollars more. I don't know if that is needed. I don't know if that is a good idea. But I know with absolute certainty, as does everyone in this body, that that is normal spending. That is a normal appropriations matter, not job creation, economic recovery, economic stimulus.

There are so many examples like that. FBI construction. I am a big supporter of the FBI. They may have capital needs. It is not economic stimulus. NIST construction. Most Americans don't know what NIST is, the National

Institute of Standards and Technology. Maybe they have capital needs. It is not significant job creation and economic stimulus. The Commerce headquarters, we are going to spend \$34 million there under this bill. DHS, Department of Homeland Security, consolidation, reorganization, streamlining, saving. That is going to save money; right? Not exactly, \$248 million to streamline and consolidate. USDA modernization, let's modernize that Department for \$300 million.

Some of these may be good ideas. Some of this spending may be worthy. I don't know, as I stand here today. But I absolutely know—and I daresay everybody in this body knows—it is not job creation. It is not economic stimulus. It is pent-up Washington demand for government spending. Most of what I am talking about right here in our Nation's capital, in the heart of the megabureaucracies. State Department training facility, that is another \$75 million; State Department capital investment fund, \$524 million. That is almost a billion dollars. How many jobs in the heartland of America will that create? How much impact in terms of real people in the real world in mainstream America will that have in stimulating the economy? My answer is zero. That is the obvious answer on the minds of Americans. The District of Columbia sewer system, \$125 million. Are communities around the country getting the same treatment? No. The Economic Development Assistance Program, and another biggie, Amtrak, almost a billion dollars. Again, we deal with Amtrak in the normal appropriations process every year. We have an important debate about whether to continue to subsidize Amtrak. We need to have that debate. We need to get it right. I don't know what the precisely right answer is, but I know it is a normal spending item. It is not job creation. It is not economic stimulus. It is just turning this bill into a whole other year of appropriations inserted somehow magically between 2009 and 2010.

NASA climate change studies, a cool half a billion dollars. It is nice to use round figures like half a billion—neighborhood stabilization, historic preservation, fish and wildlife resource construction, comparative research, the pandemic flu, the smart grid.

People might say: You are not worried about a pandemic flu and the threat that causes to our Nation? I am. That is a serious subject. We need to address it. We have debated it and begun to address it in the normal appropriations process. Maybe we need to do more; I do not know. But I do know one thing. That is average spending and typical spending that is nothing to do with job creation and economic stimulus. Yet this bill is littered line after line after line with all of those items. Many are ridiculous. Some are obscene. Others are debatable as spending items, but they are clearly not job creation and economic stimulus.

So I hope this vote tonight on the Vitter amendment will be the begin-

ning of fundamentally changing this bill so it is no longer simply a laundry list of traditional Washington, big government spending items.

Again, the American people get it. No. 1, they know a trillion dollars is a terrible thing to waste. And, No. 2, they know this bill, as it stands now, just like the House bill, is simply a laundry list of spending items, traditional Washington, big government spending, pent-up demand for spending here in the Nation's Capital. It has been pent up and building for several years. It is not focused, disciplined, economic stimulus, or job creation.

There is a big difference between the two, and the American people, with their common sense, can spot that difference a mile away; and they have because they have been making their voices heard. Scientific polls, several polls—not one here, not one there—several across the board say that a plurality of the American people now say this is a bad idea. This bill should be changed at its core, not at the margins but at its core, or it should be stopped, and we should start over. That is what we need to do.

The speaker immediately before me, the distinguished junior Senator from Missouri, said that not acting, doing nothing, is not an option. She said that with great passion and great focus. I agree. I am a little puzzled about how animated she was about that because I do not know anyone, at least in this body, who thinks or says that inaction is an option. The choice being laid out that it is this bill even after the amendments or nothing is a superficial, false choice. Nobody thinks it is this bill even after amendments or nothing.

We have to act. But this is not the universe of possibilities. We need to change this bill at its core or, if we cannot, we need to say no. We will stay on the subject. We will focus on the economy. We will start over. We will act with real focus and speed. But it is not worth saying yes to a bad bill, particularly at the cost of nearly a trillion dollars.

So I urge all of my colleagues, Republicans and Democrats, to begin that bipartisan path forward toward making this a fundamentally different and worthy bill, and beginning that by adopting the Vitter amendment tonight.

With that, Mr. President, I yield back my time.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 179 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I would urge all of my colleagues to support this amendment. This would be an important start—not a finish but a start—to trimming down this bill and trimming down pure spending items out of the bill which are not job creation and economic stimulus. The whole savings would be about \$35 billion of spending in the bill. That is obviously outlined and delineated in the amendment. In addition, it would omit the Davis-Bacon language which would cost the Government in terms of increased costs of projects another \$17 billion.

The American people know the difference between a long laundry list of traditional Washington big government spending items and true, focused job creation and economic development. They know this bill right now is the former, not the latter. Let's begin to change that.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. VITTER. Mr. President, if there are no other speakers, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 179.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 37 Leg.]

YEAS—32

Alexander	Cornyn	Kyl
Barrasso	Crapo	Martinez
Bennett	DeMint	McCain
Bond	Ensign	McConnell
Brownback	Enzi	Risch
Bunning	Graham	Roberts
Burr	Grassley	Sessions
Chambliss	Hatch	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Wicker
Corker	Johanns	

NAYS—65

Akaka	Feingold	McCaskill
Baucus	Feinstein	Menendez
Bayh	Gillibrand	Merkley
Begich	Hagan	Mikulski
Bennet	Harkin	Murkowski
Bingaman	Hutchison	Murray
Boxer	Inouye	Nelson (FL)
Brown	Johnson	Nelson (NE)
Burr	Kaufman	Pryor
Byrd	Kerry	Reed
Cantwell	Klobuchar	Reid
Cardin	Kohl	Rockefeller
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Collins	Leahy	Shaheen
Conrad	Levin	Shelby
Dodd	Lieberman	Snowe
Dorgan	Lincoln	Specter
Durbin	Lugar	Stabenow

Tester	Voinovich	Whitehouse
Udall (CO)	Warner	Wyden
Udall (NM)	Webb	

NOT VOTING—2

Gregg  
Kennedy

The amendment (No. 179) was rejected.

AMENDMENT NO. 106

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No.—the Senator from Montana is recognized.

Mr. BAUCUS. We are now going to vote on the Isakson-Lieberman amendment, No. 106, the housing tax credit. I am prepared to accept the amendment.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I want to add my voice to that of our colleague from Georgia, Senator ISAKSON, in support of his amendment. This is an idea that is not inexpensive to do, but I think it may be the kind of confidence-building measure that is necessary to free our credit markets and begin to get the housing issue moving again. It is not the only answer. I think it is a critical component and element in achieving the results we all desire.

I think our colleague from Georgia came up with an idea worth our support. Therefore, I am going to be a co-sponsor as chairman of the Banking Committee, and I urge my colleagues to support it.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I thank the chairman of the Banking Committee and other Members on both sides of the aisle who worked on this amendment. I am happy to accept his support.

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

The amendment (No. 106) was agreed to.

AMENDMENT NO. 237

Mr. BAUCUS. Mr. President, next is the Cardin amendment, No. 237. I understand the chairman and ranking member of the Small Business Committee agree to this. I don't see the chairman. I see Senator CARDIN on the Senate floor. I urge him to speak to the amendment. Otherwise, I am prepared to accept the amendment.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, I thank the chairman. This amendment will make it easier for small businesses to be able to get surety bonds in order to participate in these contracts with

Government. It has the support of the chairman and ranking member of the Small Business Committee. I am prepared to accept a voice vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 237) was agreed to.

Mr. BAUCUS. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Montana.

AMENDMENT NO. 168

Mr. BAUCUS. Madam President, I understand the next amendment is DeMint amendment No. 168, the tax cut substitute.

This amendment is very simple. It strikes the entire bill. Then it replaces the entire bill with a \$2.5 trillion increase in the national debt, according to the Joint Committee on Tax. With debt service and added tax provisions, it increases the national debt over 10 years by \$3 trillion because it is a massive tax cut.

Again, it replaces the underlying bill, which means no aid to States, no energy provisions, no infrastructure provisions, nothing that is in the bill, replaced by a tax cut which takes effect in 2011. Joint Tax scores this, adding interest on the debt, about a \$3 trillion increase in the national debt over 3 years.

I strongly urge this amendment not be adopted.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Madam President, how long do I have?

The PRESIDING OFFICER. One minute.

Mr. DEMINT. Madam President, what this bill does is probably one of the most important things we need to do in this economic debate, and it is stop the planned tax increases that are going to happen in 2011 for every American.

The large score that is being thrown around here assumes we are going to let those taxes go up, but we are not. This is a misrepresentation of the cost of this bill. This bill stops the current tax increases that are planned in 2011, keeps the current tax rate the same. The only change it makes is it lowers the top marginal rate from 35 to 25 percent for businesses, for investors, and for individual Americans.

We call it the American option because it leaves money in the hands of the American people and businesses, rather than bringing it to Washington and distributing it our way.

I encourage everyone to stop the planned tax increases with the American option.

Mr. GRASSLEY. Madam President, I will vote for DeMint Amendment No. 168 because it provides long-term tax relief. However, I do not agree that

State and local tax deductions and other itemized deductions should be eliminated. If the amendment passes, I would work in conference to restore the State and local tax deductions, as well as other itemized deductions.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. DEMINT. Madam President, I move to waive the applicable portion of the budget.

Mr. BAUCUS. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 61, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—36

Alexander	Crapo	Lugar
Barrasso	DeMint	Martinez
Bennett	Ensign	McCain
Bond	Enzi	McConnell
Brownback	Graham	Murkowski
Bunning	Grassley	Risch
Burr	Hatch	Roberts
Chambliss	Hutchison	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	Wicker

NAYS—61

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burr	Kohl	Snowe
Byrd	Landrieu	Specter
Cantwell	Lautenberg	Stabenow
Cardin	Leahy	Tester
Carper	Levin	Udall (CO)
Casey	Lieberman	Udall (NM)
Collins	Lincoln	Voivovich
Conrad	McCaskill	Warner
Dodd	Menendez	Webb
Dorgan	Merkley	Whitehouse
Durbin	Mikulski	Wyden
Feingold	Murray	
Feinstein	Nelson (FL)	

NOT VOTING—2

Gregg Kennedy

The PRESIDING OFFICER. On this vote the yeas are 36, the nays are 61. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 238

The PRESIDING OFFICER. There will now be 2 minutes of debate evenly divided on the Thune amendment. The Senate will be in order.

Mr. THUNE. Madam President, what my amendment very simply says is that any of the funding in this bill that was not authorized as of February 1 of this year could not be funded under the bill. The point very simply is that, in order for a stimulus to be effective, it has to be timely, it has to be targeted, it has to be temporary. Funding in this or programs in this that are created that are new programs are going to be none of the above. It is going to take a long time, as we all know, to get regulations in place and create the bureaucracies. All these programs that are new programs included in this legislation are going to take a very long time to implement and, therefore, I do not believe ought to be considered stimulus and they ought not be funded as a part of this stimulus bill.

My amendment simply says any program that was not authorized as of February 1 of this year will not be funded under the stimulus bill. It is a way of trimming the cost of this bill back and doing something that actually I think eliminates a lot of the extraneous spending that is included in the bill. I urge my colleagues to support it.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Hawaii is recognized.

Mr. INOUE. Madam President, I rise in opposition to this amendment. This amendment says any item, unless the project was authorized prior to February 1 of this year, would be thrown out. No authorization bills have passed this Senate so far this year, so many worthwhile items might not meet the terms. In addition, there are new programs which were authorized but not before February 1, such as the \$9.5 billion for energy loan guarantees, \$3.2 billion for western area power, \$5.5 billion for competitive grants. These are dead.

I urge all of you, keep in mind that this is not an easy amendment. This is a tricky one. I vote no.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the amendment.

Mr. THUNE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 35, nays 62, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—35

Alexander	Crapo	McCain
Barrasso	DeMint	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Risch
Brownback	Graham	Roberts
Bunning	Grassley	Sessions
Burr	Hatch	Shelby
Chambliss	Hutchison	Thune
Coburn	Inhofe	Vitter
Cochran	Isakson	Voivovich
Corker	Johanns	Wicker
Cornyn	Kyl	

NAYS—62

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Begich	Inouye	Pryor
Bennet	Johnson	Reed
Bingaman	Kaufman	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Sanders
Burr	Kohl	Schumer
Byrd	Landrieu	Shaheen
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Tester
Collins	Lincoln	Udall (CO)
Conrad	Lugar	Udall (NM)
Dodd	Martinez	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden
Feinstein	Mikulski	

NOT VOTING—2

Gregg Kennedy

The amendment (No. 238) was rejected.

AMENDMENT NO. 159

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to the vote on amendment No. 159 offered by the Senator from Florida, Mr. MARTINEZ.

Mr. MARTINEZ. Madam President, the housing crisis got us into this problem we are in today which necessitates the need for a stimulus bill. Until we deal with housing problems, we are not going to be out of this problem.

My proposal creates a situation where, for 3 years, it compensates private servicers of mortgages so they can be incentivized to work out mortgages for families who are in trouble, so that they might be able to stay in their homes and not be foreclosed.

This is a way to utilize the private sector, with some incentives from government money, to make sure we do not foreclose on more families. Two things will be accomplished. It also provides a safe harbor for the servicers, so that they are beyond legal liability for anything they might do in those workouts.

At the end of the day, what we will do is stabilize home prices by freezing foreclosures. Not only will we be helping families, but we will also be trying to put a floor on the housing economy, on housing prices, which continue to decline. This will stabilize housing prices, it will avoid future foreclosures, and it will begin to turn us around and create the kind of housing economy we need in order for the American economy to come back.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, first, I want to commend my colleague from Florida. This is a well-intended proposal. Here is the one problem with it that I tell my colleague: It breaks contracts. There is a constitutional issue here, where servicers could sue.

What we are doing with this amendment, if I understand it correctly, is that the compensation due to a servicer would now fall on the taxpayer. So we would have to set up a bureaucracy to pay the servicer where the legal liability was determined. That poses some real problems.

The other part of the amendment I totally agree with. In fact, we try to cover it. In fact, we established a safe harbor, my colleague will recall, in the bill we did together, and also trying to figure out a way to deal with this.

But I am nervous. There is \$1.7 billion dollars in the amendment. No one can say with any certainty whether that would be an adequate amount to cover the government costs were these determined to be liabilities of the government. So I am uneasy about establishing a new bureaucracy here, and also the constitutional question of breaking these contracts which raises some very serious issues.

But what I recommend to my colleague is, we have got an amendment coming up in a little while, maybe tomorrow, where we can work together to try to accommodate this to deal with exactly what he is talking about. But I have a very difficult time accepting this for the reasons I have described.

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

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this moment there is not a sufficient second.

AMENDMENT NO. 159 WITHDRAWN

Mr. MARTINEZ. Madam President, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 278

Under the previous order, there will now be 2 minutes of debate equally divided on the McCain amendment No. 278.

The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, every dollar of the \$1.2 trillion we are contemplating spending with this legislation would add to the national debt. The national debt has already climbed to more than \$10.2 trillion. This amount does not include any of the funding provided in the legislation we are considering. After achieving economic growth for two quarters, then, according to this legislation, the President shall submit in his first budget, after the restoration of economic growth, fixed deficit targets that would achieve a balanced budget not later than 5 years from that date.

The discretionary spending caps are restored in the first fiscal year after the restoration of economic growth for 5 fiscal years at a level equal to the budget baseline, excluding any and all portions of the Economic Recovery and Reinvestment Act.

Basically, this legislation calls for, as soon as there are two quarters of GDP growth after inflation, that we embark on an effort to balance the budget. We are mortgaging our children's future.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Madam President, I strongly share the desire of the Senator from Arizona to put the budget back on track, and put it on a path to balance. But I do not think this proposal has received the consideration it deserves. It has not had a hearing before the Budget Committee, yet includes a proposal to create deficit targets that were badly gamed during the Gramm-Rudman era, and turned out to actually cover for additional deficits. So I think that would be a profound mistake. We need a process that works. It deserves the consideration of the President and the Budget Committee.

I strongly urge my colleagues to oppose this amendment at this time.

I raise a point of order that this amendment violates section 306 of the Congressional Budget Act.

Mr. MCCAIN. Madam President, I move to waive the applicable portions of the Budget Act, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—44

Alexander	DeMint	McCaskill
Barrasso	Ensign	McConnell
Bayh	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Hatch	Roberts
Bunning	Hutchison	Sessions
Burr	Inhofe	Shelby
Chambliss	Isakson	Snowe
Coburn	Johanns	Specter
Cochran	Kyl	Thune
Collins	Lieberman	Vitter
Corker	Lugar	Voinovich
Cornyn	Martinez	Wicker
Crapo	McCain	

NAYS—53

Akaka	Bennet	Brown
Baucus	Bingaman	Burr
Begich	Boxer	Byrd

Cantwell	Kaufman	Reed
Cardin	Kerry	Reid
Carper	Klobuchar	Rockefeller
Casey	Kohl	Sanders
Conrad	Landrieu	Schumer
Dodd	Lautenberg	Shaheen
Dorgan	Leahy	Stabenow
Durbin	Levin	Tester
Feingold	Lincoln	Udall (CO)
Feinstein	Menendez	Udall (NM)
Gillibrand	Merkley	Warner
Hagan	Mikulski	Webb
Harkin	Murray	Whitehouse
Inouye	Nelson (FL)	Wyden
Johnson	Pryor	

NOT VOTING—2

Gregg	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The point of order is sustained, and the amendment fails.

The Senator from Montana.

AMENDMENT NO. 161

Mr. BAUCUS. Mr. President, it is my understanding the next amendment is Bond amendment No. 161. I have checked with our side. Our side is willing to accept this amendment. I understand it is also acceptable by the other side, but I will let Senator BOND speak to that.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I have to do a couple things, and I just want to tell you, thanks so much for agreeing to support this bipartisan amendment cosponsored by my partner on the Transportation and Housing and Urban Development Subcommittee, Senator MURRAY, and Senator DODD, Senator REED of Rhode Island, and Senator KOHL.

Mr. President, I ask unanimous consent that Senators VOINOVICH and BROWBACK be added as cosponsors to the amendment.

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

Mr. BOND. Some people are a little confused. In 30 seconds—50 seconds maybe—let me tell you, this is \$2 billion in direct equity that goes to State housing finance programs to produce affordable housing. The funds come from the home moneys in the bill. The funds go to shovel-ready projects that have already been approved by State credit agencies. Why can't they go forward? Because of the credit crisis and the crunch, the tax credits are no longer worth what they used to be worth. This amendment allows to fill in the hole. It makes the projects viable. There will be tens of thousands of new units and tens of thousands of new jobs.

I appreciate very much my colleagues on the other side.

I yield to my colleague from Washington.

Mr. BAUCUS. Mr. President, we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the Bond amendment.

The amendment (No. 161) was agreed to.

## AMENDMENT NO. 262

The PRESIDING OFFICER. Under the previous order, there will be now 2 minutes of debate equally divided prior to a vote on amendment No. 262, offered by the Senator from Oklahoma.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that Senators MARTINEZ, CHAMBLISS, ROBERTS, BROWNBACK, and BUNNING be added as cosponsors to the amendment.

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

Mr. INHOFE. Mr. President, there has been a lot of discussion and complaints about there not being enough funds in terms of infrastructure—roads and buildings and all that. Actually, it is under 4 percent in this bill. We have talked about that. What we have not talked about is the need for military procurement.

In a Washington Post article, Martin Feldstein talked about the fact that infrastructure spending on domestic military bases and procurement is one of the things we could do that would be very helpful, citing there are 655,000 employees in the aerospace industry alone.

Now, what I am trying to do with this amendment is to increase procurement by \$5.3 billion. It is offset. So you have a decision: Do you want to spend \$20 million for fish passage barrier removal, \$34 million to renovate the Department of Commerce, or have a strong national defense? Do you want to spend \$13 million to research volunteer activities or have a strong national defense?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment adds \$5.2 billion for defense. It pays for it by cutting a long list of programs out of the bill: energy-efficient motor vehicle fleet—that is one I see right here—grants for the National Passenger Rail Corporation, among others.

On behalf of Senator INOUE, I make a point of order that the pending amendment violates section 302(f) of the Budget Act.

Mr. INHOFE. Mr. President, I move to waive the applicable portion of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 38, nays 59, as follows:

[Rollcall Vote No. 41 Leg.]

## YEAS—38

Barrasso	Ensign	McCain
Bennett	Enzi	McConnell
Bond	Graham	Murkowski
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Cornyn	Lieberman	Voinovich
Crapo	Lugar	Wicker
DeMint	Martinez	

## NAYS—59

Akaka	Feingold	Murray
Alexander	Feinstein	Nelson (FL)
Baucus	Gillibrand	Nelson (NE)
Bayh	Hagan	Pryor
Begich	Harkin	Reed
Bennet	Inouye	Reid
Bingaman	Johnson	Rockefeller
Boxer	Kaufman	Sanders
Brown	Kerry	Schumer
Burr	Klobuchar	Shaheen
Byrd	Kohl	Specter
Cantwell	Landrieu	Stabenow
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	Lincoln	Warner
Corker	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Merkley	Wyden
Durbin	Mikulski	

## NOT VOTING—2

Gregg Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 38, the nays are 59. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. REID. Mr. President, we have four more votes tonight, and then we will have no more votes tonight after those four.

What I wanted to talk about a little bit is tomorrow. We started on this bill Monday evening. Everyone who has stood to give a speech on this—Democrat or Republican—has talked about the financial crisis our country is in. There are different ways of addressing it, and we understand that. I wanted to do everything I could to make sure there is an open process, and there has been. There have been no restrictions on amendments. There have been no complaints from us as to subject matter of amendments. However, the stark reality is we need to complete this bill. We have stated and the Speaker has stated that we need to finish this bill before the Presidents Day recess. To do that, to jump through all the hurdles, is very difficult.

In my last conversation with the Republican leader, he indicated that he would like to go to conference. I am not holding him to that. Something could go wrong the next couple of days or today or tomorrow, but that is our intention. If we don't go to conference, then we will do what we have done in the past: send something back over

here. I would rather we did a conference. I think it would set a good tone. But conferences are sometimes slow and a little bit tedious. We have to get two different committees and maybe as many as three different committees represented in that conference. We have to get everybody together and have a series of meetings.

To solve the financial crisis we have in our country is going to take a lot of cooperation. We know this bill is imperfect. Democrats and Republicans acknowledge it is an imperfect piece of legislation.

Without belaboring the point, we are going to have votes again tomorrow. Now, my colleagues will note that the vast majority of the votes we have had have been Republican amendments. That is fine. We are happy with that. We want to make sure that people with concerns about this bill offer those amendments, but we are now arriving at a point where we are offering amendments upon amendments.

I understand there are two big amendments I know the Republicans have tomorrow. One of them is the Ensign-McConnell amendment dealing with housing. I understand my friend—the man I have been with now going on 27 years; we came to Washington together—JOHN MCCAIN has an important amendment. There are probably other amendments everybody thinks are important. I would at least note those two.

I hope we can look to finishing this legislation tomorrow. That doesn't mean at 5 o'clock. It may be later in the evening—and that is an understatement—but I think we should work to see if we can complete this legislation.

I know we are getting toward the end of amendments being offered because I have been told by my staff that now we are getting into amendments dealing with religious liberty and other things that don't have a lot to do, in my opinion, with this legislation, but we are setting no restriction or parameters on what amendments can be offered.

We all do acknowledge we have a crisis facing the American people. If someone isn't absolutely happy about this legislation, let's vote and move it on to the next program. If we do something in conference that is revolting to the minority, they can stop the conference report. So let's move on. Let's finish this. For us to finish this bill tomorrow or Friday is going to still take a lot of our work so that the President has a piece of legislation on his desk and so we can leave and do our Presidents Day recess.

Now, we don't have to take our recess, but we have responsibilities that are more than in Washington, DC. We have a constituency at home to whom we also have responsibilities. I doubt there is one of us who doesn't have a lot to do during the Presidents Day recess at home. We aren't often able to go home during the week, so there are things I know that I schedule during the breaks that I can't do any other time. Weekends don't do the trick.

So in light of the crisis facing the American people, there is no reason the American people shouldn't expect us to complete action on this bill tomorrow. If people need more time, I am a patient man. Now, we understand—we will take a 60-vote margin. We are happy to have this legislation require 60 votes. I hope we don't have to go through filing cloture and a cloture vote on Saturday or Sunday and 30 hours and all that stuff.

I just think the picture the people have here of the Senate is one where we have really tried these first few weeks, including the time during this legislation, to have the Senate work as it used to. I hope everyone feels—as we start getting the extraneous amendments dealing with matters I don't think conform with what the intention of this bill is, which is economic recovery—that we should be worried about people not having the opportunity to offer amendments. I think we have offered a number of amendments on housing. You name the subject, we have done multiple amendments. I am a patient person, as I have indicated, willing to work with everyone, but my goal is to get this legislation over to the House as soon as we can.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, let me just say I think the amendment process has been well handled. We had a lot of amendments to offer today, and they are in the process of being voted on. We have a lot more amendments to offer tomorrow, and then I think we can discuss sometime during the day tomorrow exactly what the endgame might be on this legislation.

I am pleased and my Members are pleased, I would say to the majority leader, with the way it has been handled to this point, and sometime tomorrow we will discuss how we might move toward a conclusion.

I yield the floor.

AMENDMENT NO. 277

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 277 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, my amendment reduces the 10-percent marginal income tax bracket to 5 percent—10 percent to 5 percent—in 2009 and 2010. Currently, the 10-percent tax bracket that was created in 2001 by the Economic Growth and Tax Relief Reconciliation Act applies to the first roughly \$8,000 that a single taxpayer earns and \$16,000 for a joint tax return. My amendment provides broad-based relief to more than 105 million taxpayers, including every hard-working American with an income tax liability.

My amendment does not add to the bill's total. Instead, my amendment is paid for by striking the refundable making work pay credit which picks

winner and losers by providing relief to only a select group of taxpayers. It also, I might say, repeats a mistake we made last year, or earlier—I guess last year, last January—when we spent \$150 billion of our children's and grandchildren's money to try to stimulate the economy, and everybody agrees it did not work.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the amendment is very simple. Let me explain the consequence of the amendment.

Those who pay income taxes will get a tax reduction. Those who work but do not pay income taxes—they pay payroll taxes—will not get any benefit from this amendment. That is the portion that is cut out. That is about 50 million Americans. So this amendment would give a tax cut to those who pay income taxes—a modest amount—and to pay for it, it disenfranchises those 49 million, 50 million Americans who will get a tax break under this bill because they work; that is, they pay payroll tax. Those who work but who are not wealthy will spend the money more than people who are wealthier and get a tax cut. So I suggest very strongly that we do not support this amendment.

I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21.

Mr. CORNYN. Mr. President, I move to waive the applicable portion of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 37, nays 60, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—37

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Risch
Brownback	Grassley	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Corker	Kyl	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—60

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Hagan	Nelson (NE)
Begich	Harkin	Pryor
Bennet	Inouye	Reed
Bingaman	Johnson	Reid
Boxer	Kaufman	Rockefeller
Brown	Kerry	Sanders
Burr	Klobuchar	Schumer
Byrd	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lincoln	Voinovich
Dodd	McCaskill	Warner
Dorgan	Menendez	Webb
Durbin	Merkley	Whitehouse
Feingold	Mikulski	Wyden

NOT VOTING—2

Gregg	Kennedy
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The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 242

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes for debate equally divided prior to a vote on amendment No. 242 offered by the Senator from Kentucky, Mr. BUNNING.

The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, my amendment is simple. It suspends for the year 2009 the tax increase on Social Security benefits that Congress passed in 1993. This increase taxes seniors above certain income levels on 85 percent of their Social Security taxable income. We should not be in the business of taxing Social Security benefits. It is unfair, and it is punitive.

CRS estimates that at least 12 million seniors pay this tax. This amendment holds the Medicare trust funds harmless. Joint Tax says the amendment scores at \$14.4 billion, so I reduce discretionary spending in the bill, except spending for veterans, by the necessary amount.

Now is the time to fix this problem at least for 1 year. I urge support of the amendment.

The PRESIDING OFFICER (Mr. WARNER). The Senator from Montana.

Mr. BAUCUS. Mr. President, this amendment effectively undoes part of the budget agreement that was agreed to in 1993. We effectively balanced the budget and ended up with a \$10 billion, \$11 trillion surplus. The fact is, the amendment reduces taxes only on the top 24 percent, the highest income-earning seniors. Twenty-four percent of the most wealthy seniors—that is highest income—will get a break in taxes. Other seniors will not. The other 76 percent will get no break.

The Senator from Kentucky pays for it by reducing parts of the bill which create jobs. This is highways, this is roads, this is energy, and so forth. Frankly, I don't think that is a wise course of action to take.

Accordingly, I raise a point of order that the pending amendment violates section 201 of Senate Concurrent Resolution 21.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I move to waive the applicable portion of the Budget Act.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 39, nays 57, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—39

Alexander	Crapo	Martinez
Barrasso	DeMint	McCain
Bayh	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Graham	Nelson (NE)
Brownback	Grassley	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker

NAYS—57

Akaka	Feinstein	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Pryor
Bingaman	Inouye	Reed
Boxer	Johnson	Reid
Brown	Kaufman	Rockefeller
Burr	Kerry	Sanders
Byrd	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Merkley	Wyden

NOT VOTING—3

Gregg	Kennedy	Voinovich
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The PRESIDING OFFICER. On this vote the yeas are 39, the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from Montana is recognized.

AMENDMENT NO. 300 TO AMENDMENT NO. 98

Mr. BAUCUS. The next amendment is the Dorgan amendment, No. 300, which we are prepared to take.

Mr. DORGAN. Mr. President, I ask we consider amendment No. 300.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BAUCUS and Mr. BROWN,

proposes an amendment numbered 300 to amendment No. 98.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify that the Buy American provisions shall be applied in a manner consistent with United States obligations under international agreements)

On page 430, strike lines 7 through 12 and insert the following:

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

Mr. DORGAN. I offer this amendment on behalf of myself, Mr. BAUCUS, Mr. INOUE, and Mr. BROWN. It simply says the “Buy American” section shall be “applied in a manner consistent with United States obligations under international agreements.”

I yield the remainder of my time to Senator BROWN.

Mr. BROWN. I thank the Senator from North Dakota and thank Senators BAUCUS and INOUE for their support.

Americans are willing to reach into their pockets and spend billions of dollars for infrastructure to build bridges and highways and water and sewer and put people back to work. All that Americans want is that we provide jobs in this country—jobs, construction jobs—and that what they use for this construction, the materials, are made in America. This is WTO compliant. It follows U.S. and international global trade rules. It is a commonsense amendment.

Some people say “protectionism,” but how can you have an \$800 billion trade deficit and call us protectionist? How can you have a \$200-billion-a-day net outflow and say we are closing our borders? It makes sense to vote for the Dorgan amendment.

Mr. MCCAIN. Mr. President, I ask for 1 minute to speak in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, what this amendment does is basically stand in direct contradiction to the amendment itself. It is impossible to say the section would be applied in a manner consistent with the U.S. obligations under international agreements and then say that anything that is manufactured in the United States, whether iron, steel, or manufactured goods will have to be subject to “Buy American.”

The reaction to this amendment has been strong and widespread, including the President of the United States, who said, “I think this would be a mistake right now.” The President said, “It is a potential source of trade wars that we cannot afford at a time when trade is sinking all over the globe.”

I yield the remainder of my time.

Mr. GRASSLEY. Mr. President, I am pleased to express my support for the Dorgan amendment that would clarify that the Buy American provisions of this bill shall be applied in a manner that is consistent with our international trade obligations.

The original Buy American language in the bill doesn’t specifically provide an exemption for countries that provide reciprocal access for the United States in the area of government procurement. But we are obligated under international agreements to provide such a carveout. This amendment will fix this problem.

The United States has obligations to its trading partners. If we don’t live up to our commitments to other countries under trade agreements, we can’t expect them to live up to their commitments to us. The last thing that we should do in this time of economic uncertainty is fail to comply with our international obligations.

I would like to thank Senator DORGAN and Senator BAUCUS for working together to craft this amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent to be listed as a cosponsor on the Dorgan amendment.

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

The question is on agreeing to the amendment.

The amendment (No. 300) was agreed to.

AMENDMENT NO. 279

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote in relation to the amendment offered by the Senator from Arizona.

Mr. MCCAIN. Mr. President, nearly 80 years ago, two men—Mr. Smoot and Mr. Hawley—led an effort to enact protectionist legislation in hopes of curing the woes of the American worker. Despite the strong objection of over a thousand leading economists of the time, the Smoot-Hawley legislation was enacted. This bill helped spark an international trade war that turned a severe recession into the greatest economic depression in modern history.

The Buy American provision in the current bill has echoes of the disastrous Smoot-Hawley tariff act. It prohibits the use of funds in this bill for projects unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. These anti-trade measures may sound welcome to Americans who are hurting in the midst of our economic troubles and faced with the specter of layoffs. Yet shortsighted protectionist measures like Buy American risk greatly exacerbating our current economic woes. Already, one economist at the Peterson Institute for International Economics has calculated that the Buy American provisions in this bill will actually cost the United States more jobs than it will generate.

Some of our largest trading partners, including Canada and the European Union—who account for hundreds of billions of dollars in annual trade—have warned that such a move could invite protectionist retaliation, further harming our ability to generate jobs and economic growth. And it seems

clear that this provision violates our obligations under more than one international agreement, including the WTO Agreement on Government Procurement and the procurement chapter of the North American Free Trade Agreement.

Just last November in Washington, the U.S. signed a joint declaration with members of the G-20 pledging that "within the next 12 months, we will refrain from raising new barriers to investment or to trade in goods and services." Yet barely 2 months later, we are contemplating whether or not to go back on a commitment to some of our closest allies and trading partners, potentially damaging our credibility to uphold future agreements.

Even President Obama himself spoke out against the Buy American provision. "I think that would be a mistake right now," he said yesterday. "That is a potential source of trade wars that we can't afford at a time when trade is sinking all across the globe."

We know the lessons of history, and we cannot fall prey to the failed policies of the past. We should not sit idly by while some seek to pursue a path of economic isolation, a course that could lead to disaster. It didn't work in the 1930s, and it certainly won't work today. I hope all senators will support this amendment, which would strike the existing Buy American provision and replace it with a limitation on Buy American clauses in this bill.

As I said, the President of the United States said it would be a mistake right now. It sends a message to the world that the United States is going back to protectionism.

I ask unanimous consent the comments of literally every leader in the world, including the Canadian leader, the European leader, and over 100 major industries in the United States of America in opposition to this amendment and an op-ed article by Douglas Irwin be printed in the RECORD at this time.

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

## LETTERS FROM WORLD LEADERS

## CANADA

Ambassador Michael Wilson: "We are concerned about contagion, that is, other countries also following protectionist policies. If Buy America becomes part of the stimulus legislation, the United States will lose the moral authority to pressure others not to introduce protectionist policies. A rush of protectionist actions could create a downward spiral like the world experienced in the 1930s."

## EUROPEAN UNION

Ambassador John Bruton: "The United States and the European Union should take the lead in keeping the commitments not to introduce protectionist measures taken by the G20 in November 2008. Failing this risks entering into a spiral of protectionist measures around the globe that can only hurt our economies further."

## U.S. INDUSTRY

Over 100 signatories: "Enacting expansive new Buy American restrictions would invite

our international partners to exclude American goods and services from hundreds of billions of dollars of opportunities in their stimulus packages and perhaps to adopt Buy-Local rules or raise other barriers to American goods more broadly across their economies. The resulting damage to our export markets and the millions of high-paying American jobs they support would be enormous."

## QUOTES FROM WORLD LEADERS

## U.K.

Prime Minister Gordon Brown: "The biggest danger the world faces is a retreat into protectionism".

## U.S.

President Barack Obama: It would be a mistake when worldwide trade is declining for the United States "to start sending a message that somehow we're just looking after ourselves and not concerned with world trade."

## QUOTES FROM REPORTS AND NEWS SOURCES

## PETERSON INSTITUTE FOR INTERNATIONAL ECONOMICS

Report on 'Buy American': EU spokesman Peter Power stated that "if a bill is passed which prohibits the sale or purchase of European goods on American territory, [the European Union] will not stand idly by and ignore." Buy American provisions would particularly damage US reputation abroad since they would come just a few months after the United States pledged to reject protectionism at the G-20 summit on November 15, 2008.

In a country of 140 million workers, with millions of new jobs to be created by the stimulus package, the number of employees affected by the Buy American provision is a rounding error.

General Electric (GE) Senior Counsel Karan Bhatia: "You would be creating an ample basis for countries to close their markets to U.S. products."

Bill Lane—Caterpillar, Inc. Director of Governmental Affairs: . . . "The so-called Buy America amendment is really an anti-export provision." . . . "At Caterpillar we are doing everything we can to export American-made products to the numerous infrastructure projects being proposed around the world, particularly those in China. Embracing new Buy American restrictions would totally undermine those efforts to increase U.S. exports."

Fred Smith—Chairman of FedEx: . . . "If the Congress passes this buy-American provision, I can assure you—and we operate in 220-some-odd countries around the world and are a huge part of the import-export infrastructure of the United States—we will get retaliation, and it will be American jobs at risk."

## LIST OF COMPANIES AND ORGANIZATIONS IN OPPOSITION TO BUY AMERICAN

(Signatories of attached industry letter)

ABB; The ACE Group of Insurance and Reinsurance Companies; AT&T; Alticor, Inc.; AgustaWestland North America Inc.; Avaya Inc.; BAE Systems, Inc.; BASF Corporation; Boston Scientific Corp.; Case New Holland Inc.; Caterpillar Inc.; Cisco Systems, Inc.; Citibank N.A.; Cummins Inc.; Dassault Falcon Jet; The Dow Chemical Company; Eastman Kodak Company; Forsberg International Logistics, LLC; Fujitsu.

General Electric Company; IBM Corporation; Intel Corporation; International Bancshares Corporation; International Bank of Commerce; ITT Corporation; John Deere; Lockheed Martin Corporation; Manitowoc Company Inc.; The McGraw-Hill Companies, Inc.; McKesson Corporation; Michelin North

America, Inc.; Microsoft Corporation; NEC Corporation of America; Oracle Corporation; Panasonic Corporation of North America; PCS VacDry USA LLC; Philips Electronics North America; The Procter & Gamble Company; SAP America.

Siemens Corporation; TEREX; Texas Instruments Incorporated; Transact Technologies; Trimble Navigation Limited; Unilever United States; United Technologies Corporation; US Trading & Investment Company; Volvo Group North America; XOCO USA; Xerox Corporation; The Advanced Medical Technology Association; Aerospace Industries Association; American Business Conference; American Chemistry Council; American Council of Engineering Companies; Associated Builders & Contractors; Associated Equipment Distributors.

Association of International Automobile Manufacturers, Inc.; Business Roundtable; The Associated General Contractors of America; The Association of Equipment Manufacturers; Brazil-U.S. Business Council; Business Software Alliance; California Chamber of Commerce; Canadian American Business Council; Consuming Industries Trade Action Coalition; The Coalition for Government Procurement; Coalition of Service Industries; Computer & Communications Industry Association; Computing Technology Industry Association; Consumer Electronics Association; Emergency Committee for American Trade.

European-American Business Council; Grocery Manufacturers Association; Hong Kong-U.S. Business Council; Information Technology Industry Council; International Wood Product Association; National Association of Foreign-Trade Zones; National Association of Manufacturers; National Defense Industrial Association; National Electronic Distributors Association; National Foreign Trade Council; Ohio Alliance for International Trade; Organization for International Investment; Retail Industry Leaders Association; Securities Industry and Financial Markets Association; Semiconductor Industry Association; Software & Information Industry Association.

Technology Association of America (formerly AeA and ITAA); Technology CEO Council; Telecommunications Industry Association; United States Council for International Business; US-ASEAN Business Council; U.S.-Bahrain Business Council; U.S. Chamber of Commerce; U.S.-India Business Council; U.S.-Korea Business Council; U.S.-Pakistan Business Council; U.S.-UAE Business Council; Washington Council on International Trade.

[From the New York Times, Jan. 31, 2009]

IF WE BUY AMERICAN, NO ONE ELSE WILL

(By Douglas A. Irwin)

HANOVER, NH.—World trade is collapsing. The United States trade deficit dropped sharply in November as imports from the rest of the world plummeted in response to the financial crisis and global recession. United States imports from China, Japan and elsewhere declined at double digit rates. The last thing the world economy needs is for governments to give a further downward shove to trade. Unfortunately, we may be doing just that.

Steel industry lobbyists seem to have persuaded the House to insert a "Buy American" provision in the stimulus bill it passed last week. This provision requires that preference be given to domestic steel producers in building contracts and other spending. The House bill also requires that the uniforms and other textiles used by the Transportation Security Administration be produced in the United States, and the Senate may broaden such provisions to include many other products.

That might sound reasonable, but history has shown that Buy American provisions can raise the cost and diminish the effect of a spending package. In rebuilding the San Francisco-Oakland Bay Bridge in the 1990s, the California transit authority complied with state rules mandating the use of domestic steel unless it was at least 25 percent more expensive than imported steel. A domestic bid came in at 23 percent above the foreign bid, and so the more expensive American steel had to be used. Because of the large amount of steel used in the project, California taxpayers had to pay a whopping \$400 million more for the bridge. While this is a windfall for a lucky steel company, steel production is capital intensive, and the rule makes less money available for other construction projects that can employ many more workers.

American manufacturers have ample capacity to fill the new orders that will come as a result of the fiscal stimulus. In addition, other countries are watching closely to see if the crisis becomes a general excuse for the United States to block imports and favor domestic firms. General Electric and Caterpillar have opposed the Buy American provision because they fear it will hurt their ability to win contracts abroad.

They're right to be concerned. Once we get through the current economic mess, China, India and other countries are likely to continue their large investments in building projects. If such countries also adopt our preferences for domestic producers, then America will be at a competitive disadvantage in bidding for those contracts.

Remember the golden rule, or the consequences could be severe. When the United States imposed the Smoot-Hawley Tariff in 1930, it helped set off a worldwide movement toward higher tariffs. When everyone tried to restrict imports, the combined effect was a deeper global economic slump. It took decades to undo the accumulated trade restrictions of that period. Let's not make the same mistake again.

Mr. MCCAIN. Mr. President, this amendment may lose. We are making a very dangerous move tonight.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, both Mr. Smoot and Mr. Hawley are dead, but this amendment is a part of a very significant debate that is on the floor of the Senate and across the country. Mr. President, 20,000 people a day are losing their jobs—20,000 people a day. We are going to shove a lot of money out the door of this Congress in support of economic recovery. The question is, Are we going to try to put people back to work? Will we put people back to work on America's factory floors making iron and steel and manufactured products?

We already have a "Buy American" provision under current law. That is not violative of our trade agreements. We just added an amendment that says this section, the "Buy American" section, "shall be applied in a manner consistent with United States obligations under international agreements."

I don't think anyone can credibly argue that somehow this undermines our international agreements. But we do have a \$700-billion-a-year trade deficit, and my hope would be that as we push this money out the door, we do it in support of American jobs.

The PRESIDING OFFICER. The time of the Senator has expired.

The question is on agreeing to the amendment.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from New Hampshire (Mr. GREGG) and the Senator from Ohio (Mr. VOINOVICH).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 65, as follows:

(Rollcall Vote No. 44 Leg.)

YEAS—31

Alexander	DeMint	McCain
Barrasso	Ensign	McConnell
Bennett	Enzi	Murkowski
Bond	Hatch	Risch
Bunning	Inhofe	Roberts
Chambless	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Kyl	Thune
Corker	Lieberman	Wicker
Cornyn	Lugar	
Crapo	Martinez	

NAYS—65

Akaka	Feinstein	Murray
Baucus	Gillibrand	Nelson (FL)
Bayh	Graham	Nelson (NE)
Begich	Grassley	Pryor
Bennet	Hagan	Reed
Bingaman	Harkin	Reid
Boxer	Hutchison	Rockefeller
Brown	Inouye	Sanders
Brownback	Johnson	Schumer
Burr	Kaufman	Shaheen
Burr	Kerry	Snowe
Byrd	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Vitter
Conrad	Lincoln	Warner
Dodd	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden
Feingold	Mikulski	

NOT VOTING—3

Gregg Kennedy Voinovich

The amendment (No. 279) was rejected.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, on behalf of Senator LANDRIEU, I ask unanimous consent that the pending amendments be temporarily set aside, and Senator LANDRIEU's amendment No. 102 be called up and agreed to, and that the motion to reconsider be temporarily laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I have checked with Senator COCHRAN.

Mr. ENSIGN. Mr. President, reserving the right to object, while we are waiting, may I lay down my amendment?

Mr. BAUCUS. Mr. President, on the Landrieu amendment, I withdraw my request.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 353 TO AMENDMENT NO. 98

(Purpose: In the nature of a substitute)

Mr. ENSIGN. I ask unanimous consent that the pending amendments be set aside. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mr. MCCONNELL, and Mr. ALEXANDER, proposes an amendment numbered 353 to Amendment No. 98.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BAUCUS. Mr. President, it is my understanding that with the amendment just offered by the Senator from Nevada, tomorrow morning the first amendment to be considered will be the amendment offered by Senator MCCAIN from Arizona. The second amendment will be the amendment offered by the Senator from Nevada, Mr. ENSIGN. I ask unanimous consent that be the order.

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

The Senator from Connecticut is recognized.

AMENDMENT NO. 354 TO AMENDMENT NO. 98

Mr. DODD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 354 to Amendment No. 98.

The amendment is as follows:

(Purpose: To impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program)

At the end of division B, add the following:

#### TITLE VI—EXECUTIVE COMPENSATION OVERSIGHT

##### SEC. 6001. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) SENIOR EXECUTIVE OFFICER.—The term "senior executive officer" means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

(2) GOLDEN PARACHUTE PAYMENT.—The term "golden parachute payment" means any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

(3) TARP.—The term "TARP" means the Troubled Asset Relief Program established

under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343, 12 U.S.C. 5201 et seq.).

(4) TARP RECIPIENT.—The term “TARP recipient” means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

**SEC. 6002. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.**

(a) IN GENERAL.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

(1) the standards established by the Secretary under this title; and

(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

(b) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

(c) SPECIFIC REQUIREMENTS.—The standards established under subsection (b) shall include—

(1) limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period that any obligation arising from TARP assistance is outstanding;

(2) a provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate;

(3) a prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period that any obligation arising from TARP assistance is outstanding;

(4) a prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period that the obligation is outstanding to at least the 25 most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient;

(5) a prohibition on any compensation plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its employees; and

(6) a requirement for the establishment of a Board Compensation Committee that meets the requirements of section 6003.

(d) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this title—

(1) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

(2) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

**SEC. 6003. BOARD COMPENSATION COMMITTEE.**

(a) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board

Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

(b) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

**SEC. 6004. LIMITATION ON LUXURY EXPENDITURES.**

(a) POLICY REQUIRED.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

(1) entertainment or events;

(2) office and facility renovations;

(3) aviation or other transportation services; or

(4) other activities or events that are not reasonable expenditures for conferences, staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

**SEC. 6005. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.**

(a) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

(b) NONBINDING VOTE.—A shareholder vote described in subsection (a) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

(c) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue any final rules and regulations required by this section.

**SEC. 6006. REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.**

(a) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to employees of each entity receiving TARP assistance before the date of enactment of this Act to determine whether any such payments were excessive, inconsistent with the purposes of this Act or the TARP, or otherwise contrary to the public interest.

(b) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in subsection (a), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

Mr. DODD. Mr. President, I will be very brief. I know others want to be heard. I appreciate the consideration of the manager of this part of the bill, Senator BAUCUS.

This amendment would apply to recipients of TARP assistance, stronger restrictions on executive compensa-

tion. I will make some comments this evening and invite my colleagues to look at the language of the amendment.

It is the one that I hope all Members will be able to support. It does not directly apply to the stimulus package, but it is an opportunity for us to speak on the executive compensation issues which are critically important.

The amendment bans bonuses for most highly paid executives of TARP-recipient firms: Prohibits TARP recipients from paying a bonus, retention award, or other similar incentive compensation to the 25 most highly-paid employees “or such higher number as the Secretary of the Treasury may determine is in the public interest with respect to any TARP recipient.”

It requires a retroactive review: The Secretary of the Treasury must review bonus awards paid to executives of TARP recipients to determine whether any payments were excessive, inconsistent with the purposes of the act or the TARP or otherwise contrary to public interest and, if so, seek to negotiate with the recipient and the subject employee for appropriate reimbursement to the Government.

It requires each TARP recipient to include on annual proxy statement a “say on pay” proposal or advisory shareholder vote on the company’s executive cash compensation program.

It allows for the Government to clawback any bonus or incentive compensation paid to an executive based on reported earnings or other criteria later found to be materially inaccurate.

It prohibits compensation plans that would encourage manipulation of reported earnings.

The Board Compensation Committee of each TARP recipient must be composed entirely of independent directors; and requires the committee to evaluate compensation plans and their potential risk to the financial health of the company.

It prohibits golden parachutes to top senior executives.

It prohibits a compensation plan that has incentives for employees to take unnecessary and excessive risks that threaten the value of the company.

This will encourage the companies to use the TARP funds for the purposes they were intended and assure the American taxpayers that their funds are being used properly.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent that the pending amendment be set aside and I be allowed to call up amendment No. 326.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

The Senator from Wyoming.

Mr. BARRASSO. Mr. President, the bill we are looking at today represents a massive Federal investment. It will provide Federal funds for a host of activities at State and local levels. This would be a new experience for many of our States.

The requirements set forth for Federal involvement have caused some State and local officials to take pause. But in the West, we have already learned the lessons of Federal involvement. In my State of Wyoming, we deal with the Federal Government in the day-to-day operations of our land, of our businesses and of our communities. More than 45 percent of the land in Wyoming is federally owned. The Federal Government has introduced major predators into our landscape. The Federal Government controls most of our dams, lakes, and reservoirs. The Federal Government manages the irrigation and grazing for agriculture production. We depend on Federal managers to access Federal lands for hunting and fishing. Living with this heavy Federal involvement in Wyoming, we struggle every day to cut red tape and to get work done. I urge the Members of the Senate to seriously consider the experience of the people of Wyoming.

We in Congress need to face the realities of our Federal system. Bureaucratic delays impact everyday life in Wyoming. Unless we seriously consider legislative alternatives, delays will affect many of the projects proposed for funding through this piece of legislation we are considering. The vast majority of the projects proposed for this funding are subject to environmental laws. These laws provide for measured, thoughtful decisionmaking. They allow public involvement in our Government, but they are not built for speed. Virtually every school to be built, every road, and every bridge in this legislation would require documentation under the National Environmental Policy Act, called NEPA. From my Wyoming experience, NEPA reviews can take years—not weeks, not months but years. Even after NEPA documentation is finalized, activist groups can file appeals and litigation and hold up projects for many years to come.

To address this pressing need, I am proposing an amendment today numbered 326, along with several colleagues, to provide for a streamlined process of approval. The amendment would require that NEPA be completed in 9 months. We require that administrative appeals be combined for expedient consideration. Once the administrative remedies are exhausted, judicial review is available in the Federal Court of Appeals right here in Wash-

ington, DC. This provides a single, clear system to review decisions and provide a fair ruling.

A host of experts have called for Congress to face the reality of NEPA during this stimulus package debate. The nonpartisan Congressional Budget Office, in their January 28 letter to the Senate, gave recommendations for “actions that could accelerate spending.” NEPA is the very first point they offered. CBO wrote that Congress should consider “waiving requirements for environmental and judicial reviews.” CBO is not alone. Governor Schwarzenegger of California, a very moderate Governor, listed waiving NEPA as a priority for his State to succeed with stimulus funding. He wrote that Congress should “waive or greatly streamline NEPA requirements,” in order to speed delivery of the projects. The U.S. Chamber of Commerce, the largest group of businesses in the Nation, called for NEPA reform. These are exactly the people we expect to lift us out of the recession. The U.S. Chamber of Commerce feels that this amendment is necessary for the stimulus package to succeed. The knowledgeable, moderate, hard working people of America are calling on Congress to make this improvement to the stimulus legislation. In fact, some of them are calling for us to go further than this amendment would go.

This amendment is not a waiver of NEPA responsibility. Rather, it requires that NEPA documentation be timely and effective. If bureaucratic delays stand in the way of project completion, it provides for the project to go forward. This amendment is a practical middle ground. I urge Members of the Senate to support it.

This amendment will make the aims of this legislation possible. The Federal Government should not stand in the way of people trying to help out and to help us out of the recession. Community projects should be reviewed quickly and allowed to go forward after a reasonable time. This amendment would prevent bureaucratic delays. Approval of the amendment will allow our transportation, our public land management, and construction goals to be met on time. If the aim of H.R. 1 is to provide quick, efficient funding for projects that will stimulate our economy, we must approve this amendment. If projects are truly shovel ready, if our partners in the agencies, States and local governments have done their homework, they won't depend on this amendment. But by approving this amendment, we will guarantee that no Federal bureaucrat sitting in Washington can waste time and money on endless paperwork. Frankly, I believe this kind of requirement should be available to all of us who struggle with bureaucratic delays in the Federal Government.

I will explain a few of the difficulties we face in Wyoming with Federal delays and bureaucratic red tape. I am sure my fellow cosponsors of the

amendment have similar stories. I hope my colleagues will heed our cautionary tales.

In the Medicine Bow National Forest, we have watched millions of acres of forest die year after year. Bark beetles have infested our pine trees. They spread quickly and leave behind stands of dense, dry timber waiting to burn. We see entire mountain ranges of standing dead timber. This is a health problem, a safety problem for our communities in and around the forest. The Forest Service recognizes the importance of moving quickly to reduce wildfire risk and remove the hazardous fuels. Yet it takes nearly 2 years to plan and review a single project, 2 years before we can even begin work on the projects. Most of that time is consumed by analysis and review in order to reach NEPA compliance. This is a clear example where red tape and bureaucratic requirements are failing the people of Wyoming. These same policies will fail the people of America if we do not include a process of expedited NEPA regulations in this legislation.

The Eastern Shoshone and Northern Arapaho tribes also face delays due to red tape that the Federal Government imposes on transactions involving Indian lands. Almost every proposal to lease or develop the surface minerals, timber, water, and other resources located on Indian land is subject to approval by a Federal official. However, that official's decision cannot be made until the NEPA review and documentation requirements have been fulfilled. The lengthy paperwork must be completed regardless of what the Indian tribe or the landowner wants and regardless of the tribe or the landowner's participation in negotiating the transaction. Those review and documentation requirements take time, even when the process goes smoothly. If there is a court challenge to the NEPA review, the process can be dragged on for many months or even years. The challenge of complying with NEPA has its own impacts on the human environment in the case of Indian lands. It makes Indian lands less attractive to prospective investors and developers, and it can lead to substantial delays and considerable uncertainty.

I am not saying that NEPA has no benefits and that it is all bad. But as we consider this stimulus bill, we in Congress must be honest with ourselves. We must face the fact that NEPA compliance may create significant delays in the spending contemplated by this bill. That should not happen. We should make it clear that NEPA will not be available as a mechanism to block or substantially delay a project authorized by this legislation.

With that in mind, I hope Members of the Senate will support this amendment. We know in Wyoming that delay and red tape are part of every Federal project. If Washington is serious about implementing massive Federal investment in local communities, we must

ask ourselves the same questions being asked by our constituents: How do we make the process effective? How do we harness the most resources in the least amount of time? How can we best serve the people?

If you consider the on-the-ground realities of Federal projects, you see the necessity of this amendment. We need to put an end to bureaucratic delays. We must allow our communities to move forward with projects in a reasonable timeframe. We should allow the public to dispute Federal decisions, but we should limit unending lawsuits and delays. These are improvements that will vastly improve the effectiveness of Federal funding and allow truly shovel-ready projects to proceed without delay.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, at this point, I appreciate that the Senator from Wyoming has an amendment. I wondered if perhaps he could hold off and offer his amendment tomorrow and work out with Senator BOXER the appropriate accommodations for both Senators. That would be my hope. In the meantime, Senator HARKIN has an amendment he would like to offer.

Mr. BARRASSO. Mr. President, I will work on that with Senator BOXER.

Mr. BAUCUS. I thank the Senator for his accommodation.

Mrs. BOXER. Mr. President, I thank Senator BARRASSO. I didn't know about the Senator. As he knows, he is waiving the National Environment Act as it pertains to these projects. I will be glad to work with him to figure out a way to do a side-by-side, however he wants to deal with it, a second degree.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 338 and ask for its consideration.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. BARRASSO. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I wish to talk about the amendment I will be calling up at some point. There is no doubt that the automobile industry is the heart and soul of America's manufacturing sector. It is absolutely critical to a healthy and diversified, vibrant U.S. economy. Right now this essential industry is on life support, hemorrhaging jobs, slashing production, closing dealerships, and, in the case of GM and Chrysler, dependent on Federal loans to avoid bankruptcy. Chrysler announced a 50-percent decline in January sales compared to a year ago. GM had a 49-percent decline in sales. Ford had a 39-percent decline. Toyota, with major plants in America, suffered a 32-percent decline in U.S.

sales. These numbers are shocking, and people who think this is only an automakers' problem just don't get it.

The auto industry is not just a few assembly plants in Detroit. The Big Three and foreign automakers have plants in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nevada, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

There are car dealerships and auto parts manufacturers in thousands of communities all across America. Directly or indirectly, the auto industry supports one 1 of every 10 jobs in this country.

So let's be very clear, we are not going to have a strong economic recovery in the United States without a strong recovery in the automobile industry. That is why it is important this economic stimulus bill provide a major boost to automakers. The real question is, What is the best way to give a boost to the automakers? Is it giving them money at the top and letting them deal with it as they will? Well, that is like old trickle-down economics; all we have to do is give it to the top and somehow it will all trickle down.

Some of us have a better idea, and I think a better approach. It is to put it in at the bottom and let it percolate up. Here is what I mean by that.

The auto workers want nothing more than to be back on the job producing full time, producing high-quality cars, providing for their families, paying their taxes.

Now, I am offering this amendment which will give low- and modest-income consumers a \$10,000 subsidy for the purchase of a new car that is assembled in America—a car or pickup truck assembled in America.

Now, here are the conditions that apply to this. First of all, the car you are bringing in has to be at least 10 years old. You have to have title for the car in your own possession prior to the date of the enactment of this bill. The new car you are purchasing has to get at least 5 miles per gallon more than the car you are bringing in. The new car must have a fuel economy rating of 25 miles per gallon or better or, in the case of a pickup, 20 miles per gallon or better. And the old car you are bringing in must be relinquished to the Government and be destroyed. This offer, this \$10,000 subsidy, would be available only to individuals with incomes of \$50,000 a year or less or couples with an income of \$75,000 or less.

So let me run through that again. Here is the way it would work. If you have an income of less than \$50,000—or for a couple less than \$75,000—if you have a car that is at least 10 years old, and you have had title to that car since before the enactment of this bill—actually before January of this year—you could take your W-2 form to show your income, take the title of the old car to show you have owned it, show how old

the car is, and you can go to any auto dealer anywhere you want and buy a new car and the subsidy will be \$10,000. You will get \$10,000. All you have to do is relinquish your old car, and that car has to be destroyed.

Well, what would this amendment accomplish? First of all, it will bring a lot of customers back into the auto showrooms, and they will not just be looking, they will be buying. This will be a shot of adrenaline right into the bloodstream of the domestic auto industry. Secondly, it will accelerate the shift from older gas-guzzling vehicles to new high mileage cars. Third, and very important in these tough economic times, it will make it affordable for ordinary working Americans to buy a new car.

Think about it. Think about people who make less than \$50,000 or a couple who makes less than \$75,000 a year. Chances are, they are the ones who have the old clunkers. They need it to go back and forth to work. If you live in a rural area, it is absolutely essential. These are the people who have these old cars, and they put repairs in them—a couple hundred here, a couple hundred there—because they can afford to do that, but they cannot afford to buy a new car. But it is a much different story if the Federal Government is going to give you \$10,000 to buy that new car.

For example, let's take this example: A basic 2009 Chevrolet Cobalt gets 34 miles per gallon on the highway. It has a manufacturer's suggested retail price starting at \$16,330. After the Federal subsidy—assuming you are under the income limits, and you have this 10-year-old car—you will be able to buy that car for \$6,330.

Now, what is also important is that you will be able to get financing under this program. Because the lender, with a \$10,000 reduction in price, will be offering a car loan for far less than the car's worth after it leaves the lot.

We had a session today, and we heard Mr. Larry Summers. We all know who he is down at the White House. He said there are a lot of willing lenders out there, but they do not have worthy borrowers.

Well, now, if you are a person—a low-income, moderate-income person—and you are making \$50,000 a year, and you need a new car—you have an old clunker, and you keep paying for repairs on it, but you wish to buy a new car—let's say it costs you \$20,000 to buy a new car—you can go to your local bank and try to get a loan for \$15,000 or \$18,000 for a \$20,000 car, and you will not get it. You will not get it. But if you go to that bank to try to get a loan for a \$20,000 car and \$10,000 of it is a subsidy from the Government, and you are only borrowing \$10,000 for that car, you will get the financing.

So that is another important thing this amendment will do. It will start opening channels of credit. Money will start to begin to flow through banks

and other lending organizations—savings and loans, credit unions, institutions such as that—for people to buy a car.

This amendment will make it affordable for a modest-income American to buy a new car. Make no mistake about it, it would stimulate a surge in auto sales—not just the automakers, but a broad swath of the economy impacted by the auto industry. Think about all of the other things that go into these cars in almost every community in America.

The Federal Government has given General Motors and Chrysler a few months to come up with a plan to ensure their long-term viability as businesses while producing a greener mix of vehicles. But we have failed to address two big questions.

In the midst of a severe recession, how do you boost demand for cars assembled in America? How do we get rid of that surplus we have out there? Go to any auto lot in your State. There are new cars all over the place, and there is no one buying them. So we failed to address that. How do we boost demand? Secondly, how do we give consumers compelling incentives to purchase fuel-efficient cars, especially at a time when gas prices have fallen dramatically? I was in my home State of Iowa this week, and gas is \$1.77 a gallon. I have not seen it that low for a long time.

So this amendment provides a realistic answer to both questions. It would boost demand incredibly. We estimate that for the \$16 billion this amendment would provide, it would cover more than 1.5 million purchases of new fuel-efficient, domestically assembled cars. It would accelerate the transition of our U.S. vehicle fleet toward more fuel-efficient cars, and this would be a gain for our whole country, reducing the demand for gasoline, reducing the dependence on foreign oil, lowering the operating costs of these new cars.

It will do little good to extend loans to GM and Chrysler if consumer demand for new cars remains dead. Now, we had the Mikulski amendment earlier today—today or yesterday—and that will help a little bit. But it is a tax deduction for modest-income Americans. It probably will not mean that much, maybe \$1,000, \$1,500. It is better than nothing. But if you want to sell those cars, give them \$10,000, give \$10,000 to modest-income Americans. Say: Go buy a car with these conditions.

We are very good around here at passing billions of dollars. What are we up to, \$900 billion now on this bill? There is a lot of good stuff in this stimulus bill, and I support it. We are good at giving a lot of money to Wall Street and banks and GM and Chrysler at the top. We seem to be very good at giving a lot of money at the top. How about giving some money down at the bottom?

You want to talk about rebuilding confidence in America? Think what

would happen to all these modest-income Americans who could now go out and get a new car. Think of all the old clunkers we would take off the road and destroy. That would rebuild confidence. As I mentioned, we would get our lending channels going. There would be a lot of loans made out there for these cars. With lending institutions, my gosh, loaning \$6,000 on a \$16,000 car, that is not everyone breaking a sweat.

So it is going to do little good for us to demand that automakers shift production to fuel-efficient cars if consumers are unwilling to buy them or they cannot buy them because of the recession.

This amendment is designed to address these challenges, to stimulate demand for new fuel-efficient cars, accelerate the shift toward a more fuel-efficient fleet, and help working-class Americans. As I said, you only qualify as an individual if you make \$50,000 a year or less, or for a couple making \$75,000 or less. Let's help working-class Americans. Now, people might say: Gee, that is a lot of money, \$16 billion. But aren't we trying to stimulate the economy?

Again, in closing, I say, you are not going to get economic recovery until we address the automobile sector. That is the big driver in this country, no pun intended, of course. But that is what we have to address. We are not doing it. We keep punting the ball down the field: loans to GM, loans to Chrysler; they come up with a plan. But with all those new automobiles sitting out there, no one is buying them. Well, let's give them a subsidy. Let's give a subsidy to working-class Americans for a change, and give them a little hand up—not a handout, but a hand up. I will tell you, it will reverberate all through our economy if we are to do something like this.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DODD. Mr. President, I understand there has been an objection. I am not going to offer an amendment at this point until after this is resolved.

I wish to take a couple of minutes, if I may, on an amendment I will call up either this evening or tomorrow once this has been resolved, this process matter has been resolved. I intend to offer an amendment that would statutorily require a dedication of \$50 billion from the second tranche of the so-called TARP funding to be dedicated to foreclosure mitigation.

As chairman of the Senate Banking Committee—and I am pleased to recognize that the distinguished Presiding

Officer is a new member of that committee—for the last 2 years—in fact, 2 years ago this very week, we had our very first hearing, and I became chairman of the committee on the foreclosure problems in this country and the problems with the residential mortgage market generally. We had witnesses at that time who warned that we might face as many as 2 million foreclosures in the country. I recall when the witness testified to that effect, there were those who scoffed at that prediction, that nothing such as that could possibly happen in the United States. Now it seems like a modest prediction in light of what has occurred over the last 2 years regarding our economy, in this country, all of which began with the residential mortgage market in this Nation.

More so than anything else, it was the predatory lending that drew people into mortgages they were ill-prepared to meet, did not require documentation; they were actually called liar loans, in a sense. Of course, the brokers and the servicers and lenders were all passing on the responsibility with little or no accountability, were being compensated for their efforts, and no longer had any underwriting standards or requirements that would have required that the borrowers meet certain requirements in order to protect that mortgage and that homeowner.

I won't dwell on that this evening except to say that now we have 8 million homes underwater in effect, where the mortgages exceed the value of the homes. It is predicted that several millions more could lose their homes. Mr. President, 10,000 people a day in this country are losing their homes, along with the 20,000 losing their jobs, and there is an increase in the likelihood of further deterioration in the housing market.

I had hoped earlier on, with the first tranche of \$350 billion, that more would be done in foreclosure mitigation. Regrettably, despite promises to the contrary, that never occurred. I am hopeful—in fact, beyond hopeful—because this amendment would require that \$50 billion of that remaining \$350 billion be dedicated to this purpose. I am confident that the new administration is committed to that. They certainly indicated as much in their comments. While not specifically identifying a number, they certainly indicated they intend to dedicate serious resources toward foreclosure mitigation. This amendment would secure, beyond any doubt—that those resources I have identified would be allocated for foreclosure mitigation. There are some other points in the amendment, but that is the major thrust.

Most economists, regardless of ideology or political perspective, have agreed that until we deal with the foreclosure crisis, the economic situation will continue to deteriorate until we get to the bottom of that. There are a variety of different proposals that have been suggested on how we might

achieve that. This amendment I am offering does not insist upon any particular formulation. There are a number of ideas out there. I think Sheila Bair, who is the chairperson of the Federal Deposit Insurance Corporation, has one of the more creative ideas, an idea that has been warmly embraced by the Obama administration. That is not to say they agree with every dotted "I" and crossed "t," but they certainly indicated they think it is more than just a reasonable idea but may very well contribute to putting a tourniquet on this hemorrhaging that is occurring in the residential mortgage market. That is one idea. There are others as well. Several of my colleagues on both sides of this political divide have offered ideas that I think would contribute to the reduction of foreclosures in the country, many of which are very solid ideas. Some may need further work than others, but I think all of us are now aiming in the right direction.

It has been a journey of some length. It was only in the spring of last year that we faced some six filibusters in this Chamber when we tried to fashion a housing program that would reduce some of the problems we saw a year ago. Obviously, the mood has changed dramatically. We now have virtually everyone talking about how to deal with the foreclosure problem. I only regret that same consensus had not developed earlier. Had it done so, in my view, we would not be where we are today. This is not a natural disaster that has occurred; this was an avoidable problem. That is the great tragedy of it. This was an avoidable economic problem that has at its roots the mortgage crisis. Unfortunately, it went unattended for so long despite repeated warnings by many of us.

But here we are at the outset of 2009 with the worst economic crisis since the Great Depression and a problem that has now spread throughout the globe. So it is incumbent upon us to take various steps to try to address this issue. I think the money that was allocated back last fall minimized the problem in a sense that it would have been far worse than it is today without those resources. Unfortunately, the management of those resources has not been as well executed as it could have been. My hope is that this next tranche will be far better managed with far greater accountability, far greater transparency, and far greater controls on such things as executive compensation.

Obviously, the stimulus package is also important. I wish to commend President Obama because he has said this well; that is, these steps we are taking are not in and of themselves going to resolve the economic crisis. What I think they do is minimize further deterioration of our economy. The President said the other day that he wishes these actions would turn the corner for us. What he hopes it will achieve is to stop the deterioration or the flow of this economy moving in the wrong direction.

So I think it is important as we talk about the stimulus package that we talk about these TARP funds. These are all steps that are needed to get us moving in the right direction, to create jobs in the country and stop the tremendous increase in unemployment—as I mentioned, 20,000 jobs a day—and begin to repair our credit market and the financial system in this country.

Far more will need to be done. Anyone who stands on this floor or elsewhere and predicts that because of the steps we are taking we are going to miraculously or immediately cure our economic ills is misspeaking. It will not. But it will get us pointed in the right direction. That is what is important about these steps we are about to take. It will move us in a direction of improving our economy.

I see my colleague from Missouri.

Mrs. MCCASKILL. Mr. President, will the Senator yield for a question?

Mr. DODD. I am pleased to yield.

Mrs. MCCASKILL. Mr. President, through the Presiding Officer, I wish to ask my colleague from Connecticut whether, when we were trying to deal with the foreclosure crisis last year, there were many people in the Chamber who said: Well, let's just shelve that for awhile. Let's forget about that problem right now. We don't need to do anything right now.

My recollection is that is what a lot of the response was from some of our friends.

Mr. DODD. Mr. President, I would say to my colleague from Missouri that she has an excellent memory. I had 82 hearings in the Banking Committee, over a third of them on this subject matter alone. We came to the floor of the Senate at the behest of the majority leader, Senator REID, who was a champion of these issues. We had these hearings prior to the Passover, Easter break in committee, over a third of them on this subject matter alone. We faced six filibusters—almost a record number—on a single piece of legislation. It was after that break that things began to open up and move.

My colleague from Missouri has this exactly right. There were those who were vehemently opposed. There were all sorts of amendments, all sorts of efforts made to obstruct any effort for us to come up with ideas to allow us to mitigate the rising foreclosures in the country. Had we dealt with it then, a year ago, I think it is safe to say to my colleagues that we would not be in the situation we are in today.

Mrs. MCCASKILL. Mr. President, I would ask my colleague, it is almost like what a famous baseball player once said: "It is *deja vu* all over again." Because what I am hearing, if I am correct—and I would certainly ask him this question—I am hearing the same thing now on the economic recovery bill, that we need to shelve it.

I heard one of our colleagues, who I believe is the ranking member on Senator DODD's committee, actually today on TV and the last couple of days saying: We need to shelve this thing.

I would ask the Senator from Connecticut, through the Presiding Officer, I have this feeling that if we shelve it, we will be back here next year and, as with the housing crisis, the economic crisis in this country will do nothing but get demonstrably worse and more painful for the American people.

Mr. DODD. Mr. President, responding to my colleague and friend from Missouri, she is absolutely correct. I think there is a tendency to look at these issues as if they were somehow stovepiped, separate from each other, this dealing with the TARP legislation and dealing with the financial crisis and now dealing with the stimulus package is unrelated. It has been pointed out that there is a likelihood we will lose as much as \$2 trillion out of our economy over the next 2 years. Making up that gap is going to require some effort.

This bill will ultimately, I hope, result in an appropriation of something between \$800 billion and \$900 billion—no small amount but far short of what will be lost in our economy over the next 2 years. If we defeat this or shelve this, as has been suggested, we exacerbate the economic problems of this Nation to a significant degree, which would require this body coming back at a later date with something that none of us even wants to contemplate at this point.

So this is not an unrelated matter. You shelve this, you walk away from this responsibility, and you burden the American taxpayer to the likes none of us could even begin to calculate.

So I thank my colleague from Missouri for pointing that fact out. This is related. If our economy does not begin to improve or at least not get worse, as the President has accurately pointed out, the problems only become more pronounced, more difficult to resolve in the coming weeks and months. So our economic future depends upon each of these pieces in place that will allow us to begin to turn that corner, see credit begin to move, borrowing occur, lenders lending, and activity economically in this country begin to move in the direction we need for recovery. So I thank her immensely for her comments. She identified exactly what needs to be done and explained it to our citizens.

This is not an idle effort just to secure some spending. It is absolutely essential if we are going to produce the kinds of jobs that are necessary, contribute to economic growth, and make a difference for our country. That is the reason I thought on this bill—it is a stimulus bill—of requiring to be set aside \$50 billion of the TARP money in the next tranche to be dedicated to the rising number of foreclosures of residential properties in our Nation. If you are losing 20,000 jobs a day, you don't need to be a degreed economist to know that with every one of those people who loses a job, the greater the likelihood they will lose their home.

We need to do everything we can to try to stop that erosion in the job market and simultaneously do what we can to make it possible for people to stay in their homes. There is a direct correlation between the stimulus effort and TARP regarding mitigation of foreclosures. That is why I will ask my colleagues to be supportive of that effort tomorrow.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, I ask unanimous consent that the pending amendment be set aside and the following Senators be permitted to call up amendments at the desk as follows: DeMint, No. 189; Boxer, an amendment regarding environmental laws; Barrasso, an amendment regarding environmental laws; Harkin, amendment No. 338; Dodd, amendment No. 145; McCaskill, amendments Nos. 125 and 236, with a modification; that the Landrieu amendment No. 102 be called up, and once that is reported this evening, it be considered and agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 326 TO AMENDMENT NO. 98

Mr. BARRASSO. Mr. President, I ask unanimous consent that the pending amendments be set aside and I be allowed to call up amendment No. 326.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO], for himself, Mr. CRAPO, Mr. ROBERTS, Mr. VITTER, Mr. ENZI, Mr. RISCH, and Mr. BENNETT, proposes an amendment numbered 326 to amendment No. 98.

Mr. BARRASSO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To expedite reviews required to be carried out under the National Environmental Policy Act of 1969)

On page 431, between lines 8 and 9, insert the following:

Sec. 16. (a)(1) Notwithstanding any other provision of law, all reviews carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any actions taken under this Act or for which funds are made available under this Act shall be completed by the date that is 270 days after the date of enactment of this Act.

(2) If a review described in paragraph (1) has not been completed for an action subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the date specified in paragraph (1)—

(A) the action shall be considered to have no significant impact to the human environment for the purpose of that Act; and

(B) that classification shall be considered to be a final agency action.

(b) The lead agency for a review of an action carried out pursuant to this section shall be the Federal agency to which funds are made available for the action.

(c)(1) There shall be a single administrative appeal for all reviews carried out pursuant to this section.

(2) Upon resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

(3) An appeal to the court described in paragraph (2) shall be based only on the administrative record.

(4) After an agency has made a final decision with respect to a review carried out under this section, that decision shall be effective during the course of any subsequent appeal to a court described in paragraph (2).

(5) All civil actions arising under this section shall be considered to arise under the laws of the United States.

AMENDMENT NO. 189 TO AMENDMENT NO. 98

Mr. BARRASSO. Mr. President, I ask unanimous consent that the pending amendment be set aside and I be allowed to call up amendment No. 189 on behalf of Senator DEMINT.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. BARRASSO], for Mr. DEMINT, proposes an amendment numbered 189 to amendment No. 98.

Mr. BARRASSO. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A)

On page 192, after line 21 insert the following:

SEC. 807. ELIMINATION OF FUNDING PROHIBITION. Notwithstanding section 803(d)(2)(C), section 803(d)(2)(C) shall have no effect.

Mr. BARRASSO. Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

AMENDMENTS NOS. 145, 338, 125, AND 236, AS MODIFIED TO AMENDMENT NO. 98

Mr. BAUCUS. Mr. President, on behalf of Senators DODD and HARKIN, I call up amendments, one for each Senator, and on behalf of Senator MCCASKILL, I call up two amendments as under the previous order.

The ACTING PRESIDENT pro tempore. Pursuant to the previous order, the amendments will be considered pending.

The amendments are as follows:

AMENDMENT NO. 145

(Purpose: To improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan)

On page 263, between lines 10 and 11, insert the following:

GENERAL PROVISIONS—HOPE FOR HOMEOWNERS AMENDMENTS

SEC. 1201. Section 257 of the National Housing Act (12 U.S.C. 1715z-23), as amended by the Emergency Economic Stabilization Act of 2008 (Public Law 110-343), is amended—

(1) in subsection (e)(1)(B), by inserting after “being reset,” the following: “or has, due to a decrease in income,”;

(2) in subsection (k)(2), by striking “and the mortgageor” and all that follows through the end and inserting “shall, upon any sale or disposition of the property to which the mortgage relates, be entitled to 25 percent of appreciation, up to the appraised value of the home at the time when the mortgage being refinanced under this section was originally made. The Secretary may share any amounts received under this paragraph with the holder of the eligible mortgage refinanced under this section.”;

(3) in subsection (i)—

(A) by inserting “, after weighing maximization of participation with consideration for the solvency of the program,” after “Secretary shall”;

(B) in paragraph (1), by striking “equal to 3 percent” and inserting “not more than 2 percent”;

(C) in paragraph (2), by striking “equal to 1.5 percent” and inserting “not more than 1 percent”;

(4) by adding at the end the following:

“(x) AUCTIONS.—The Board shall, if feasible, establish a structure and organize procedures for an auction to refinance eligible mortgages on a wholesale or bulk basis.

“(y) COMPENSATION OF SERVICERS.—To provide incentive for participation in the program under this section, each servicer of an eligible mortgage insured under this section shall be paid \$1,000 for performing services associated with refinancing such mortgage, or such other amount as the Board determines is warranted. Funding for such compensation shall be provided by funds realized through the HOPE bond under subsection (w).”.

At the end of division B, add the following:

## TITLE VI—FORECLOSURE PREVENTION

### SEC. 6001. MANDATORY LOAN MODIFICATIONS.

Section 109(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5219) is amended—

(1) by striking the last sentence;

(2) by striking “To the extent” and inserting the following:

“(1) IN GENERAL.—To the extent”;

(3) by adding at the end the following:

“(2) LOAN MODIFICATIONS REQUIRED.—

“(A) IN GENERAL.—In addition to actions required under paragraph (1), the Secretary shall, not later than 15 days after the date of enactment of this paragraph, develop and implement a plan to facilitate loan modifications to prevent avoidable mortgage loan foreclosures.

“(B) FUNDING.—Of amounts made available under section 115 and not otherwise obligated, not less than \$50,000,000,000, shall be made available to the Secretary for purposes of carrying out the mortgage loan modification plan required to be developed and implemented under this paragraph.

“(C) CRITERIA.—The loan modification plan required by this paragraph may incorporate the use of—

“(i) loan guarantees and credit enhancements;

“(ii) the reduction of loan principal amounts and interest rates;

“(iii) extension of mortgage loan terms; and

“(iv) any other similar mechanisms or combinations thereof, as determined appropriate by the Secretary.

“(D) DESIGNATION AUTHORITY.—

“(i) FDIC.—The Secretary may designate the Corporation, on a reimbursable basis, to carry out the loan modification plan developed under this paragraph.

“(ii) CONTRACTING AUTHORITY.—If designated under clause (i), the Corporation may use its contracting authority under section 9 of the Federal Deposit Insurance Act.

“(E) CONSULTATION REQUIRED.—In developing the loan modification plan under this paragraph, the Secretary shall consult with the Chairperson of the Board of Directors of the Corporation, the Board, and the Secretary of Housing and Urban Development.

“(F) REPORTS TO CONGRESS.—The Secretary shall provide to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives—

“(i) upon development of the plan required by this paragraph, a report describing such plan; and

“(ii) a monthly report on the number and types of loan modifications occurring during the reporting period, and the performance of the loan modification plan overall.”

#### AMENDMENT NO. 338

(Purpose: To require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles)

On page 431, between lines 8 and 9, insert the following:

#### SEC. 1607. AUTOMOBILE TRADE-IN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE, FUEL, MANUFACTURER, MODEL YEAR.—The terms “automobile”, “fuel”, “manufacturer”, and “model year” have the meaning given such terms in section 32901 of title 49, United States Code.

(2) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual—

(A) who does not have more than 3 automobiles registered under his or her name;

(B) who filed a return of Federal income tax for a taxable year beginning in 2007 or in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

(C) who is not an individual with respect to whom a deduction under section 151 of the Internal Revenue Code of 1986 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins;

(D) whose adjusted gross income reported in the most recent return described in subparagraph (B) was not more than \$50,000 (\$75,000 in the case of a joint tax return or a return filed by a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986));

(E) who has not acquired an automobile under the Program; and

(F) who did not file such return jointly with another individual who has acquired an automobile under the Program.

(3) ELIGIBLE NEW AUTOMOBILE.—The term “eligible new automobile”, with respect to a trade of an eligible old automobile by an eligible individual under the Program, means an automobile that—

(A) has never been registered in any jurisdiction;

(B) was assembled in the United States; and

(C) has a fuel economy that—

(i) is not less than 25 miles per gallon (20 miles per gallon in the case of a pick up truck), as determined by the Administrator of the Environmental Protection Agency using the 5-cycle fuel economy measurement methodology of such Agency; and

(ii) has a fuel economy that is more than 4.9 miles per gallon greater than the fuel economy of such eligible old automobile, as determined by the Administrator using the 2-cycle fuel economy measurement methodology of such Agency for both automobiles.

(4) ELIGIBLE OLD AUTOMOBILE.—The term “eligible old automobile”, with respect to a trade for an eligible new automobile by an eligible individual under the Program, means an automobile that—

(A) is operable;

(B) was first registered in any jurisdiction by any person not less than 10 years before the date on which such trade is initiated;

(C) is registered under such eligible individual's name on the date on which such trade is initiated; and

(D) was registered under such eligible individual's name before January 16, 2009.

(5) PICK UP TRUCK.—The term “pick up truck” means an automobile with an open bed as determined by the Secretary in consultation with the Secretary of Transportation.

(6) PROGRAM.—The term “Program” means the Automobile Trade-In Program established under subsection (b).

(7) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of the Treasury, or the Secretary's designee.

(b) PROGRAM ESTABLISHED.—The Secretary shall establish the Automobile Trade-In Program to provide eligible individuals with subsidies to purchase eligible new automobiles in exchange for eligible old automobiles.

(c) DURATION OF PROGRAM.—The Program shall commence on the date on which the Secretary prescribes regulations under subsection (h) and shall terminate on the earlier of—

(1) September 30, 2010; and

(2) the date on which all of the funds appropriated or otherwise made available under subsection (j) have been expended.

(d) TRADES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, if an eligible individual and a seller of an eligible new automobile initiate a trade as described in subsection (e) for such new automobile with an eligible old automobile of the eligible individual before the termination of the Program under subsection (c), the Secretary shall provide to the seller of such new automobile \$10,000.

(2) LIMITATION ON PURCHASE PRICE OF ELIGIBLE NEW AUTOMOBILES.—The Secretary may not make any payment under this subsection for a trade for an eligible new automobile under the Program if—

(A) the purchase price of such new automobile exceeds the manufacturer's suggested retail price for such new automobile; or

(B) the price of the non-safety related accessories, as determined by the Secretary in consultation with the Administrator of the National Highway Traffic Safety Administration, of such new automobile exceeds—

(i) the average price of the non-safety related accessories for the prior model year of such new automobile; or

(ii) in the case that there is no prior model year for such new automobile, the average price of non-safety related accessories for similar new automobiles (as determined by the Secretary), with consideration of the types of non-safety related accessories that

are typically provided with such automobiles.

(3) COMPENSATION FOR DELAYED PAYMENTS.—In the case that a payment under this subsection to a seller for a trade under the Program is delayed, the Secretary shall provide to such seller the amount otherwise determined under this subsection plus interest at the overpayment rate established under section 6621 of the Internal Revenue Code of 1986.

(e) INITIATION OF TRADE.—An eligible individual and the seller of an eligible new automobile initiate a trade under the Program for such eligible new automobile with an eligible old automobile of such individual if—

(1) the eligible individual, or the eligible individual's designee, drives such old automobile to the location of such seller;

(2) the eligible individual provides to the seller—

(A) such old automobile; and

(B) an amount (if any) equal to the difference between—

(i) the purchase price of such new automobile; and

(ii) the amount the Secretary is required to provide to the seller under subsection (d); and

(3) the eligible individual and the seller notify the Secretary of such trade at such time and in such manner as the Secretary considers appropriate.

(f) LIMITATION ON RESALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who purchases an automobile under the Program may not sell or lease the automobile before the date that is 1 year after the date on which the individual purchased the automobile under the Program.

(2) EXCEPTION FOR HARDSHIP.—The limitation in paragraph (1) shall not apply to an individual if compliance with such limitation would constitute a hardship, as determined by the Secretary.

(g) DISPOSAL OF ELIGIBLE OLD AUTOMOBILES.—

(1) IN GENERAL.—A seller who receives an eligible old automobile in exchange for an eligible new automobile under the Program shall deliver such old automobile to an appropriate location for proper destruction and disposal as determined by the Secretary in accordance with paragraph (2).

(2) DISPOSAL AND SALVAGE.—The Secretary may permit a seller under paragraph (1) to salvage portions of an automobile to be destroyed and disposed of under such paragraph, except that the Secretary shall require the destruction of the engine block and the frame of the automobile.

(3) COMPENSATION.—The Secretary shall compensate a seller described in paragraph (1) for costs incurred by such seller under such paragraph in such amounts or at such rates as the Secretary considers appropriate.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall prescribe rules to carry out the Program.

(2) EXPEDITED PROCEDURES FOR RULE-MAKING.—The provisions of chapter 5 of title 5, United States Code, shall not apply to regulations prescribed under paragraph (1).

(i) MONITORING.—The Secretary shall establish a mechanism to monitor the expenditure of funds appropriated under subsection (j).

(j) DIRECT SPENDING AUTHORITY.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary \$16,000,000,000, including administrative expenses, to carry out the Program.

(2) AVAILABILITY.—The amount appropriated under paragraph (1) shall be available for the purpose described in such paragraph until September 30, 2010.

(3) EMERGENCY DESIGNATION.—Amounts appropriated pursuant to paragraph (1) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

AMENDMENT NO. 125

(Purpose: To limit compensation to officers and directors of entities receiving emergency economic assistance from the Government)

On page 428, between lines 11 and 12, insert the following:

**Subtitle D—Limits on Executive Compensation**

**SEC. 1551. SHORT TITLE.**

This subtitle may be cited as the “Cap Executive Officer Pay Act of 2009”.

**SEC. 1552. LIMIT ON EXECUTIVE COMPENSATION.**

(a) IN GENERAL.—Notwithstanding any other provision of law or agreement to the contrary, no person who is an officer, director, executive, or other employee of a financial institution or other entity that receives or has received funds under the Troubled Asset Relief Program (or “TARP”), established under section 101 of the Emergency Economic Stabilization Act of 2008, may receive annual compensation in excess of the amount of compensation paid to the President of the United States.

(b) DURATION.—The limitation in subsection (a) shall be a condition of the receipt of assistance under the TARP, and of any modification to such assistance that was received on or before the date of enactment of this Act, and shall remain in effect with respect to each financial institution or other entity that receives such assistance or modification for the duration of the assistance or obligation provided under the TARP.

**SEC. 1553. RULEMAKING AUTHORITY.**

The Secretary shall expeditiously issue such rules as are necessary to carry out this subtitle, including with respect to reimbursement of compensation amounts, as appropriate.

**SEC. 1554. COMPENSATION.**

As used in this subtitle, the term “compensation” includes wages, salary, deferred compensation, retirement contributions, options, bonuses, property, and any other form of compensation or bonus that the Secretary of the Treasury determines is appropriate.

AMENDMENT NO. 236, AS MODIFIED

(Purpose: To establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available)

On page 3, line 22, strike “2010” and insert “2011”.

On page 3, line 23, insert before the period “and an additional \$17,500,000 for such purposes, to remain available until September 30, 2011”.

On page 41, line 4, strike “2010.” and insert “2011, and an additional \$4,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 41, line 21, strike “2010” and insert “2011”.

On page 47, line 8, strike “2010” and insert “2011”.

On page 47, line 26, strike “2010” and insert “2011”.

On page 60, line 4, strike “2010.” and insert “2011, and an additional \$3,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 77, line 19, strike “expended.” and insert “September 30, 2012, and an additional \$10,000,000 for such purposes, to remain available until September 30, 2012.”.

On page 95, line 12, insert before the period “and an additional \$13,000,000 for such purposes, to remain available until September 30, 2011”.

On page 105, line 24, strike “2010” and insert “2011”.

On page 116, line 21, strike “2010.” and insert “2011, and an additional \$7,400,000 for such purposes, to remain available until September 30, 2011.”.

On page 127, line 14, strike “2010” and insert “2011”.

On page 137, line 8, strike “2011.” and insert “2012, and an additional \$15,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 146, line 12, insert before the period “and an additional \$10,000,000 for such purposes, to remain available until September 30, 2012”.

On page 149, between lines 5 and 6, insert the following:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, \$1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike “2010” and insert “2011”.

On page 225, line 6, strike “2010” and insert “2011”.

On page 226, line 23, strike “2010” and insert “2011”.

On page 243, line 6 insert “, and an additional \$12,250,000 for such purposes, to remain available until September 30, 2011” before the colon.

On page 263, line 7, insert “, and an additional \$12,250,000 for such purposes, to remain available until September 30, 2011” before the colon.

On page 733, line 2, strike “expended” and insert “September 30, 2012.”.

Mr. BAUCUS. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

AMENDMENT NO. 363 TO AMENDMENT NO. 98

Mrs. BOXER. Mr. President, I am just waiting to take the Senate out tonight. But I did want to say there was a little bit of a surprise that happened tonight when one of my colleagues offered an amendment to essentially repeal environmental laws as they relate to this bill. All activities of this bill, if this Barrasso amendment were to pass, all the activities would no longer be covered by the National Environmental Policy Act.

That is a very disturbing amendment and I was very surprised by it as chair of the Environment and Public Works Committee here. Thanks to the diligent staff—and I do appreciate them letting me know—I was able to craft another amendment that I hope will precede the amendment of Senator BARRASSO and allow the Senate to express itself, saying that we do not intend to waive environmental laws that

will protect the public health of our communities and, if there are projects that are such a harm to our community, they should be replaced by the many shovel-ready projects that our mayors are telling us are out there, that our Governors are telling us are out there.

We will have that debate tomorrow but I wanted to mention why I was still here at 10 after 10, here protecting our communities across America.

I have sent an amendment to the desk. I hope that amendment will be queued up as per the suggested list of Senator BAUCUS.

The ACTING PRESIDENT pro tempore. The amendment is now pending among the amendments that have been sent up.

The amendment is as follows:

(Purpose: To ensure that any action taken under this act or any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country)

At the appropriate place, insert the following:

FINDINGS

The Senate finds that:

According to leading national and state organizations, there are many more NEPA compliant, ready-to-go activities, than are funded in this bill, and

If there is an action or funds made available for an action that triggers NEPA, and that activity could cause harm to public health, and that harm has not been evaluated under NEPA, the project would not meet the requirements of NEPA and should not be funded.

SECTION 1

Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, must either come into compliance with NEPA or be replaced by other eligible activities.

AMENDMENT NO. 102 TO AMENDMENT NO. 98

The ACTING PRESIDENT pro tempore. The Chair notes for the record that amendment No. 102, sponsored by Senator LANDRIEU, is considered offered and adopted.

The amendment (No. 102) was agreed to, as follows:

(Purpose: To ensure that assistance for the redevelopment of foreclosed and abandoned homes to States or units of local government impacted by catastrophic natural disasters may be used to support the redevelopment of homes damaged or destroyed as a result of the 2005 hurricanes, the severe flooding in the Midwest in 2008, and other natural disasters)

On page 251, lines 13 and 14, strike “housing:” and insert the following: “housing: *Provided further*, That funding used for section 2301(c)(3)(E) of the Act shall also be available to redevelop demolished, blighted, or vacant properties, including those damaged or destroyed in areas subject to a disaster declaration by the President under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)”

MORNING BUSINESS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate

proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

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

#### IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,200, are heartbreaking and touching. While energy prices have dropped in recent weeks, the concerns expressed remain very relevant. To respect the efforts of those who took the opportunity to share their thoughts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

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

We consider ourselves very fortunate that we can still do the things we want. However, we certainly feel the bite at the pump. We are retired (but still working) and were hoping to travel, but the cost is going to get in the way of that. We have cut out unnecessary trips, have a small, efficient car that we use now more often than our pickups and look for ways to conserve. We live in a rural area and no matter how we try to stay close to home, we still have to travel some distance to get supplies and groceries. We still need to drive our pickups and cannot always take the car. Our tractors and other machinery need fuel. Rural Americans are going to feel this more than others. We have longer distances to drive, we have more need for fuel and we do not have public transportation, etc. There is only so much cutting back we can do and still earn a living or make ends meet.

High gas prices cannot help but have a negative effect on other businesses. In an area that used to have a thriving economy based on natural resources (timber), we were told to become dependent on tourism to replace that. This is what happens when tourism is the basis of your economy—people stay home, businesses go belly up, the local economy suffers.

The solution is to begin stepping up the pace to develop our own energy and accompanying infrastructure so that we do not need to be so dependent on countries who certainly do not have our best interests at heart. We cannot afford to place our natural resources off limits and expect the world to meet our needs. It is morally wrong to exploit other countries' resources while our own are locked away.

Thanks for the opportunity to comment.

WAYNE and JULIE BURKHARDT,  
*Indian Valley.*

I most likely will never meet anyone of you. I believe that you must be great, because you were voted to your place where you are seated today, by others just like me, barely keeping my head above water. I believe in this great nation, I believe that your jobs are to be the voice of the great people of this nation. We believed that you could that why we voted for you. So fight for us, our voices are lifted and we are screaming for help. There is no reason we should be here; as a young set of thirteen colonies we broke away for taxes and tyranny. Please tell me why we are at the mercy of tyranny again, and paying those very high taxes.

If we can create a nuclear bomb that kills people, we can spend a trillion dollars a year on a war that kills people and brings this country to its knees. By god we can do something other than this dependence on oil.

Let us be leaders again. Let us be a great people again.

ANNA REED, *Idaho Falls.*

First of all I thank God that I live in Idaho and for the most part my representatives represent me. Secondly, I feel that the rest of the U.S. Congress is absolutely out of touch with average American citizens. I feel that MY beautiful state of Idaho where I live with like-minded people will not be able to make its voice heard in the U.S. Congress. I could tell you how my family is being hit hard by sky-high gasoline, and energy prices, and how I have cut back on driving. I could tell that if gas prices and the cost of energy continues to rise I will be forced to take drastic measures just to keep food on the table and get to work. However, I am truly worried that the elitists in the U.S. Congress will just rub their hands together and say, our plan is working we are saving the globe from warming. Somewhere along the way the majority of our representatives in Congress have forgotten they are just that—representatives. They have taken it upon themselves to be gods thinking they have the moral high ground and who cares how the everyday average American is effected by their decisions. Yes, the United States is too dependent on petroleum for our energy and we are far too dependent on foreign sources of that petroleum. But are we willing to let the economy continue to be crushed because our Congress has bought into the fallacy of Climate Alarmism? Yes! We should be passing legislation to fully utilize proven American oil and natural gas reserves in a way that preserves the environment for future generations. That is why I strongly support policies that will take further and full advantage of nuclear energy technologies, wind and solar power, and effective renewable and alternative fuels. The Congress must take serious action that will result in reduced energy dependence of fossil fuels or provide financial relief for those hit by the recently-sky-rocketing prices. If the moral elitists in Congress don't act quickly there will not be any tax payers left to save the world. The oil companies make four cents a gallon; the government collects 18 cents a gallon—I think we should be investigating Congress.

TOBY ANDERSON.

My family has very much felt the painful effects of high oil prices as I have seven children (four of them teenagers). Even with planning our trips into town we spend an average of \$570 just on fuel, not mention the increased burden of escalated costs of all other commodities that we purchase! I am a believer in taking care of our environment and being responsible caretakers of the earth, but our government and our economy being held hostage by "save the planet" extreme leftist special interest groups has got to end!!! We need to wean off of oil as a major

source of energy but that will take time as I understand it. Therefore, as a temporary measure we need to tap into our resources. That will buy us enough time to establish new technologies such as hydrogen (which I believe is a great method of powering vehicles). The best and one of the safest methods of producing electricity is nuclear, utilizing the ability to reuse the fuel. Drilling for oil, harvesting coal, nuclear, and production of hydrogen can all be done in an environmentally sound way, freeing us from bonds of other countries that would like to kill us and the environmental wackos that believe that the world would be a perfect place without humans and they would like to see us revert back to the 1700s or go away completely! To me, energy is a national security issue that must be dealt with immediately. Please help us out of this mess that we have allowed ourselves to get in through bad government policies.

Thanks for letting me vent.

PAUL PETERSEN.

Sen Crapo, let us see, I can't drive my diesel truck and I do not use my boat, I go to work and back. I think you need to take the oil off the stock market and start drilling. What the hell is wrong with everyone in D.C.? You are making so much money off of oil you cannot take care of this.

Thanks.

DON.

In response to the story we saw on KTVB 10 p.m. last night, and again this morning, I would like to submit the following:

It is amazing how God knows what is coming and has a way of preparing us for it.

Seven years ago, before gas prices started their initial climb, I stumbled upon a deal on a '79 Honda CB650. I had not ridden a motorcycle for eleven years (same length of time it had been sitting in a warehouse). Initially, I did not think I should spend the \$800. But a few weeks later decided I could not pass up the deal. Right after I bought it, gas prices started inching upward.

Last year, my wife, who has never even expressed interest in motorcycles and even asked me what I needed one for when I bought the CB650, began asking questions about riding. And about a month later (May), she decided to go ahead and do it. We got her a little 150 scooter and signed her up for Idaho STARS, but the first opening was not until Sept 7th. So we did a lot of practice in parking lots before the course began.

My elder daughter (31 at the time) had been asking me to teach her to ride for a couple years. But I had to tell her I did not have a bike that was suitable for beginners. It was a high-revving machine that was easy to stall, besides being a rather heavy machine for her to pick up if she dropped it. So when she heard about her mom and found out they provide the bikes for the STARS course, she signed up for the same class, and so did her husband. All three were trained the same weekend.

In short, our solution for high gas prices (at least until Congress acts to provide more permanent relief) is to ride two wheels as much as the weather will allow. We prefer not to ride in the rain, and fortunately for us, summertime is very dry here in the Treasure Valley. However, we do have to face the fact that such tactics will not do us much good when fall and winter come along.

For the moment, we marvel how God prepared us well in advance, and now gas prices are \$1.00/gallon higher than last year.

Here is a sample of our present savings. Nancy's present, freeway-capable 400 scooter gets 52 mpg. She can go 135 miles on 2.6 gallons. We are presently paying \$4.289/gal for premium at Shell. Those 135 miles cost us \$11.15, or little over 8 cents a mile.

If she drives the same 135 miles in our '02 Pontiac Bonneville that gets 22 mpg, she will burn 6.1 gallons of regular unleaded at 4.099/gallon for \$25.01 (18.5 cents a mile.) So every time she fills the scooter, she saves \$14.14 in fuel cost at present prices. Savings numbers on my "bike" are slightly less, but comparable since it gets 46 mpg. My fill up for 135 miles is 2.9 gallons (same grade) for \$12.59, about half of what it costs to drive. And a little publicized fact is that motorcycles contribute a lot less to air pollution, besides being fun to ride, and easier to park.

Like a lot of other comments I have seen on the subject, I also think we should be drilling oil in ANWR as well as our own oil fields in Texas (where production numbers are managed by the Texas Railroad Commission), Oklahoma, California and off-shore to reduce our dependence on foreign oil from countries that do not have our best interests at heart.

We definitely need to build more nuclear power plants, more refineries to balance supply with demand, and proceed with coal conversion, wind energy, and solar power. I know that hydrogen powered cars only emit water, but hydrogen is so highly explosive, I think it will be a tough sell and will take decades to develop an infrastructure for those daring souls willing to participate. A scary thought is what effect the presence of such cars will have on the safety of other travelers.

Respectfully,

GENE HEIKKOLA, *Meridian*.

Today's energy prices and the rate of incline are far exceeding the rate of pay for many jobs in our area (Idaho Falls). As young adults just starting a family, it is depressing to think about the future and not know if I am going to be able to provide for my family.

If we are waiting for a rainy day to tap into our domestic oil sources, that time is now! With all of the advancement in technology hopefully our reliance on fossil fuel is going to diminish so why not use them now. Our economy needs it; if less money is spent on filling vehicles people could travel and spend money to boost the economy.

Thanks.

JARED.

Thank you for your concern and for taking action on our behalf on the high costs of energy and its effects on the average Idaho family. In your email you mention that the average Idaho family spends \$200 per month on gasoline. I feel that that is way too conservative of an estimate. My wife and I spend are now spending \$600 per month on just gasoline. I drive a Honda Accord and my wife drives a minivan, neither of which are horrible gas guzzling SUVs. This is putting a real strain on our budget and we are having to cut back in other areas to compensate for the high cost of fuel. We believe that as a nation we should become energy independent. We both support offshore drilling, drilling in the ANWR, processing oil shale in the Rocky Mountain states, nuclear energy, along with all other forms of energy production. We need to clear the way of lawsuits by declaring a national emergency, of which this is. We cannot continue to be the light of freedom to the world if we are dependent upon the countries that are trying to stomp that light out for our very existence. Thank you for concern in this matter.

FRED and KAMALA FREE, *Idaho Falls*.

The inability of our government to work together has reached a point it is killing our country. When one party tries to advance an idea the other kills it because it does not fit just right with their program. I have never seen the likes of it. I am a registered and a

dyed-in-the-wool Republican but have been having these crazy thoughts that I should vote for a Democrat for President so at least there would be a majority in Congress with a President to go along with it. Crazy thoughts but I am sick of the gridlock.

We are retired and have spent a lifetime getting ready so we could travel and see the country and enjoy these last years of our life. All of the sudden we cannot even hardly drive any longer and we find ourselves not being able to make ends meet at the end of the month. As prices keep going up we will find ourselves in trouble as our income is fixed.

We should be drilling for oil everywhere it is. Why we have blocked drilling all over the country and allowed ourselves to become hostages to OPEC, I will never be able to understand. We are a free society but oil is so critical to our well being there needs to be some oversight on this business to make sure they are refining to capacity and drilling everywhere. We should not be importing one barrel of oil. The way it is now, the oil companies hold down refining to keep the prices up.

Also we should be building nuclear power plants now for the future. Why we stopped building them I do not know.....

Good luck. Please get with your Democrat partners and work something out....anything is better than nothing.

VAL MEIKLE.

Thank you for taking enough interest in the issue of high gas prices to ask Idahoans. Personally, though it is a hit on the budget and will change the amount of time our fifth wheel spends in storage rather than on the road, the high prices are more of a nuisance than a threat. For that my wife and I are blessed. The bigger issue for me and for the many other Idahoans that I talk to is that we, the little people, understand how to fix the problem and apparently our government does not or will not. We need to immediately start drilling where we know there are oil reserves (Alaska, North Dakota/Montana, off shore) and begin construction of new refineries as the drilling progresses. Also, begin the immediate construction of nuclear power plants to eliminate natural gas fired plants so that those resources can be diverted to other uses. We should begin work on oil shale research and development. Lastly, continue to encourage the development of economically feasible alternatives for our next generation of automobiles but let's not abandon what we already have. I had two ten-year-olds staying at our house last night and as we watched the 10:00 p.m. news they made comments that made it clear to me that they understood that government was the biggest obstacle to solving our current 'energy crisis' (so called). Congress needs to shed the bonds they voluntarily accepted from the environmental crowd and do what is right for our country.

DON and GAE BURTON, *Meridian*.

I own a small landscape design and build firm in Boise. The skyrocketing fuel costs are a big hit to my little company. At the prices today, I am spending nearly \$3,000 a month on fuel for four trucks and some small equipment. That is a cost to my company of \$150 per day. It is hard to pass on all the higher expenses and still be competitive in the marketplace so the net effect is a hardship to my bottom line. This year my fuel costs will be more than 50 percent of my salary.

What is our energy policy? Why do we allow other nations to drill off our coast lines only to ship the oil away from our shores and sell it back to us at high prices? When are we going to free ourselves from the

Middle East and other nations such as Venezuela whom have such a hatred of America? Showing the rest of the world that we are serious about our own energy independence will have an immediate impact on the current price we pay at the pump.

We need to develop a dual approach. We need to open up drilling in ANWR and other areas around our country. We need to work towards weaning ourselves off of foreign oil and gain American oil independence.

At the same time we need to work on alternative forms of energy and collectively, government and private industry will be able to solve this crisis.

How about a little focus on our own energy independence and let's start taking care of ourselves, stop all the back biting political posturing and come together as Americans for the good of the nation and our long term survival as the greatest nation on God's Green Earth.

Thanks for listening.

DAVE, *Boise*.

## HONORING OUR ARMED FORCES

CHIEF WARRANT OFFICER JOSHUA M. TILLERY

Mr. MERKLEY, Mr. President, I rise today to honor a brave Oregonian who tragically lost his life last Monday in Kirkuk, Iraq. CWO Joshua M. Tillery, was a pilot with the 6th Squadron, 6th Cavalry Regiment, 10th Combat Aviation Brigade, 10th Mountain Division at Fort Drum. Chief Warrant Officer Tillery was serving his second tour of duty in Iraq at the time of his death.

Joshua Tillery was a recipient of the Bronze Star, the Air Medal, the National Defense Service Medal, the Iraq Campaign Medal for Combat Service, the Global War on Terror Service Medal, two Army Commendation Medals, six Army Achievement Medals, the Noncommissioned Officers Professional Development Ribbon, the Army Service Ribbon, the Army Overseas Service Ribbon, the Army Air Assault Badge, the Army Aviator Badge, the Combat Action Badge, and the Parachutist Badge for his courageous service to our country.

Chief Warrant Officer Tillery represents the most selfless and most honorable of men in our country. His friends and family recall how he was to serve his country and how he always wanted to do whatever he could to help people. Joshua loved to fly and was on his way to becoming a flight safety officer. Like so many Oregonians, he enjoyed outdoor activities, and particularly loved snowboarding and riding dirt bikes. He was 31 years old when he passed, a devoted husband, and father of three young boys with another baby on the way.

I offer my prayers and condolences to his family and friends. Oregon has lost one of its bravest and brightest young men, and I know I join all Oregonians in honoring the legacy of Joshua Tillery.

## ADDITIONAL STATEMENTS

### TRIBUTE TO SYBIL MOSES

● Mr. LAUTENBERG, Mr. President, I wish to pay tribute to Sybil Moses, a

judge and pioneer who for 21 years brought to New Jersey her commitment to the rule of law and passion for the administration of justice. Sybil passed away on January 23, 2009, and is survived by her husband of 48 years, her son, her daughter, and her five beautiful grandchildren. She will be sorely missed by her family and by my home State of New Jersey.

Sybil opened up new opportunities for women by virtue of her hard work, and she created a path that many will follow in the future. After proving herself as a prosecutor and a judge, Sybil was appointed the State's first female assignment judge in 1997. Sybil understood not only the law, but also the needs of residents who came in contact with the court. While serving at the courthouse, for example, she created a free day care center, so that anyone attending a court matter could bring their child with them, rather than having to make other arrangements. Sybil served as an assignment judge until her retirement in October. Even retirement, however, could not stop Sybil, who accepted two Supreme Court committee assignments so that she could continue her work improving New Jersey's judiciary system.

Sybil attended Rutgers Law School in the early 1970s after the birth of her two children. Women were a rarity on campus, and she became part of a group of women who called themselves "The Band of Mothers." Throughout her life, Sybil exhibited an unwavering strength and commitment to succeed, no matter the circumstances.

New Jersey was blessed to have such an enthusiastic, dedicated civil servant administering the rule of law for the past 21 years. Sybil blazed a path that made it easier for women everywhere to accomplish their goals. For that, she will be missed and will serve as a role model for future generations.●

#### HONORING GENEST CONCRETE

● Ms. SNOWE. Mr. President, 2 weeks ago, our Nation witnessed history when Barack Obama was sworn in as President of the United States. I am proud to say that the Sanford High School marching band, from my home State of Maine, was able to participate in the remarkable parade following the inauguration. This would not have been possible without the generosity of many individuals and businesses across southern Maine. I rise today to recognize one of the companies that made a significant donation toward the band's trip, Genest Concrete.

A family-owned small business manufacturing architectural, landscaping and masonry products, Genest Concrete was founded over 70 years ago by Hermangilde Genest. The company started simple, producing hand-pressed concrete blocks with materials mined from Mr. Genest's gravel pit. Over the years, four generations of the Genest family have continually strived to make their company more innovative

and cutting edge, eventually becoming one of the largest manufacturers and distributors of masonry products in New England. Headquartered in Sanford, Genest also has locations in Biddeford and Windham, with authorized dealers throughout northern New England and Massachusetts.

Genest Concrete provides landscape contractors, homeowners, masons, architects and engineers with dozens of durable and superior concrete and masonry products. From stormwater brick to a variety of paving and wall stones, Genest has all the essential tools for producing unique driveways, patios, paths, and freestanding and retaining walls.

More than just a company, Genest is like a family. In fact, it recently launched an inventive effort designed to keep its staff and their families healthy. Performed in coordination with the Worksite Stars of York County program at Goodall Hospital, Genest brings nurses to the company to perform staff health risk assessments. These assessments allow the company to target physical activity and nutritional assistance to their employees. So far, an astounding 90 percent of employees have participated. And as part of the next phase, Genest plans to hold an on-site physical activity program this spring. All employees that complete the 12-week course will be given an additional vacation day. This is on top of the partial reimbursement the firm already offers toward gym memberships. Genest also hopes to make financial wellness and other classes available to its employees later this year.

In addition to helping sponsor the Sanford marching band's trip, Genest has made many other generous contributions to the community throughout the years. In 2001, Genest provided materials for David Hopkins to build a skate park in South Berwick as his Eagle Scout project. In 2006, the company donated concrete to Habitat for Humanity in York County for its Blitz Build, when the group constructed a new house in Shapleigh. Genest Concrete also actively sponsors the Sanford Mainers, part of the New England Collegiate Baseball League, as well as teams in the Sanford-Springvale Youth Athletic Association basketball league. And among many other efforts, Genest serves as part of the Maine Children's Alliance Business Advisory Group, as well as supports Day One, an initiative aimed at reducing substance abuse by Maine youth.

While rising to the top of its field, Genest has never forgotten the community that helped it get there. Its consistent and dedicated endeavors to serve the community have not gone unnoticed. Thank you to everyone at Genest Concrete for all of your philanthropic efforts, and best wishes for your continued success.●

#### MESSAGES FROM THE HOUSE

At 11:15 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 549. An act to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes.

H.R. 559. An act to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes.

H.R. 748. An act to establish and operate a National Center for Campus Public Safety.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 6, 2009, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. HINCHEY of New York, Mr. HILL of Indiana, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS of Maryland, Mr. SNYDER of Arkansas, Mr. PAUL of Texas, Mr. BURGESS of Texas, and Mr. CAMPBELL of California.

At 1:40 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House agreed to the amendment of the Senate to the bill (H.R. 2) to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

#### ENROLLED BILL SIGNED

At 1:59 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2. An act to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:52 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 352. An act to postpone the DTV transition date.

The message further announced that pursuant to section 8002 of the Internal Revenue Code of 1986, the Committee on Ways and Means designated the following Members of the House of Representatives to serve on the Joint Committee on Taxation: Mr. RANGEL of New York, Mr. STARK of California, Mr.

LEVIN of Michigan, Mr. CAMP of Michigan, and Mr. HERGER of California.

### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 549. An act to amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 553. An act to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 559. An act to amend the Homeland Security Act of 2002 to establish an appeal and redress process for individuals wrongly delayed or prohibited from boarding a flight, or denied a right, benefit, or privilege, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 748. An act to establish and operate a National Center for Campus Public Safety; to the Committee on the Judiciary.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DEMINT (for himself, Mr. VITTER, Mr. WICKER, and Mr. CHAMBLISS):

S. 374. A bill to amend the Consumer Product Safety Act to provide regulatory relief to small and family-owned businesses; to the Committee on Commerce, Science, and Transportation.

By Mr. TESTER (for himself and Mr. BAUCUS):

S. 375. A bill to authorize the Crow Tribe of Indians water rights settlement, and for other purposes; to the Committee on Indian Affairs.

By Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY):

S. 376. A bill to provide rules for the modification or disposition of certain assets by real estate mortgage investment conduits pursuant to division A of the Emergency Economic Stabilization Act of 2008, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. 377. A bill to designate the United States courthouse located at 131 East 4th Street in Davenport, Iowa, as the "James A. Leach United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself and Mr. GRAHAM):

S. 378. A bill to correct the interpretation of the term proceeds under RICO; to the Committee on the Judiciary.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, Mr. CORKER, and Mrs. BOXER):

S. 379. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 380. A bill to expand the boundaries of the Thunder Bay National Marine Sanctuary

and Underwater Preserve, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. AKAKA (for himself, Mr. INOUE, and Ms. MURKOWSKI):

S. 381. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 382. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in States with more cost-effective health care delivery systems; to the Committee on Finance.

By Mrs. MCCASKILL (for herself, Mr. GRASSLEY, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. DODD, Mr. BUNNING, Mr. SCHUMER, Mr. NELSON of Nebraska, and Mrs. SHAHEEN):

S. 383. A bill to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes; considered and passed.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY (for himself and Mr. SPECTER):

S. Res. 27. A resolution congratulating the Pittsburgh Steelers on winning Super Bowl XLIII; considered and agreed to.

### ADDITIONAL COSPONSORS

S. 261

At the request of Mr. GRAHAM, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 261, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for the travel expenses of a taxpayer's spouse who accompanies the taxpayer on business travel.

S. 271

At the request of Ms. CANTWELL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 271, a bill to amend the Internal Revenue Code of 1986 to provide incentives to accelerate the production and adoption of plug-in electric vehicles and related component parts.

S. 359

At the request of Mr. INOUE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 359, a bill to establish the Hawai'i Capital National Heritage Area, and for other purposes.

S. 371

At the request of Mr. THUNE, the names of the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. ENSIGN), the Senator from Iowa (Mr. GRASSLEY) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 371, a bill to amend chapter 44 of title 18,

United States Code, to allow citizens who have concealed carry permits from the State in which they reside to carry concealed firearms in another State that grants concealed carry permits, if the individual complies with the laws of the State.

S. CON. RES. 3

At the request of Mr. DODD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 100th anniversary.

AMENDMENT NO. 102

At the request of Ms. LANDRIEU, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Mississippi (Mr. WICKER) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 102 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 105

At the request of Mr. CASEY, the name of the Senator from Delaware (Mr. KAUFMAN) was added as a cosponsor of amendment No. 105 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 106

At the request of Mr. ISAKSON, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of amendment No. 106 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 114

At the request of Mr. KERRY, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 114 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 116

At the request of Mr. CARDIN, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from

New Hampshire (Mrs. SHAHEEN) were added as cosponsors of amendment No. 116 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 138

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of amendment No. 138 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 139

At the request of Mr. DORGAN, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of amendment No. 139 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 140

At the request of Mr. FEINGOLD, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 140 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 145

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 145 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 161

At the request of Mr. BOND, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Alaska (Mr. BEGICH) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 161 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 161 proposed to H.R. 1, supra.

## AMENDMENT NO. 171

At the request of Mr. CARPER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 171 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 173

At the request of Mr. LEVIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 173 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 189

At the request of Mr. DEMINT, the names of the Senator from Louisiana (Mr. VITTER), the Senator from Kansas (Mr. BROWNBACK), the Senator from South Dakota (Mr. THUNE) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 189 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 197

At the request of Mr. THUNE, the names of the Senator from Arizona (Mr. KYL), the Senator from South Carolina (Mr. DEMINT) and the Senator from Nebraska (Mr. JOHANN) were added as cosponsors of amendment No. 197 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 204

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 204 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## AMENDMENT NO. 206

At the request of Ms. LANDRIEU, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of amendment No. 206 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY):

S. 376. A bill to provide rules for the modification or disposition of certain assets by real estate mortgage investment conduits pursuant to division A of the Emergency Economic Stabilization Act of 2008, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I introduce, along with Senators DODD, KERRY, SCHUMER, and STABENOW, the Real Estate Mortgage Investment Conduit, REMIC, Improvement Act. This legislation could provide one of the keys to solving our national foreclosure crisis by unlocking mortgage securitization trusts so that more homeowners can stay in their homes.

In my own state of Rhode Island, 7.30 percent of all outstanding home loans are delinquent and 5.33 percent of all home loans are in the foreclosure process. This is the 10th highest foreclosure rate in the Nation, and the highest in New England. I have heard story after story of how difficult it is to get a loan modified or restructured if it is part of a mortgage securitization pool. As we have learned, part of the reason we are in the worst housing crisis since the Depression is that Wall Street firms packaged mortgages into pools and then sold different tranches of these pools to investors from all over the world. This diverse and convoluted ownership structure has made it difficult to get investor approval to modify or restructure them. Unlike in the movie "It's a Wonderful Life," most families can no longer walk into their local bank to talk to George Bailey about modifying or restructuring their loan.

The Emergency Economic Stabilization Act of 2008 required the Treasury Department to use its new authorities to incentivize servicers toward more loan restructurings. However, it has become clear that additional legislation is needed to free servicers of these loan pools from conflicting requirements regarding modifications and provide them with the ability to sell mortgages to Treasury for foreclosure avoidance.

Many servicers, managing pools of loans for investors, are constrained by the trust agreements from modifying loans to a level that families can afford to pay or from selling the underlying

mortgage loans. In other cases, servicers must obtain the approval of a significant number of the trust's beneficiaries or third parties in order to make changes to how loans within the pool are handled. However, the trust agreements also provide that servicers must amend the agreements if doing so would be helpful or necessary to stay in compliance with tax rules under the REMIC statute; REMIC status frees these securitization trusts from taxation at the entity level and therefore provides important benefits to its investors.

Under the REMIC Improvement Act, in order to keep their preferred tax status under the REMIC provisions of the Internal Revenue Code, servicers would need to modify their trust agreements to remove artificial restrictions that keep them from modifying loans that provide a greater return to investors as a whole than foreclosing would, and keep families in their homes to prevent entirely unnecessary foreclosures at the same time. This is a practical way for servicers to modify loans without undue fear of legal sanctions. This also would allow servicers to sell loans to Treasury for restructuring without having to obtain an affirmative response by a significant number of the beneficiaries of the trust if it was for the good of the overall trust. Participation in any Treasury program would be voluntary, but some of the key legal impediments to participation would be removed.

Additionally, the Treasury Department has not put in place a loan modification program, even after Congress gave it the authority to do so in the Emergency Economic Stabilization Act. Many experts believe such a program would be helpful in helping resolve the current housing crisis. The REMIC Improvement Act will ensure that Treasury uses its authority to set up a program to achieve broad-scale modifications and, where necessary, dispositions of foreclosed property.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 376

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Real Estate Mortgage Investment Conduit Improvement Act of 2009".

#### SEC. 2. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) modifies or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 3 of this Act—

(1) such modification or disposition shall not be treated as a prohibited transaction under section 860F(a)(2) of such Code, and

(2) for purposes of part IV of subchapter M of chapter 1 of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860G(a)(1) of such Code) solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as amounts received under qualified mortgages.

(b) TERMINATION OF REMIC.—For purposes of the Internal Revenue Code of 1986, an entity which is a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) shall cease to be a REMIC if the instruments governing the conduct of servicers or trustees with respect to qualified mortgages (as defined in section 860G(a)(3) of such Code) or foreclosure property (as defined in section 860G(a)(8) of such Code)—

(1) prohibit or restrict (including restrictions on the type, number, percentage, or frequency of modifications or dispositions) such servicers or trustees from reasonably modifying or disposing of such qualified mortgages or such foreclosure property in order to participate in the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 3 of this Act,

(2) commit to a person other than the servicer or trustee the authority to prevent the reasonable modification or disposition of any such qualified mortgage or foreclosure property,

(3) require a servicer or trustee to purchase qualified mortgages which are in default or as to which default is reasonably foreseeable for the purposes of reasonably modifying such mortgages or as a consequence of such reasonable modification, or

(4) fail to provide that any duty a servicer or trustee owes when modifying or disposing of qualified mortgages or foreclosure property shall be to the trust in the aggregate and not to any individual or class of investors.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—Subsection (a) shall apply to modification and dispositions after the date of the enactment of this Act, in taxable years ending on or after such date.

(2) SUBSECTION (b).—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) shall take effect on the date that is 3 months after the date of the enactment of this Act.

(B) EXCEPTION.—The Secretary of the Treasury may waive the application of subsection (b) in whole or in part for any period of time with respect to any entity if—

(i) the Secretary determines that such entity is unable to comply with the requirements of such subsection in a timely manner, or

(ii) the Secretary determines that such waiver would further the purposes of this Act.

#### SEC. 3. ESTABLISHMENT OF A HOME MORTGAGE LOAN RELIEF PROGRAM UNDER THE TROUBLED ASSET RELIEF PROGRAM AND RELATED AUTHORITIES.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall establish and implement a program under the Troubled Asset Relief Program and related authorities established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a))—

(1) to achieve appropriate broad-scale modifications or dispositions of troubled home mortgage loans; and

(2) to achieve appropriate broad-scale dispositions of foreclosure property.

(b) RULES.—The Secretary of the Treasury shall promulgate rules governing the—

(1) reasonable modification of any home mortgage loan pursuant to the requirements of this Act; and

(2) disposition of any such home mortgage loan or foreclosed property pursuant to the requirements of this Act.

(c) CONSIDERATIONS.—In developing the rules required under subsection (b), the Secretary of the Treasury shall take into consideration—

(1) the debt-to-income ratio, loan-to-value ratio, or payment history of the mortgagors of such home mortgage loans; and

(2) any other factors consistent with the intent to streamline modifications of troubled home mortgage loans into sustainable home mortgage loans.

(d) USE OF BROAD AUTHORITY.—The Secretary of the Treasury shall use all available authorities to implement the home mortgage loan relief program established under this section, including, as appropriate—

(1) home mortgage loan purchases;

(2) home mortgage loan guarantees;

(3) making and funding commitments to purchase home mortgage loans or mortgage-backed securities;

(4) buying down interest rates and principal on home mortgage loans;

(5) principal forbearance; and

(6) developing standard home mortgage loan modification and disposition protocols, which shall include ratifying that servicer action taken in anticipation of any necessary changes to the instruments governing the conduct of servicers or trustees with respect to qualified mortgages or foreclosure property are consistent with the Secretary of the Treasury's standard home mortgage loan modification and disposition protocols.

(e) PAYMENTS AUTHORIZED.—The Secretary of the Treasury is authorized to pay servicers for home mortgage loan modifications or other dispositions consistent with any rules established under subsection (b).

(f) RULE OF CONSTRUCTION.—Any standard home mortgage loan modification and disposition protocols developed by the Secretary of the Treasury under this section shall be construed to constitute standard industry practice.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, Mr. CORKER, and Mrs. BOXER):

S. 379. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, Senator HATCH and I renew our bipartisan effort to improve and modernize our intellectual property laws. We are reintroducing the Performance Rights Act to ensure artists are compensated fairly when their works are used. I am pleased that performance rights legislation will be introduced in the House today, as well.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists—the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. The songwriters' work is promoted by the air play, but no one seriously questions that the songwriter

should be paid for the use of his or her work. The performing artist, however, is not paid by the radio station.

The time has come to end this inequity. Its historical justification has been overtaken by technological change. In the digital world, we enjoy music transmitted over a variety of platforms. When webcasters, satellite radio companies, or cable companies play music, and profit from its use, they compensate the performing artists. Terrestrial broadcast radio is the only platform that still does not pay for the use of sound recordings.

Radio play surely has promotional value to the artists, but there is a property right in the sound recording, and those that create the content should be compensated for their work. The United States is behind the times in this regard. Ours is the only Nation that is a member of the Organization for Economic Cooperation and Development but still does not compensate artists. An unfortunate result of the lack of a performance rights in the United States is that American artists are not compensated when their recordings are played abroad.

Artists should have the same rights regardless of the platform over which their work is used. All platforms promote artists and all platforms profit off the artists' work. Today, different rate standards and restrictions are applied to different music delivery platforms, with broadcast radio stations being uniquely and completely exempt. In the last Congress, Senator FEINSTEIN chaired a hearing in the Judiciary Committee that addressed whether the time has come to achieve platform parity by harmonizing the terms and conditions for use of the statutory copyright license. Senator FEINSTEIN has been a leader on this issue, and I am pleased to accept her offer to lead negotiations this year to develop a new standard that can be applied across platforms.

We also need to make certain that songwriters are protected in this process. Songwriters currently do receive compensation from radio stations. The changes made by this legislation, which will ensure performing artists are compensated, should not have any negative effect on songwriters. I will work closely with the songwriters and we will make sure that is the case.

In introducing the Performance Rights Act today, we are sensitive to the needs of broadcast radio stations; we are sensitive to the regulatory regime under which they operate; and we are particularly sensitive to the fact that it is not just artists, but also broadcasters that are facing a difficult economic climate. Rather than require all radio stations to pay fair market value to artists for the songs they play, the legislation includes special provisions for noncommercial and all but the largest commercial stations. In addition, every radio station can use a statutory copyright license to transmit sound recordings, instead of negoti-

ating licenses separately in the marketplace.

Noncommercial stations have a different mission than do commercial stations and they require a different status. Our legislation, appropriately, permits noncommercial stations to take advantage of the statutory copyright license subject only to a nominal annual payment to the artists.

Similarly, we intend to nurture, not threaten, small commercial broadcasters. Smaller music stations are working hard to serve their local communities while finding the right formula to increase their audience size. We intend to foster the growth of these stations—nearly 85 percent of the radio stations in Vermont—and the legislation does that by also providing a flat fee option for use of the statutory license to the more than 75 percent of commercial music stations earning less than \$1.25 million a year. This payment may only provide minimal compensation to the artists whose music is used by the vast majority of commercial music stations, particularly when viewed against the fair market value of the music, but by helping radio stations grow, artists, the stations, and the public will all benefit.

I am an avid music fan and much of the music I enjoy I first heard on the radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists' recordings.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist, the one whose sound recordings drive the success of broadcast radio, is compensated fairly. I will continue to work with the broadcasters—large and small, commercial and noncommercial—to strike the right balance.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 379

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Performance Rights Act".

**SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.**

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

"(6) in the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission."

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING PERFORMANCE RIGHT.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "a digital" and inserting "an"; and

(2) by striking subparagraph (A).

(c) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING STATUTORY LICENSE SYSTEM.—Section 114(j)(6) of title 17, United States Code, is amended by striking "digital".

(d) ELIMINATING REGULATORY BURDENS FOR TERRESTRIAL BROADCAST STATIONS.—Section 114(d)(2) of title 17, United States Code, is amended in the matter preceding subparagraph (A) by striking "subsection (f) if" and inserting "subsection (f) if, other than for a nonsubscription and noninteractive broadcast transmission,".

**SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS STATIONS AND CERTAIN USES.**

(a) SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

"(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues in any calendar year of less than \$1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of \$5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

"(E) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of \$1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding."

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) by reason of the amendment made by section 2(b)(2) of this Act.

(b) TRANSMISSION OF RELIGIOUS SERVICES; INCIDENTAL USES OF MUSIC.—Section 114(d)(1) of title 17, United States Code, as amended by section 2(b), is further amended by inserting the following before subparagraph (B):

"(A) an eligible nonsubscription transmission of—

"(i) services at a place of worship or other religious assembly; and

"(ii) an incidental use of a musical sound recording;"

**SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.**

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence: "Such rates and terms shall include a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings."

**SEC. 5. NO HARMFUL EFFECTS ON SONGWRITERS.**

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(i) of title 17, United States Code, is amended in the second sentence by striking "It is the intent of Congress that royalties" and inserting "Royalties".

(b) PUBLIC PERFORMANCE RIGHTS AND ROYALTIES.—Nothing in this Act shall adversely affect in any respect the public performance rights of or royalties payable to songwriters or copyright owners of musical works.

Mr. HATCH. Mr. President, I rise today to express my support for the Performance Rights Act, S. 379, introduced today by Senate Judiciary Committee chairman, PATRICK LEAHY, and myself. It is time to amend copyright law to establish performance rights on sound recordings. I believe that artists should be compensated for their work. This is an issue of fairness and equity.

I agree with the position of the Department of Commerce Working Group on Intellectual Property Rights: the lack of a performance right in sound recordings is “an historical anomaly that does not have a strong policy justification—and certainly not a legal one.”

This legislation would ensure that musical performers and songwriters receive fair compensation from all companies across the broadcast spectrum, not just from Web casters, satellite radio providers, and cable companies. The proposed legislation attempts to strike a harmonious balance between fair compensation for artists and a vibrant radio industry in the U.S.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters.

The legislation also provides for a blanket license of \$5,000 for small commercial broadcasters whose gross revenues do not exceed \$1.25 million a year. In addition, noncommercial broadcasters as defined by section 118 of the Copyright Act, such as public, educational and religious stations, would have a blanket license of \$1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

Let me repeat, this provision is to ensure that songwriters are not adversely affected by enactment of this bill. I understand the concerns of the songwriting community and the difficulty some have in recouping royalties on infringed works. We must ensure that our songwriters are not placed in situations where their property rights are ignored by infringers. Chairman LEAHY agrees that additional

work to address the issue of willful infringement is necessary before enactment, and I look forward to working with him.

I want the broadcasting community to know that I am committed to working with them throughout the legislative process. I continue to have an open-door policy and welcome a productive dialogue on this issue. There is no question that radio play promotes artists and their sound recordings. There is also no question that radio stations profit directly from playing the artists' recordings. Indeed, we must strike a fair balance, one that fosters a vibrant broadcast radio community and compensates artists for their work.

By Mr. AKAKA (for himself, Mr. INOUE, and Ms. MURKOWSKI):

S. 381. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian government and the recognition by the United States of the Native Hawaiian government, and for other purposes; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President. Today I introduce the Native Hawaiian Government Reorganization Act of 2009. While this legislation is especially significant to Native Hawaiians, I introduce this measure for all the people of Hawaii. This bill authorizes a process to extend federal recognition to Hawaii's indigenous people for the purposes of a government-to-government relationship with the United States. This benefits all the people of Hawaii, as they will now have a structured, formal process to come together to address many unresolved issues confronting our state and our residents.

Unlike our Nation's other indigenous people, the Federal policy of self-governance and self-determination has not been extended to Native Hawaiians. The bill addresses this need and establishes parity. It provides Native Hawaiians a formal opportunity to participate in making policy decisions and empowers them to interact at the State and Federal levels through a government-to-government relationship. The legislation is consistent with federal and state law and allows Native Hawaiians to be treated the same way as our country's other indigenous people.

The United States has recognized and upheld a responsibility for the wellbeing of indigenous, native people, including Native Hawaiians. Congress has enacted more than 160 statutes to address the needs of Native Hawaiians. In 1993, I sponsored a measure commonly known as the Apology Resolution that was enacted into law. The Resolution outlined the history prior to and following the overthrow of the Kingdom of Hawaii, including involvement in the overthrow by agents of the United States. Further, in the Resolution the United States apologized for its involvement in the overthrow and

committed itself to acknowledge the ramifications of the overthrow and support reconciliation efforts between the United States and the Native Hawaiian people. This was a historic declaration that has initiated a healing process. However, additional Congressional action is needed to continue this process.

The legislation allows us to take the necessary next step in the reconciliation process. The bill does three things. First, it authorizes an office in the Department of the Interior to serve as a liaison between Native Hawaiians and the United States. Second, it forms an interagency task force chaired by the Departments of Justice and Interior, as well as composed of officials from federal agencies who currently administer programs and services impacting Native Hawaiians. Third, it authorizes a process for the reorganization of the Native Hawaiian government for the purposes of a federally recognized government-to-government relationship. Once the Native Hawaiian government is recognized, the bill establishes an inclusive democratic negotiations process representing both Native Hawaiians and non-Native Hawaiians. There are many checks and balances in this process and any agreements reached will require implementing legislation at the State and Federal levels.

This legislation is needed to address issues present in my home state. It is a reality that there are longstanding and unresolved issues resulting from the overthrow. Despite good faith efforts to address these issues, the lack of a government-to-government relationship has limited progress. Building on the constitutionally sound and deliberate efforts of Congress and the State of Hawaii, it is necessary that Native Hawaiians be able to reorganize a government and enter into discussions with the Federal and State governments. My bill would ensure there is a structured process by which Native Hawaiians and the people of Hawaii can come together, resolve such complicated issues, and move forward together as a State.

The legislation I introduce today is identical to language passed by the House of Representatives in the 106th Congress. This bill is the product of five working groups the Hawaii Congressional Delegation created to assist with the drafting of this legislation. The working groups were composed of individuals from the Native Hawaiian community, elected officials from the State of Hawaii, representatives from federal agencies, Members of Congress, as well as leaders from Indian Country and experts in constitutional law. This ensured that all parties that had expertise and would work to implement the legislation had an opportunity to collectively and collaboratively participate in the drafting process.

The Hawaii Congressional delegation has carefully considered the significant public input and Congressional oversight on this bill over the last 9 years.

To date, there have been a total of 9 Congressional hearings, including 6 joint hearings held by the Senate Indian Affairs Committee and House Natural Resources Committee, 5 of which were held in Hawaii. From the beginning, the National Congress of American Indians and Alaska Federation of Natives have joined Native Hawaiians in their pursuit for federal recognition. In the 110th Congress, the Senate Committee on Indian Affairs explored the legal aspects of the bill where Hawaii's State Attorney General expressed his support and spoke to the constitutionality of this measure. In addition to the bipartisan support at the Federal and State level for the bill, national organizations such as the American Bar Association, Japanese American Citizens League, and National Indian Education Association have also urged Congress to pass legislation establishing a process to provide federal recognition to Native Hawaiians.

It is clear this legislation is constitutional and provides a framework respectful of the needs of Native Hawaiians and non-Native Hawaiians. Their combined efforts will be needed as each will play an active role in reaching agreements and enacting implementing legislation at the state and federal levels. I ask my colleagues to join Senator INOUE and I, in enacting this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 381

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. FINDINGS.

Congress makes the following findings:

(1) The Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States.

(2) Native Hawaiians, the native people of the Hawaiian archipelago which is now part of the United States, are indigenous, native people of the United States.

(3) The United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians.

(4) Under the treaty making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

(5) Pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 203,500 acres of land in the Federal territory that later became the State of Hawaii to address the conditions of Native Hawaiians.

(6) By setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii.

(7) Approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land.

(8) In 1959, as part of the compact admitting Hawaii into the United States, Congress established the Ceded Lands Trust for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians. Such trust consists of approximately 1,800,000 acres of land, submerged lands, and the revenues derived from such lands, the assets of which have never been completely inventoried or segregated.

(9) Throughout the years, Native Hawaiians have repeatedly sought access to the Ceded Lands Trust and its resources and revenues in order to establish and maintain native settlements and distinct native communities throughout the State.

(10) The Hawaiian Home Lands and the Ceded Lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival of the Native Hawaiian people.

(11) Native Hawaiians have maintained other distinctly native areas in Hawaii.

(12) On November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States role in the overthrow of the Kingdom of Hawaii.

(13) The Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum.

(14) The Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution.

(15) Despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs.

(16) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control.

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and sub-

sistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources.

(18) The Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs.

(19) This Act provides for a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian government for the purpose of giving expression to their rights as native people to self-determination and self-governance.

(20) The United States has declared that—  
(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii.

(21) The United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for 5 purposes, one of which is for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act.

(22) The United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) The United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.**—The term “aboriginal, indigenous, native people” means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States.

(2) **ADULT MEMBERS.**—The term “adult members” means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the final roll, as provided in section 7(a)(3) of this Act.

(3) **APOLOGY RESOLUTION.**—The term “Apology Resolution” means Public Law 103-150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) **CEDED LANDS.**—The term “ceded lands” means those lands which were ceded to the United States by the Republic of Hawaii under the Joint Resolution to provide for annexing the Hawaiian Islands to the United States of July 7, 1898 (30 Stat. 750), and which were later transferred to the State of Hawaii in the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union” approved March 18, 1959 (Public Law 86-3; 73 Stat. 4).

(5) **COMMISSION.**—The term “Commission” means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (7)(A).

(6) **INDIGENOUS, NATIVE PEOPLE.**—The term “indigenous, native people” means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) **NATIVE HAWAIIAN.**—

(A) Prior to the recognition by the United States of a Native Hawaiian government under the authority of section 7(d)(2) of this Act, the term “Native Hawaiian” means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, and includes all Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) and their lineal descendants.

(B) Following the recognition by the United States of the Native Hawaiian government under section 7(d)(2) of this Act, the term “Native Hawaiian” shall have the meaning given to such term in the organic governing documents of the Native Hawaiian government.

(8) **NATIVE HAWAIIAN GOVERNMENT.**—The term “Native Hawaiian government” means the citizens of the government of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d)(2) of this Act.

(9) **NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.**—The term “Native Hawaiian Interim Governing Council” means the interim governing council that is organized under section 7(c) of this Act.

(10) **ROLL.**—The term “roll” means the roll that is developed under the authority of section 7(a) of this Act.

(11) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(12) **TASK FORCE.**—The term “Task Force” means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

### SEC. 3. UNITED STATES POLICY AND PURPOSE.

(a) **POLICY.**—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled “An Act to provide for the admission of the State of Hawaii into the Union”, approved March 18, 1959 (Public Law 86-3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian government; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) **PURPOSE.**—It is the intent of Congress that the purpose of this Act is to provide a process for the reorganization of a Native Hawaiian government and for the recognition by the United States of the Native Hawaiian government for purposes of continuing a government-to-government relationship.

### SEC. 4. ESTABLISHMENT OF THE UNITED STATES OFFICE FOR NATIVE HAWAIIAN AFFAIRS.

(a) **IN GENERAL.**—There is established within the Office of the Secretary the United States Office for Native Hawaiian Affairs.

(b) **DUTIES OF THE OFFICE.**—The United States Office for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian government and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may affect traditional or current Native Hawaiian practices and matters that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian government by providing timely notice to, and consulting with the Native Hawaiian people and the Native Hawaiian government prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian government and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian government by the United States as provided for in section 7(d)(2) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian government; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(c) of this Act, and the recognition of the Native Hawaiian government as provided for in section 7(d) of this Act.

(c) **AUTHORITY.**—The United States Office for Native Hawaiian Affairs is authorized to enter into a contract with or make grants for the purposes of the activities authorized or addressed in section 7 of this Act for a period of 3 years from the date of enactment of this Act.

### SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the United States Office for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political, legal, and trust relationship with the United States, and upon the recognition of the Native Hawaiian government as provided for in section 7(d)(2) of this Act, in the implementation and protection of the rights of the Native Hawaiian government and its political, legal, and trust relationship with the United States.

### SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) **ESTABLISHMENT.**—There is established an interagency task force to be known as the “Native Hawaiian Interagency Task Force”.

(b) **COMPOSITION.**—The Task Force shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the United States Office for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) **LEAD AGENCIES.**—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of either of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the United States Office for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian government by the United States as provided in section 7(d)(2) of this Act, consultation with the Native Hawaiian government; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

**SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNMENT, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.**

(a) ROLL.—

(1) PREPARATION OF ROLL.—The United States Office for Native Hawaiian Affairs shall assist the adult members of the Native Hawaiian community who wish to participate in the reorganization of a Native Hawaiian government in preparing a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of the—

(A) adult members of the Native Hawaiian community who wish to become citizens of a Native Hawaiian government and who are—

(i) the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on or before January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago; or

(ii) Native Hawaiians who were eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or their lineal descendants; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—

(i) IN GENERAL.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act.

(ii) MEMBERSHIP.—

(I) APPOINTMENT.—The Secretary shall appoint the members of the Commission in accordance with subclause (II). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(II) REQUIREMENTS.—The members of the Commission shall be Native Hawaiian, as defined in section 2(7)(A) of this Act, and shall have expertise in the certification of Native Hawaiian ancestry.

(III) CONGRESSIONAL SUBMISSION OF SUGGESTED CANDIDATES.—In appointing members of the Commission, the Secretary may choose such members from among—

(aa) five suggested candidates submitted by the Majority Leader of the Senate and the Minority Leader of the Senate from a list of

candidates provided to such leaders by the Chairman and Vice Chairman of the Committee on Indian Affairs of the Senate; and

(bb) four suggested candidates submitted by the Speaker of the House of Representatives and the Minority Leader of the House of Representatives from a list provided to the Speaker and the Minority Leader by the Chairman and Ranking member of the Committee on Resources of the House of Representatives.

(iii) EXPENSES.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(B) CERTIFICATION.—The Commission shall certify that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(7)(A) of this Act.

(3) SECRETARY.—

(A) CERTIFICATION.—The Secretary shall review the Commission's certification of the membership roll and determine whether it is consistent with applicable Federal law, including the special trust relationship between the United States and the indigenous, native people of the United States.

(B) PUBLICATION.—Upon making the determination authorized in subparagraph (A), the Secretary shall publish a final roll.

(C) APPEAL.—

(i) ESTABLISHMENT OF MECHANISM.—The Secretary is authorized to establish a mechanism for an appeal of the Commission's determination as it concerns—

(I) the exclusion of the name of a person who meets the definition of Native Hawaiian, as defined in section 2(7)(A) of this Act, from the roll; or

(II) a challenge to the inclusion of the name of a person on the roll on the grounds that the person does not meet the definition of Native Hawaiian, as so defined.

(ii) PUBLICATION; UPDATE.—The Secretary shall publish the final roll while appeals are pending, and shall update the final roll and the publication of the final roll upon the final disposition of any appeal.

(D) FAILURE TO ACT.—If the Secretary fails to make the certification authorized in subparagraph (A) within 90 days of the date that the Commission submits the membership roll to the Secretary, the certification shall be deemed to have been made, and the Commission shall publish the final roll.

(4) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council and the Native Hawaiian government.

(b) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian people to organize for their common welfare and to adopt appropriate organic governing documents is hereby recognized by the United States.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—The adult members listed on the roll developed under the authority of subsection (a) are authorized to—

(A) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(B) determine the structure of the Native Hawaiian Interim Governing Council; and

(C) elect members to the Native Hawaiian Interim Governing Council.

(2) ELECTION.—Upon the request of the adult members listed on the roll developed under the authority of subsection (a), the United States Office for Native Hawaiian Af-

fairs may assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council.

(3) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) FUNDING.—The Native Hawaiian Interim Governing Council is authorized to enter into a contract or grant with any Federal agency, including but not limited to, the United States Office for Native Hawaiian Affairs within the Department of the Interior and the Administration for Native Americans within the Department of Health and Human Services, to carry out the activities set forth in subparagraph (C).

(C) ACTIVITIES.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to conduct a referendum of the adult members listed on the roll developed under the authority of subsection (a) for the purpose of determining (but not limited to) the following:

(I) The proposed elements of the organic governing documents of a Native Hawaiian government.

(II) The proposed powers and authorities to be exercised by a Native Hawaiian government, as well as the proposed privileges and immunities of a Native Hawaiian government.

(III) The proposed civil rights and protection of such rights of the citizens of a Native Hawaiian government and all persons subject to the authority of a Native Hawaiian government.

(ii) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum, the Native Hawaiian Interim Governing Council is authorized to develop proposed organic governing documents for a Native Hawaiian government.

(iii) DISTRIBUTION.—The Native Hawaiian Interim Governing Council is authorized to distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(iv) CONSULTATION.—The Native Hawaiian Interim Governing Council is authorized to freely consult with those members listed on the roll concerning the text and description of the proposed organic governing documents.

(D) ELECTIONS.—

(i) IN GENERAL.—The Native Hawaiian Interim Governing Council is authorized to hold elections for the purpose of ratifying the proposed organic governing documents, and upon ratification of the organic governing documents, to hold elections for the officers of the Native Hawaiian government.

(ii) ASSISTANCE.—Upon the request of the Native Hawaiian Interim Governing Council, the United States Office of Native Hawaiian Affairs may assist the Council in conducting such elections.

(4) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time at which the duly elected officers of the Native Hawaiian government take office.

(d) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNMENT.—

(1) PROCESS FOR RECOGNITION.—

(A) SUBMITTAL OF ORGANIC GOVERNING DOCUMENTS.—The duly elected officers of the Native Hawaiian government shall submit the

organic governing documents of the Native Hawaiian government to the Secretary.

(B) CERTIFICATIONS.—Within 90 days of the date that the duly elected officers of the Native Hawaiian government submit the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) were adopted by a majority vote of the adult members listed on the roll prepared under the authority of subsection (a);

(ii) are consistent with applicable Federal law and the special trust relationship between the United States and the indigenous native people of the United States;

(iii) provide for the exercise of those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(iv) provide for the protection of the civil rights of the citizens of the Native Hawaiian government and all persons subject to the authority of the Native Hawaiian government, and to assure that the Native Hawaiian government exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian government without the consent of the Native Hawaiian government;

(vi) establish the criteria for citizenship in the Native Hawaiian government; and

(vii) provide authority for the Native Hawaiian government to negotiate with Federal, State, and local governments, and other entities.

(C) FAILURE TO ACT.—If the Secretary fails to act within 90 days of the date that the duly elected officers of the Native Hawaiian government submitted the organic governing documents of the Native Hawaiian government to the Secretary, the certifications authorized in subparagraph (B) shall be deemed to have been made.

(D) RESUBMISSION IN CASE OF NONCOMPLIANCE WITH FEDERAL LAW.—

(i) RESUBMISSION BY THE SECRETARY.—If the Secretary determines that the organic governing documents, or any part thereof, are not consistent with applicable Federal law, the Secretary shall resubmit the organic governing documents to the duly elected officers of the Native Hawaiian government along with a justification for each of the Secretary's findings as to why the provisions are not consistent with such law.

(ii) AMENDMENT AND RESUBMISSION BY THE NATIVE HAWAIIAN GOVERNMENT.—If the organic governing documents are resubmitted to the duly elected officers of the Native Hawaiian government by the Secretary under clause (i), the duly elected officers of the Native Hawaiian government shall—

(I) amend the organic governing documents to ensure that the documents comply with applicable Federal law; and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with subparagraphs (B) and (C).

(2) FEDERAL RECOGNITION.—

(A) RECOGNITION.—Notwithstanding any other provision of law, upon the election of the officers of the Native Hawaiian government and the certifications (or deemed certifications) by the Secretary authorized in paragraph (1), Federal recognition is hereby extended to the Native Hawaiian government as the representative governing body of the Native Hawaiian people.

(B) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian

people which are not inconsistent with the provisions of this Act.

#### SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in this Act.

#### SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian government pursuant to section 7(d)(2) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian government regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian government.

#### SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States, or to affect the rights of the Native Hawaiian people under international law.

#### SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

#### SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 27—CONGRATULATING THE PITTSBURGH STEELERS ON WINNING SUPER BOWL XLIII

Mr. CASEY (for himself and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 27

Whereas on February 1, 2009, the Pittsburgh Steelers defeated the Arizona Cardinals to win Super Bowl XLIII;

Whereas the Steelers' 27-23 victory over the Cardinals was the Steelers' sixth Super Bowl win, the most Super Bowl wins in National Football League (NFL) history;

Whereas the Rooney family has exhibited a strong commitment to the Steelers organization, has led the Steelers to win 6 Super Bowl titles, and has created a legacy of dedication to, and integrity in, the NFL;

Whereas Coach Mike Tomlin is to be congratulated for being the youngest coach in the NFL to win a Super Bowl, in only his second season as the head coach of the Steelers;

Whereas "Steeler Nation", which encompasses fans from all over the world, is to be honored for proudly waving "Terrible Towels" in support of the Pittsburgh Steelers;

Whereas the Pittsburgh Steelers are an iconic symbol for hardworking

Pittsburghers, exhibiting the same strong work ethic and ability to fight to the bitter end to achieve success as Pittsburghers;

Whereas the leadership of Steelers quarterback Ben Roethlisberger led the team to wins in the final plays of games throughout the season, and especially during the last 2 minutes and 30 seconds of Super Bowl XLIII;

Whereas Steelers wide receiver Antonio Holmes was named the Most Valuable Player in Super Bowl XLIII for his 6-yard touchdown reception with 35 seconds remaining, which is being called one of the most historic plays in Super Bowl history;

Whereas Steelers linebacker James Harrison, NFL Defensive Player of the Year, intercepted Kurt Warner at the goal line and returned the ball for a 100-yard touchdown, which has been recorded as the longest play in Super Bowl history;

Whereas the Steelers defense, under the leadership of 50-year NFL veteran and Steelers defensive coordinator Dick LeBeau, ranked number 1 in defense in the NFL throughout the 2008 season and carried the Pittsburgh Steelers to a winning season and a Super Bowl victory;

Whereas approximately 400,000 Steelers fans packed the streets of Pittsburgh on February 3, 2009 to honor the Steelers in a parade along Grant Street and the Boulevard of the Allies; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates—

(A) the Pittsburgh Steelers for winning Super Bowl XLIII;

(B) the Rooney family and the Steelers coaching and support staff, whose commitment to the Steelers organization has sustained this proud organization and allowed the team to reach its sixth Super Bowl victory;

(C) all Steelers fans, from around the world, whose enthusiasm for the team earns them recognition as one of the most loyal fan-bases in all sports; and

(D) the Arizona Cardinals on an outstanding season; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Steelers Chairman, Dan Rooney;

(B) Steelers President, Art Rooney II; and

(C) Steelers Head Coach Mike Tomlin.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 207. Mr. KYL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 208. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 209. Mr. GRASSLEY (for himself, Mr. SCHUMER, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 210. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ)

submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 211. Mr. CORNYN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 212. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 213. Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. SHAHEEN, and Mr. VOINOVICH)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 214. Mr. KOHL (for himself, Ms. SNOWE, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 215. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 216. Mr. SANDERS (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 217. Mr. BROWN (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 218. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 219. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 220. Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. DODD, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 221. Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 222. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 223. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 224. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. CARDIN, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 225. Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 226. Mr. ENSIGN (for himself, Mr. SCHUMER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 227. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 228. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 229. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 230. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 231. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 232. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 233. Mr. SCHUMER (for himself, Mr. GRASSLEY, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 234. Mr. SCHUMER (for himself, Mr. GRASSLEY, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 235. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 236. Mrs. McCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 237. Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOWE) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 238. Mr. GRASSLEY (for Mr. THUNE) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 239. Mr. SESSIONS submitted an amendment intended to be proposed to

amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 240. Mr. CRAPO (for himself, Ms. LANDRIEU, Mr. GRAHAM, Mr. RISCH, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 241. Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 242. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 243. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 244. Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 89 submitted by Ms. STABENOW (for herself and Mr. LEVIN) and intended to be proposed to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, and for other purposes; which was ordered to lie on the table.

SA 245. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table.

SA 246. Mrs. SHAHEEN (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 247. Mr. UDALL, of Colorado submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 248. Mr. UDALL, of Colorado submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 249. Mrs. LINCOLN (for herself, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 250. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. WYDEN, Mr. ROBERTS, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 251. Mrs. LINCOLN (for herself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 252. Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORNYN) submitted an





BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 341. Mr. ROCKEFELLER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 342. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 343. Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 344. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 345. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 346. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 347. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 348. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 349. Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 350. Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 351. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 352. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 353. Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 354. Mr. DODD proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 355. Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 356. Mr. UDALL, of New Mexico submitted an amendment intended to be pro-

posed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 357. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 358. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 359. Mr. UDALL, of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 360. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 361. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 362. Mr. REID (for Mr. KENNEDY (for himself and Mr. SANDERS)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 363. Mrs. BOXER proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

#### TEXT OF AMENDMENTS

**SA 207.** Mr. KYL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 450, after line 22, add the following:

**SEC. \_\_\_\_ . CREDIT FOR DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

**“SEC. 25E. DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.**

“(a) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary school student scholarship donations made by the taxpayer during such taxable year.

“(b) LIMITATION.—The amount of the credit allowed under this section for any taxable year shall not exceed \$500.

“(c) QUALIFIED ELEMENTARY AND SECONDARY SCHOOL STUDENT SCHOLARSHIP DONATIONS.—For purposes of this section, the term ‘qualified elementary and secondary school student scholarship donation’ means any donation to a an organization which—

“(1) is described in section 170(b)(1)(A)(ii) or 170(c)(2), and

“(2) provides scholarships to elementary or secondary school students for tuition incurred in connection with the enrollment or attendance of such student at public, private or religious school (within the meaning of section 530(b)(3)).

“(d) NO DOUBLE BENEFIT.—No deduction shall be allowed under section 170 or any other provision of this chapter with respect to any expense which is taken into account under subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of contents for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item related to section 25D the following new item:

“Sec. 25E. Donations for scholarships for elementary and secondary school students.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SA 208.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 489, strike lines 2 through 15 and insert the following:

**SEC. 1241. SPECIAL RULES APPLICABLE TO QUALIFIED SMALL BUSINESS STOCK ACQUIRED IN 2009 AND 2010.**

(a) IN GENERAL.—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) SPECIAL RULES FOR STOCK ACQUIRED IN 2009 AND 2010.—In the case of qualified small business stock acquired after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the following rules shall apply:

“(1) INCREASE EXCLUSION.—Subsection (a)(1) shall be applied by substituting ‘100 percent’ for ‘50 percent’.

“(2) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—Subsection (d) shall be applied by substituting ‘\$75,000,000’ for ‘\$50,000,000’ each place it appears.

“(3) EXCLUSION NOT TREATED AS A TAX PREFERENCE.—Paragraph (7) of section 57(a) shall not apply and section 53(d)(1)(B)(ii)(II) shall be applied by disregarding any item of tax preference described in paragraph (7) of section 57(a).

“(4) INCOME NOT SUBJECT TO 28 PERCENT CAPITAL GAINS RATE.—Section 1(h)(4) shall be applied without regard to subparagraph (A)(ii).”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

**SA 209.** Mr. GRASSLEY (for himself, Mr. SCHUMER, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment,

energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (a) of section 1004 of division B and insert the following:

(a) IN GENERAL.—Section 25A (relating to Hope scholarship credit) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(1) AMERICAN OPPORTUNITY TAX CREDIT.—In the case of any taxable year beginning in 2009 or 2010—

“(1) INCREASE IN CREDIT.—The Hope Scholarship Credit shall be an amount equal to the sum of—

“(A) 100 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed \$1,500,

“(B) 50 percent of such expenses so paid as exceeds \$1,500 but does not exceed \$3,000, plus

“(C) 25 percent of such expenses so paid as exceeds \$3,000 but does not exceed \$6,000.

“(2) CREDIT ALLOWED FOR FIRST 4 YEARS OF POST-SECONDARY EDUCATION.—Subparagraphs (A) and (C) of subsection (b)(2) shall be applied by substituting ‘4’ for ‘2’.

“(3) QUALIFIED TUITION AND RELATED EXPENSES TO INCLUDE REQUIRED COURSE MATERIALS.—Subsection (f)(1)(A) shall be applied by substituting ‘tuition, fees, and course materials’ for ‘tuition and fees’.

“(4) INCREASE IN AGI LIMITS FOR HOPE SCHOLARSHIP CREDIT.—In lieu of applying subsection (d) with respect to the Hope Scholarship Credit, such credit (determined without regard to this paragraph) shall be reduced (but not below zero) by the amount which bears the same ratio to such credit (as so determined) as—

“(A) the excess of—

“(i) the taxpayer’s modified adjusted gross income (as defined in subsection (d)(3)) for such taxable year, over

“(ii) \$80,000 (\$160,000 in the case of a joint return), bears to

“(B) \$10,000 (\$20,000 in the case of a joint return).

“(5) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this subsection and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 26, 25B, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

“(6) PORTION OF CREDIT MADE REFUNDABLE.—25 percent of so much of the credit allowed under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2) or paragraph (5), as the case may be) shall be treated as a credit allowable under subpart C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxpayer for any taxable year if such taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

“(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2008 applies for any taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.”.

**SA 210.** Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) ANTI-FRAUD IMPLEMENTATION PLAN; GAO REPORTS.—

(A) REQUIREMENT TO SUBMIT PLAN FOR APPROVAL.—

(i) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, unless, not later than 6 months after the first date on which the State receives additional Federal funds under this section, the State submits a report to the Secretary that contains a plan for implementation of at least 4 of the anti-fraud measures described in subparagraph (B) with respect to the State Medicaid program under title XIX of the Social Security Act.

(ii) APPROVAL AND IMPLEMENTATION.—The Secretary shall approve or disapprove a plan submitted by a State under clause (i) not later than 30 days after the date on which the Secretary receives the plan. A State shall implement an approved plan not later than 180 days after the date on which the plan is approved.

(B) ANTI-FRAUD MEASURES DESCRIBED.—The anti-fraud measures described in this subparagraph are the following:

(i) Implementation, in consultation with the Secretary and in coordination and consistent with activities carried out under contracts entered into under section 1893(h) of the Social Security Act (42 U.S.C. 1395ddd), of a recovery audit program under Medicaid.

(ii) Implementation of a Medicare-Medicaid data match program under section 1893(g) of the Social Security Act (42 U.S.C. 1395ddd).

(iii) Implementation of enhanced third party liability identification programs under section 1902(a)(25) of the Social Security Act to carry out the amendments made by section 6035 of the Deficit Reduction Act of 2005.

(iv) An increase in the amount of State expenditures attributable to the operation of the State Medicaid fraud control unit described in section 1903(q) of the Social Security Act (42 U.S.C. 1396b(q)) by at least 50 percent more than the amount of such expenditures for the most recent fiscal year.

(v) Operation, beginning on October 1, 2009, of an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS), in accordance with the requirements of section 1903(r)(3) of the Social Security Act (42 U.S.C. 1396b(r)(3)).

(vi) Full implementation of the requirements of section 1923(j) of the Social Security Act (42 U.S.C. 1396r-4(j)), including the requirement for an annual, independent certified audit of DSH payment adjustments made to hospitals.

(vii) Full implementation, beginning on October 1, 2009, of an asset verification program that satisfies the requirements of section 1940 of the Social Security Act (42 U.S.C. 1396w).

(viii) Online, public access, posting of all Medicaid claims and patient encounter data (with such data patient de-identified and otherwise made available in a manner that protects the privacy of patients).

(ix) Electronic eligibility verification of Medicaid beneficiaries to confirm client identification, eligibility, and to reduce administrative costs.

(x) Any other policy proposed by a State that the Secretary certifies is likely to reduce fraud in the State’s Medicaid program.

(C) GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to Congress on the plans submitted by States under subparagraph (A)(i):

(i) INITIAL REPORT.—Not later than March 31, 2010, a report specifying the details of the plans submitted by States under subparagraph (A).

(ii) UPDATE AND IMPLEMENTATION.—Not later than December 31, 2010, a report specifying the details of any updates made to such plans and of the implementation of such plans.

**SA 211.** Mr. CORNYN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) LONG-TERM MEDICAID FISCAL OUTLOOK AND SUSTAINABILITY PLAN; ANNUAL GAO REPORT.—

(A) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date on which the State submits a report to the Secretary detailing the State’s fiscal situation with respect to the State Medicaid program and the State’s plan to ensure the long-term sustainability of its State Medicaid program that contains the information described in subparagraph (B). The Secretary shall make the reports submitted under this subparagraph publicly available.

(B) REQUIRED INFORMATION.—

(i) FISCAL OUTLOOK REQUIREMENTS.—The report required under subparagraph (A), shall include the following with respect to the fiscal outlook for the State:

(I) A 10 year and 25 year expenditure forecast.

(II) A 10 year and 25 year forecast as a percentage of the State’s budget.

(III) Recommendations for State actions in the next 5 years to ensure adequate State funding over the 10 and 25 year periods.

(ii) LONG-TERM SUSTAINABILITY PLAN.—The report required under subparagraph (A), shall include plans for reforms specified by the State with respect to each of the following:

- (I) Program integrity.
- (II) Payment reform.
- (III) Capacity reform.
- (IV) Market reform.

(C) GAO REPORT.—Beginning with fiscal year 2012, and every third fiscal year thereafter, the Comptroller General of the United States shall submit a report to Congress regarding the fiscal situation with respect to each State Medicaid program relative to the fiscal situation of such each such program on October 1, 2009. Subsection (i) of this section shall not apply to this subparagraph.

**SA 212.** Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 399, between lines 6 and 7, insert the following:

**SEC. 1405A. SPECIAL RULES FOR STATES WITH HIGH 2006 EDUCATION SUPPORT LEVELS.**

(a) DEFINITIONS.—In this section:

(1) HIGH 2006 EDUCATION SUPPORT LEVEL.—The term “high 2006 education support level”, when used with respect to a State, means a State for which the level of State support for elementary and secondary education or State support for higher education in fiscal year 2008 is less than the level of State support for elementary and secondary education, or State support for higher education, respectively, in fiscal year 2006.

(2) STATE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION.—The term “State support for elementary and secondary education” means the support provided by the State for elementary and secondary education, but not including capital projects.

(3) STATE SUPPORT FOR HIGHER EDUCATION.—The term “State support for higher education” means the support provided by a State for public institutions of higher education in the State, but not including support provided for capital projects or for research and development.

(b) MAINTENANCE OF EFFORT.—Notwithstanding section 1405, a State with a high 2006 education support level that meets all requirements for a grant under this title except for section 1405(d)(1) shall receive such grant if, for each of fiscal years 2009 and 2010, such State does not reduce the percentage of State general funds that are to be used for State support for elementary and secondary education, and the percentage of State general funds that are to be used for State support for higher education, by more than one percent, as compared to the percentage of State general funds that are to be used for State support for elementary and secondary education, and the percentage of State general funds that are to be used for State support for higher education, respectively, for the fiscal year preceding the fiscal year for which the determination is being made.

(c) USE OF FUNDS.—

(1) RESTORING STATE SUPPORT FOR ELEMENTARY AND SECONDARY EDUCATION.—Notwithstanding section 1402, the Governor of a State with a high 2006 education support

level shall, for each of fiscal years 2009 and 2010, use at least 61 percent of the State’s allocation under section 1401(d) for the support of elementary, secondary, and postsecondary education by—

(A)(i) providing the amount of funds, through such State’s principal elementary and secondary funding formula, that is needed to restore State support for elementary and secondary education to the level of such State support in fiscal year 2006 or fiscal year 2008, whichever level is greater; and

(ii) providing the amount of funds that is needed to restore State support for higher education to the level of such State support in fiscal year 2006 or fiscal year 2008, whichever level is greater; and

(B) using any remaining funds to provide subgrants described in section 1402(a)(3).

(2) SHORTFALL.—Notwithstanding section 1402, if the Governor of a State with a high 2006 education support level determines that the amount of funds available under paragraph (1) for a fiscal year is insufficient to restore State support for education to the levels described in clauses (i) and (ii) of paragraph (1)(A), the Governor shall—

(A) allocate those funds between those clauses in proportion to the relative shortfall in State support for the education sectors described in such clauses; and

(B) after making the allocation under subparagraph (A), use the amounts remaining from the State’s allocation under section 1401(d) to restore State support for each such education sector that has a high 2006 education support level, to the fiscal year 2006 level.

(3) OTHER GOVERNMENT SERVICES.—Notwithstanding section 1402, for each of fiscal years 2009 and 2010, the Governor of a State with a high 2006 education support level shall use the amount of the State’s allocation under section 1401(d) that remains after the application of paragraphs (1) and (2) for public safety and other government services, which may include assistance for elementary and secondary education and public institutions of higher education.

(d) WAIVERS.—The Secretary of Education may waive, on a case-by-case basis, any requirement of this section for a State on the basis of financial hardship.

**SA 213.** Mr. REID (for Mr. KENNEDY (for himself, Mr. KERRY, Mrs. SHAHEEN, and Mr. VOINOVICH)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 404, add the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that to fulfill the goal of expedited issuance of loan guarantees to maximize the rapid stimulus effect of provided funds, the Secretary of Energy should immediately issue loan guarantees under section 1705 of the Energy Policy Act of 2005 (as added by subsection (a)) using funds provided to carry out that section for the subsidy cost for existing final round applicants under the loan guarantee program under section 1703 of that Act (42 U.S.C. 16513) that fall within the categories described in section 1705(b) of that Act (as added by subsection (a)).

**SA 214.** Mr. KOHL (for himself, Ms. SNOWE, Ms. STABENOW, Mr. BROWN, Mr. WHITEHOUSE, Mr. LEVIN, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 5 and 6, insert the following:

**SEC. 203. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.**

(a) APPROPRIATION OF ADDITIONAL AMOUNT.—There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for an additional amount for “Industrial Technology Services”, \$30,000,000, to remain available until September 30, 2010.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by subsection (a), \$30,000,000 shall be available for the necessary expenses of the Hollings Manufacturing Partnership Program. Such amount shall be in addition to any other amounts made available for the Hollings Manufacturing Partnership Program under title II of this division.

(c) OFFSET.—The amount appropriated or otherwise made available by this title under the heading “SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES” is hereby decreased by \$30,000,000.

(d) EXEMPTION FROM COST SHARING REQUIREMENTS.—The cost sharing requirements contained in the second sentence of paragraph (1), subparagraphs (B) and (C) of paragraph (3), and paragraph (4)(D) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)) shall not apply to a Hollings Manufacturing Extension Center with respect to receipt of financial support from funds made available under subsection (b).

**SA 215.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

SEC. 12. Amounts made available under this title for distribution by the Federal Highway Administration for surface transportation projects shall not be subject to section 133(c) of title 23, United States Code, or any other provision of law that restricts the use of those funds for projects relating to local or rural roads or bridges.

**SA 216.** Mr. SANDERS (for himself, Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations

for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 228, line 19, strike "\$20,000,000" and insert "\$1,000,000".

**SA 217.** Mr. BROWN (for himself and Mrs. GILLBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 89, after line 24, add the following:

(d) EFFECTIVE USE OF FUNDS.—In providing funds made available by this Act and the amendments made by this Act for the weatherization assistance program, the Secretary of Energy may encourage States to give priority to using the funds for the most cost-effective efficiency activities, which may include insulation of attics, if the Secretary determines that the use of the funds would increase the effectiveness of the program.

**SA 218.** Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 9, insert "(and an additional amount of \$1,675,000,000)" before "which".

On page 123, line 12, insert "(and an additional amount of \$300,000,000)" before "for adult".

On page 123, line 19, insert "and year-round" after "summer".

On page 124, line 10, insert "(and an additional amount of \$500,000,000)" before "for grants".

On page 124, line 13, insert "(and an additional amount of \$300,000,000)" before "for national".

On page 124, line 15, insert "(and an additional amount of \$375,000,000)" before "under".

On page 125, line 1, insert "(and an additional amount of \$200,000,000)" before "for YouthBuild".

On page 126, line 8, insert "(and an additional amount of \$300,000,000)" before "which".

On page 126, line 13, insert "(and an additional amount of \$150,000,000)" before "of such".

On page 126, line 26, insert "(and an additional amount of \$340,000,000)" before "which".

On page 127, line 2, strike "may transfer up to 15 percent" and insert "may transfer up to 20 percent".

On page 127, line 4, strike "training for careers" and insert "training, and work experience to improve such Centers, to prepare participants for careers".

**SA 219.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 589, after line 14, insert the following:

(c) INCREASED FUNDING.—

(1) IN GENERAL.—Section 903(f) of the Social Security Act, as added by subsection (a), is amended—

(A) in paragraph (1)(B), by striking "\$7,000,000,000" and inserting "\$14,000,000,000"; and

(B) in paragraph (6), by striking "\$7,000,000,000" and inserting "\$14,000,000,000".

(2) EMERGENCY DESIGNATION.—Each amount provided as a result of the amendments made by paragraph (1) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

**SA 220.** Mr. MENENDEZ (for himself, Mr. DURBIN, Mr. DODD, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, line 14, before the period, insert the following:

“, and for an additional amount for the fire grant program under section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a), \$500,000,000, to remain available until expended: *Provided*, That this amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.”

**SA 221.** Mr. LEAHY (for himself and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and

local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

**SEC. 12. NON-FEDERAL SHARE OF TRANSPORTATION PROGRAMS AND ACTIVITIES.**

(a) DEFINITION OF COVERED TRANSPORTATION PROGRAM OR ACTIVITY.—In this section, the term “covered transportation program or activity” means a program or activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59) or an amendment made by that Act.

(b) NON-FEDERAL SHARE.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.

(c) EFFECT OF SECTION.—Nothing in this section prohibits a State or local government from contributing non-Federal funds toward the cost of a covered transportation program or activity.

**SA 222.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, after line 10, insert the following:

**SEC. 1124. CREDIT FOR BATTERY POWERED LAWN MOWERS.**

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

**“SEC. 25E. CREDIT FOR BATTERY POWERED LAWN MOWERS.**

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the qualified battery powered lawn mower expenses for the taxable year as does not exceed \$100.

“(b) QUALIFIED BATTERY POWERED LAWN MOWER EXPENSES.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified battery powered lawn mower expenses’ means the cost of any battery powered lawn mower the original use of which commences with the taxpayer and which is placed in service by the taxpayer during the taxable year.

“(2) BATTERY POWERED LAWN MOWER.—The term ‘battery powered lawn mower’ means a machine primarily for cutting grass which is powered by a motor drawing current only from rechargeable or replaceable batteries.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 24(b)(3)(B) is amended by striking “and 25B” and inserting “, 25B, and 25E”.

(2) Section 25(e)(1)(C)(ii) is amended by inserting “25E,” after “25D.”.

(3) Section 25B(g)(2) is amended by striking “section 23” and inserting “sections 23 and 25E”.

(4) Section 904(i) is amended by striking “and 25B” and inserting “25B, and 25E”.

(5) Section 1400C(d)(2) is amended by striking “and 25D” and inserting “25D, and 25E”.

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for battery powered lawn mowers.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to purchases made after the date of the enactment of this Act.

**SA 223.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 583, line 14, insert “, without regard to State restrictions on such compensation to individuals receiving stipends or other training allowances that can be used for non-training costs” after “1998”.

**SA 224.** Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. CARDIN, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 3 and 4, insert the following:

**SEC. 505. SMALL BUSINESS PROCUREMENT.**

(a) EXISTING LAW.—Part 19 of the Federal Acquisition Regulation, section 15 of the Small Business Act (15 U.S.C. 644), and any other applicable procurement laws and regulations may not be waived with respect to contracts awarded with funds made available under this Act.

(b) CONTRACTS FOR SMALL BUSINESS CONCERNS.—To the maximum extent practicable, Federal agencies and State and local governments that receive funds under this Act shall award prime contracts to small business concerns.

**SEC. 506. REPORT ON SMALL BUSINESS CONTRACTING.**

(a) IN GENERAL.—The Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and the President, a report on the prime contracts and subcontracts made with funds appropriated to any Federal agency under this Act and awarded to small business concerns.

(b) CONTENTS.—The report under subsection (a) shall include—

(1) the number of prime contracts and subcontracts awarded to small business concerns by such Federal agency; and

(2) the percentage of the total number of prime contracts and subcontracts awarded by such Federal agency that are awarded to small business concerns.

(c) TIMING.—The report under subsection (a) shall be submitted not later than 180 days

after the date of enactment of this Act, and once every 180 days thereafter during the 3 years following the date of enactment of this Act.

**SA 225.** Ms. SNOWE (for herself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title I of division B, insert the following:

**SEC. —. EXTENSION OF WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FROM CERTAIN RETIREMENT PLANS AND ACCOUNTS.**

(a) IN GENERAL.—Subparagraph (H) of section 401(a)(9), as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended—

(1) by striking “for calendar year 2009” in clause (i) and inserting “in calendar years 2009 or 2010”;

(2) by striking “2009” in clause (ii)(I) and inserting “2010”;

(3) by striking “to calendar year 2009” in clause (ii)(II) and inserting “to calendar years 2009 or 2010”.

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—The last sentence of section 402(c)(4), as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended by inserting “or 2010” after “2009”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to calendar years beginning after December 31, 2009.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment, such pension plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(ii)(I).

(B) AMENDMENTS TO WHICH PARAGRAPH APPLIES.—

(i) IN GENERAL.—This paragraph shall apply to any amendment to any pension plan or annuity contract which—

(I) is made by pursuant to the amendments made by this section, and

(II) is made on or before the last day of the first plan year beginning on or after January 1, 2011.

In the case of a governmental plan, subclause (II) shall be applied by substituting “2012” for “2011”.

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless during the period beginning on January 1, 2009, and ending on December 31, 2010 (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect.

**SA 226.** Mr. ENSIGN (for himself, Mr. SCHUMER, and Mr. CRAPO) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization,

for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle A of title I of division B, insert the following:

**SEC. —. REPEAL OF EXCISE TAX ON TELEPHONE AND OTHER COMMUNICATIONS SERVICES.**

(a) IN GENERAL.—Chapter 33 (relating to facilities and services) is amended by striking subchapter B.

(b) CONFORMING AMENDMENTS.—

(1) Section 4293 is amended by striking “chapter 32 (other than the taxes imposed by sections 4064 and 4121) and subchapter B of chapter 33,” and inserting “and chapter 32 (other than the taxes imposed by sections 4064 and 4121).”

(2)(A) Paragraph (1) of section 6302(e) is amended by striking “section 4251 or”.

(B) Paragraph (2) of section 6302(e) is amended—

(i) by striking “imposed by—” and all that follows through “with respect to” and inserting “imposed by section 4261 or 4271 with respect to”, and

(ii) by striking “bills rendered or”.

(C) The heading for subsection (e) of section 6302 is amended by striking “COMMUNICATIONS SERVICES AND”.

(3) Section 6415 is amended by striking “4251, 4261, or 4271” each place it appears and inserting “4261 or 4271”.

(4) Paragraph (2) of section 7871(a) is amended by inserting “or” at the end of subparagraph (B), by striking subparagraph (C), and by redesignating subparagraph (D) as subparagraph (C).

(5) The table of subchapters for chapter 33 is amended by striking the item relating to subchapter B.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid pursuant to bills first rendered more than 90 days after the date of the enactment of this Act.

**SA 227.** Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I of division B, insert the following:

**PART IX—REDUCTION IN CORPORATE INCOME TAX RATES**

**SEC. —. PERMANENT REDUCTION IN CORPORATE INCOME TAX RATES.**

(a) GENERAL RULE.—Section 11(b) (relating to amount of tax) is amended to read as follows:

“(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 15 percent of taxable income.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 1201 is amended—

(A) in subsection (a)—

(i) by striking “35 percent” each place it appears and inserting “15 percent”, and

(ii) by striking “(determined without regard to the last 2 sentences of section 11(b)(1))”, and

(B) by striking subsection (b) and redesignating subsection (c) as subsection (b).

(2) Section 1445(e) is amended by striking “35 percent” each place it appears and inserting “15 percent”.

(c) CLERICAL AMENDMENTS.—

(1) Sections 280(c)(3)(B)(ii)(II), 860E(2)(B), and 860E(6)(A)(i) are each amended by striking “11(b)(1)” and inserting “11(b)”.

(2) Section 904(b)(3)(D)(ii) is amended by striking “(determined without regard to the last sentence of section 11(b)(1))”.

(3) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SA 228.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, line 7, after “activities:”, insert the following: “*Provided further*, That in the case of any foreclosure on any dwelling or residential real property acquired with any amounts made available under this heading, any successor in interest in such property pursuant to the foreclosure shall assume such interest subject to: (1) the provision by such successor in interest of a notice to vacate to any bona fide tenant at least 90 days before the effective date of such notice; and (2) the rights of any bona fide tenant, as of the date of such notice of foreclosure: (A) under any bona fide lease entered into before the notice of foreclosure to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under this paragraph; or (B) without a lease or with a lease terminable at will under State law, subject to the receipt by the tenant of the 90-day notice under this paragraph, except that nothing in this paragraph shall affect the requirements for termination of any Federal- or State-subsidized tenancy or of any State or local law that provides longer time periods or other additional protections for tenants: *Provided further*, That, for purposes of this paragraph, a lease or tenancy shall be considered bona fide only if: (1) the mortgagor under the contract is not the tenant; (2) the lease or tenancy was the result of an arms-length transaction; and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property: *Provided further*, That the recipient of any grant or loan from amounts made available under this heading may not refuse to lease a dwelling unit in housing assisted with such loan or grant to a holder of a voucher or certificate of eligibility under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) because of the status of the prospective tenant as such a holder: *Provided further*, That in the case of any qualified foreclosed housing for which funds made available under this heading are used and in which a recipient of assistance under section 8(o) of the U.S. Housing Act of 1937 resides at the time of acquisition or financing, the owner and any successor in interest shall be subject to the lease and to the housing assistance payments contract for the occupied unit: *Provided further*, That vacating the property prior to sale shall not constitute good cause for termination of the tenancy unless the property is unmarketable while occupied or unless the owner or subsequent

purchaser desires the unit for personal or family use: *Provided further*, That this paragraph shall not preempt any State or local law that provides more protection for tenants: *Provided further*, That amounts made available under this heading may be used for the costs of demolishing foreclosed housing that is deteriorated or unsafe: *Provided further*, That no amounts from a grant made under this paragraph may be used to demolish any public housing (as such term is defined in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a)): *Provided further*, That section 2301(d)(4) of the Housing and Economic Recovery Act of 2008 (Public Law 110-289) is repealed:”

**SA 229.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

**SEC. . . . MODIFICATION OF THE TAX RATE FOR THE EXCISE TAX ON INVESTMENT INCOME OF PRIVATE FOUNDATIONS.**

(a) IN GENERAL.—Subsection (a) of section 4940 is amended by striking “2 percent” and inserting “1.33 percent”.

(b) ELIMINATION OF REDUCED TAX WHERE FOUNDATION MEETS CERTAIN DISTRIBUTION REQUIREMENTS.—Section 4940 is amended by striking subsection (e).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 230.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

**SEC. . . . TEMPORARY MINIMUM CREDIT RATE FOR CERTAIN FEDERALLY SUBSIDIZED NEW BUILDINGS.**

(a) IN GENERAL.—Section 42(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) TEMPORARY MINIMUM CREDIT RATE FOR CERTAIN FEDERALLY SUBSIDIZED NEW BUILDINGS.—In the case of any new building—

“(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

“(B) which is federally subsidized for the taxable year,

the applicable percentage shall not be less than 4 percent.”

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after the date of the enactment of this Act.

**SA 231.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

**SEC. . . . TEMPORARY INCREASE IN TIME PERIOD FOR RECYCLING OF TAX-EXEMPT DEBT FOR RESIDENTIAL RENTAL PROJECTS.**

(a) IN GENERAL.—Section 146(i)(6)(A) is amended by inserting “(12-month period in the case of repayments made before January 1, 2011)” after “6-month period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to repayments of loans received before, on, or after the date of the enactment of this Act.

**SA 232.** Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

**SEC. . . . INCREASE IN TIME PERIOD FOR RECYCLING OF TAX-EXEMPT DEBT FOR RESIDENTIAL RENTAL PROJECTS.**

(a) IN GENERAL.—Section 146(i)(6)(A) is amended by striking “6-month period” and inserting “12-month period”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to repayments of loans received before, on, or after the date of the enactment of this Act.

**SA 233.** Mr. SCHUMER (for himself, Mr. GRASSLEY, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC. . . . DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.**

(a) IN GENERAL.—Subsection (i) of section 170 is amended to read as follows:

“(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

“(1) IN GENERAL.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 14 cents per mile.

“(2) SPECIAL RULE FOR 2009 AND 2010.—For miles traveled after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

**SEC. —. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by adding at the end the following new section:

**“SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.**

“(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

“(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

“(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

“(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

“(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

“(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).

“(g) TERMINATION.—This section shall not apply to any miles traveled after December 31, 2010.”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 139C. Charitable mileage reimbursement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

**SA 234.** Mr. SCHUMER (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC. —. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.**

(a) IN GENERAL.—Subsection (i) of section 170 is amended to read as follows:

“(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

**SEC. —. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.**

(a) IN GENERAL.—Part III of subchapter B of chapter 1 is amended by adding at the end the following new section:

**“SEC. 139C. CHARITABLE MILEAGE REIMBURSEMENT.**

“(a) IN GENERAL.—In the case of an individual, gross income shall not include amounts received from an organization described in section 170(c)(2) as reimbursement of operating expenses with respect to the use of a passenger automobile for the benefit of such organization.

“(b) LIMITATION.—The amount excluded from gross income under subsection (a) shall not exceed the product of the standard mileage rate used for purposes of section 162 multiplied by the number of miles traveled for which such reimbursement is made.

“(c) APPLICATION TO VOLUNTEER SERVICES ONLY.—Subsection (a) shall not apply with respect to any expenses relating to the performance of services for compensation.

“(d) NO DOUBLE BENEFIT.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursements excluded from income under subsection (a).

“(e) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a).

“(f) MAINTENANCE OF RECORDS.—For purposes of this section, no exclusion shall be allowed under subsection (a) for any reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).”.

(b) CONFORMING AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 139C. Charitable mileage reimbursement.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

**SA 235.** Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period “, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110-409)”.

On page 411, strike lines 1 through 3, and insert “subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).”

On page 411, line 20, strike all after “conduct” through line 22, and insert “audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.”.

On page 411, line 23, strike “INVESTIGATIONS” and insert “REVIEWS”.

On page 412, lines 1 and 2, strike “investigations” and insert “reviews”.

On page 412, line 3, strike “investigations” and insert “reviews”.

On page 412, line 7, strike “INVESTIGATIONS” and insert “REVIEWS”.

On page 412, line 10, insert “Additionally, the Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.)” at the end.

On page 412, lines 16 and 17, strike “investigative depositions” and insert “necessary inquiries”.

On page 412, strike lines 21 through 23 and insert “are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.)”.

On page 413, line 8, strike all after “audits” through line 11 and insert “, reviews, or other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.”.

On page 415, line 20, strike “a report”.

On page 415, line 23, strike the period through line 25 and insert “, a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.”.

**SA 236.** Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 22, strike “2010” and insert “2011”.

On page 3, line 23, insert before the period “and an additional \$17,500,000 for such purposes, to remain available until September 30, 2011”.

On page 41, line 4, strike “2010.” and insert “2011, and an additional \$4,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 41, line 21, strike “2010” and insert “2011”.

On page 47, line 8, strike “2010” and insert “2011”.

On page 47, line 26, strike “2010” and insert “2011”.

On page 60, line 4, strike “2010.” and insert “2011, and an additional \$3,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 77, line 19, strike “expended.” and insert “September 30, 2012, and an additional \$10,000,000 for such purposes, to remain available until September 30, 2012.”.

On page 95, line 12, insert before the period “and an additional \$13,000,000 for such purposes, to remain available until September 30, 2011”.

On page 105, line 9, strike “\$248,000,000” and insert “\$142,600,000”.

On page 105, line 24, strike “2010” and insert “2011”.

On page 116, line 21, strike “2010.” and insert “2011, and an additional \$7,400,000 for such purposes, to remain available until September 30, 2011.”.

On page 127, line 14, strike “2010” and insert “2011”.

On page 137, line 8, strike “2011.” and insert “2012, and an additional \$15,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 146, line 12, insert before the period “and an additional \$10,000,000 for such purposes, to remain available until September 30, 2012”.

On page 149, between lines 5 and 6, insert the following:

#### OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, \$1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike “2010” and insert “2011”.

On page 225, line 6, strike “2010” and insert “2011”.

On page 226, line 23, strike “2010” and insert “2011”.

On page 243, line 6 insert “, and an additional \$12,250,000 for such purposes, to remain available until September 30, 2011” before the colon.

On page 263, line 7, insert “, and an additional \$12,250,000 for such purposes, to remain available until September 30, 2011” before the colon.

On page 733, line 2, strike “expended” and insert “September 30, 2012.”.

**SA 237.** Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOWE) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 105, between lines 3 and 4, insert the following:

#### SEC. 505. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting “(A)” after “(1)”;

(2) by striking “\$2,000,000” and inserting “\$5,000,000”; and

(3) by adding at the end the following: “(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed \$10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.”.

(b) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

“(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term ‘small business concern’ means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.”.

(c) SUNSET.—The amendments made by this section shall remain in effect until September 30, 2010.

**SA 238.** Mr. GRASSLEY (for Mr. THUNE) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place, insert the following:

IN GENERAL.—Notwithstanding any other provision of this Act, for each amount in each account as appropriated or otherwise authorized to be made available in this Act, the Office of Management and Budget shall make a determination about whether an authorization for that specific program had been enacted prior to February 1, 2009, and if no such authorization existed by that date, then the Office of Management and Budget shall reduce to zero the amount appropriated or otherwise made available for each program in each account where no authorization existed.

**SA 239.** Mr. SESSIONS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

#### EXTENSION OF PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

SEC. 603. Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “11-year period” and inserting “16-year period”.

#### PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS RELATED TO PILOT PROGRAMS FOR EMPLOYMENT ELIGIBILITY CONFIRMATION

SEC. 604. (a) DEFINITIONS.—In this section: (1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—The term “appropriate committees of Congress” means—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on the Judiciary, and the Com-

mittee on Ways and Means of the House of Representatives.

(2) COMMISSIONER.—The term “Commissioner” means the Commissioner of Social Security.

(3) PILOT PROGRAM.—The term “pilot program” means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(4) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(b) FUNDING UNDER AGREEMENT.—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

(1) provides funds to the Commissioner for the full costs of carrying out the responsibilities of the Commissioner under the pilot program, including the costs of—

(A) acquiring, installing, and maintaining technological equipment and systems to carry out such responsibilities, but only the portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

(2) provides such funds to the Commissioner quarterly, in advance of the applicable quarter, based on estimating methodology agreed to by the Commissioner and the Secretary; and

(3) requires an annual accounting and reconciliation of the actual costs incurred by the Commissioner to carry out such responsibilities and the funds provided under the agreement that shall be reviewed by the Office of the Inspector General in the Social Security Administration and in the Department of Homeland Security.

#### (c) CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.—

(1) CONTINUATION OF PREVIOUS AGREEMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), if the agreement required under subsection (b) for a fiscal year is not reached as of the first day of such fiscal year, the most recent previous agreement between the Commissioner and the Secretary to provide funds to the Commissioner for carrying out the responsibilities of the Commissioner under the pilot program shall be deemed to remain in effect until the date that the agreement required under subsection (b) for such fiscal year becomes effective.

(B) ANNUAL ADJUSTMENT.—If the most recent previous agreement is deemed to remain in effect for a fiscal year under subparagraph (A), the Director of the Office of Management and Budget is authorized to modify the amount provided under such agreement for such fiscal year to account for—

(i) inflation; or

(ii) any increase or decrease in the number of individuals who require services from the Commissioner under the pilot program.

(2) NOTIFICATION OF CONGRESS.—If the most recent previous agreement is deemed to remain in effect under paragraph (1)(A) for a fiscal year, the Commissioner and the Secretary shall—

(A) not later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

(B) once during each 90-day period until the date that the agreement required under subsection (b) has been reached for such fiscal year, submit to the appropriate committees of Congress a notification of the status of negotiations between the Commissioner

and the Secretary to reach such an agreement.

**STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION**

SEC. 605. (a) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program established under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(b) **MATTERS TO BE STUDIED.**—The study required by subsection (a) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program referred to in subsection (a);

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(c) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance and the Committee on the Judiciary of the Senate and the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives a report on the results of the study required by this section.

**STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES**

SEC. 606. (a) **DEFINITIONS.**—In this section: (1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) **COMPTROLLER GENERAL.**—The term “Comptroller General” means the Comptroller General of the United States.

(3) **PILOT PROGRAM.**—The term “pilot program” means the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(4) **SMALL ENTITY.**—The term “small entity” has the meaning given that term in section 601 of title 5, United States Code.

(b) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the effects of the pilot on small entities.

(c) **MATTERS TO BE STUDIED.**—

(1) **IN GENERAL.**—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary of Homeland Security to minimize the economic impact of participation in the pilot program on small entities.

(2) **DIRECT AND INDIRECT EFFECTS.**—The study required by subsection (b) shall analyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) **DISAGGREGATION BY ENTITY SIZE.**—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

(d) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

**RESTRICTION ON USE OF FUNDS**

SEC. 607. None of the funds made available in this Act may be used to enter into a contract with a person that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

**SA 240.** Mr. CRAPO (for himself, Ms. LANDRIEU, Mr. GRAHAM, Mr. RISCH, and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 519, beginning on line 12, strike through line 19 and insert the following:

“(IV) designed to capture and sequester carbon dioxide emissions,

“(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies, or

“(VI) designed to manufacture components for the production of nuclear energy, and

**SA 241.** Mr. MARTINEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

**SEC. 5006. MEDICAID INTERNET-BASED TRANSPARENCY PROGRAM.**

(a) **IN GENERAL.**—Title XIX of the Social Security Act is amended by adding at the end the following new section:

**“SEC. 1942. INTERNET-BASED TRANSPARENCY PROGRAM.**

“(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this sec-

tion, the Secretary shall implement a program under which the Secretary shall make available through the public Internet website of the Department of Health and Human Services non-aggregated information on individuals collected under the Medicaid Statistical Information System described in section 1903(r)(1)(F) insofar as such information has been de-identified in accordance with regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996. In implementing such program, the Secretary shall ensure that—

“(1) the information made so available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for items and services under this title, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under this title;

“(2) the information made so available is as current as deemed practical by the Secretary and shall be updated at least once per calendar quarter;

“(3) to the extent feasible—

“(A) all hospitals, nursing homes, clinics, and large physician practices included in such information that are identifiable by name to individuals who access the information through such program;

“(B) all individual health care providers not described in subparagraph (A), including physicians and dentists, are identifiable by unique identifier numbers that are disclosed only to appropriate officials within the Department of Health and Human Services and the State involved; and

“(C) the information made so available shall include non-aggregated information with respect to the provision of medical assistance under State plans under this title of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa; and

“(4) the Secretary periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.

“(b) **USE OF CONTRACTOR.**—For purposes of implementing the program under subsection (a) and ensuring the information made available through such program is periodically updated, the Secretary may select and enter into a contract with a public or private entity meeting such criteria and qualifications as the Secretary determines appropriate.

“(c) **ANNUAL REPORTS.**—Not later than 2 years after the date of the enactment of this section and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the progress of the program under subsection (a), including on the extent to which information made available through the program is accessed and the extent to which comments received under subsection (a)(4) were used during the year involved to improve the utility of the program.

“(d) **INCENTIVES FOR COMPLIANCE WITH EXISTING STATE REQUIREMENTS.**—If the Secretary determines that a State has not fully and properly complied with section 1903(r)(1)(F), including any encounter data requirements, for any period beginning after the date that is 1 year after the date of the enactment of this section, the Secretary shall reduce the amount paid to the State under section 1903(a) by \$25,000 for each such day. Such reduction shall be made unless—

“(1) the State demonstrates to the Secretary’s satisfaction that the State made a good faith effort to comply;

“(2) not later than 60 days after the date of a finding that the State has not fully and properly complied with section 1903(r)(1)(F), the State submits to the Secretary (and the Secretary approves) a corrective action plan to implement such a program; and

“(3) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.

The Secretary shall transfer the amount of any reduction under this subsection to the fund established under subsection (e).

“(e) FUNDING.—

“(1) MEDICAID INTERNET-BASED TRANSPARENCY FUND.—The Secretary shall establish a fund to be known as the ‘Medicaid Internet-based Transparency Fund’, consisting of such amounts as may be transferred to such Fund under subsection (d) and such amounts as may be appropriated to such Fund under paragraph (3).

“(2) EXPENDITURES FROM FUND.—Amounts in the Medicaid Internet-based Transparency Fund shall be available to the Secretary only for purposes of carrying out this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Medicaid Internet-based Transparency Fund \$10,000,000 for fiscal year 2009, to remain available until expended.”

(b) FEASIBILITY REPORT ON INCLUDING SCHIP INFORMATION IN INTERNET-BASED TRANSPARENCY PROGRAM.—Not later than 2 years after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program de-identified payment and patient encounter information for items and services furnished under title XXI of the Social Security Act which would not otherwise be included in the information collected under the Medicaid Statistical Information System described in section 1903(r)(1)(F) of such Act and made available under section 1942 of such Act, as added by subsection (a).

**SA 242.** Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes;

On page 570, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . TEMPORARY REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.**

(a) IN GENERAL.—Paragraph (2) of section 86(a) (relating to social security and tier 1 railroad retirement benefits) is amended by adding at the end the following new flush sentence:

“This paragraph shall not apply to any taxable year beginning in 2009.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

(c) MAINTENANCE OF TRANSFERS TO HOSPITAL INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) amounts equal to the reduction in revenues to the Treasury by reason of the

amendment made by subsection (a). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendment not been enacted.

(d) OFFSET.—Notwithstanding any other provision of division A, the amounts appropriated or made available in division A (other than any such amount under the heading “Department of Veterans Affairs” in title X of division A) shall be reduced by a percentage necessary to offset the aggregate amount appropriated under subsection (c).

**SA 243.** Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 484, after line 24, add the following:

The preceding sentence shall not apply to any taxpayer with respect to losses attributable to the modification of any personal residence indebtedness. Notwithstanding any other provision of division A, each amount appropriated or made available in division A (other than any such amount under the heading “Department of Veterans Affairs” in title X of division A) shall be reduced by 0.05 percent.

**SA 244.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 89 submitted by Ms. STABENOW (for herself and Mr. LEVIN) and intended to be proposed to the bill H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children’s Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 435, strike line 4 and all that follows through page 441, line 15, and insert the following:

**SEC. 1001. REDUCTION IN 10-PERCENT RATE BRACKET FOR 2009 AND 2010.**

(a) IN GENERAL.—Paragraph (1) of section 1(i) is amended by adding at the end the following new subparagraph:

“(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

“(i) IN GENERAL.—Subparagraph (A)(i) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

“(I) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(II) Section 3402(p)(2) shall be applied by substituting ‘5 percent’ for ‘10 percent’.”

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Subclause (II) of section 1(i)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

Beginning on page 554, line 6, strike all through page 565, line 3.

**SA 245.** Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, line 11, after the period at the end, add the following: “No State higher education agency in any of the several States, the District of Columbia, or the Commonwealth of Puerto Rico shall receive less than ½ of 1 percent of the amount allocated under this paragraph.”

**SA 246.** Mrs. SHAHEEN (for herself, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, between lines 12 and 13, insert the following:

**SEC. 803A. ADDITIONAL FUNDS FOR HIGHER EDUCATION MODERNIZATION, RENOVATION, AND REPAIR.**

(a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, \$2,500,000,000 for carrying out activities authorized under section 803 of this Act, which funds shall remain available through September 30, 2010.

(b) EMERGENCY DESIGNATION.—The amount provided in subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

**SA 247.** Mr. UDALL of Colorado submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, strike lines 3 through 5 and insert the following:

For an additional amount for “State and Tribal Assistance Grants”, \$8,400,000,000, to remain available until September 10, 2010, of which \$6,000,000,000 shall

**SA 248.** Mr. UDALL of Colorado submitted an amendment intended to be

proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 2, strike "\$1,400,000,000" and insert "\$1,425,000,000".

On page 70, line 9, before the period, insert the following: "Provided further, That not less than \$25,000,000 of the funds provided under this heading shall be used for programs, projects, and activities for and relating to the Arnel Unit of the Pick-Sloan Missouri River Basin Program as authorized by section 9 of the Act of December 22, 1944 (commonly known as the 'Flood Control Act of 1944') (58 Stat. 891, chapter 665), and other law".

**SA 249.** Mrs. LINCOLN (for herself, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

**TITLE VI—MISCELLANEOUS PROVISIONS**  
**SEC. 6001. APPLYING MEDICARE RURAL HOME HEALTH ADD-ON POLICY FOR REMAINING PORTION OF 2009 AND ALL OF 2010.**

Section 421(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2283), as amended by section 5201(b) of the Deficit Reduction Act of 2005 (Public Law 109-171; 120 Stat. 46), is amended—

(1) by striking "and episodes" and inserting "and episodes"; and

(2) by inserting "and episodes and visits ending on or after the date of enactment of the American Recovery and Reinvestment Act of 2009 and before January 1, 2011," after "January 1, 2007,".

**SA 250.** Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. WYDEN, Mr. ROBERTS, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

**TITLE VI—MISCELLANEOUS PROVISIONS**  
**SEC. 6001. NO APPLICATION OF REVISED AVERAGE HOURLY WAGE COMPARISON RECLASSIFICATION CRITERIA.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of

Health and Human Services (in this section referred to as the "Secretary") shall not apply, during the period described in subsection (b), the changes to the average hourly wage comparison reclassification criteria described in sections 412.230(d)(1)(iv), 412.232(c), and 412.234(b) of title 42, Code of Federal Regulations (as in effect on October 1, 2008), or any similar provision, to a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) seeking reclassification of its wage index for purposes of such section during such period.

(b) SUSPENSION PERIOD.—The period described in this subsection begins on October 1, 2008, and ends on the first day of the first fiscal year that begins 1 year after the Secretary has published in the Federal Register a proposal (or proposals) that considers the matters described in subparagraphs (A) through (I) of section 106(b)(2) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109-432).

(c) EFFECT ON RECLASSIFICATION DECISIONS.—Notwithstanding any other provision of law, in the case of a decision made by the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)), during the period described in subsection (b), denying an application by a subsection (d) hospital (as so defined) for reclassification of its wage index for purposes of such section during such period on the basis of the changes to the average hourly wage comparison reclassification criteria described in sections 412.230(d)(1)(iv), 412.232(c) and 412.234(b) of title 42, Code of Federal Regulations (as in effect on October 1, 2008), or any similar provision, the Board shall reissue the decision as if such changes were not in effect.

(d) IMPLEMENTATION.—The Secretary shall make a proportional adjustment in the standardized amounts determined under section 1886(d)(3) of the Social Security Act (42 U.S.C. 1395ww(d)(3)) for a fiscal year to assure that the provisions of this section do not result in aggregate payments under section 1886(d) (42 U.S.C. 1395ww(d)) that are greater or less than those that would otherwise be made during the fiscal year.

**SA 251.** Mrs. LINCOLN (for herself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

**SEC. 5006. DELAY IN APPLICATION OF NEW PAYMENT LIMIT FOR MULTIPLE SOURCE DRUGS UNDER MEDICAID.**

Section 203 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1396r-8 note) is amended—

(1) in subsection (a)(1), by striking "September 30, 2009" and inserting "June 30, 2010"; and

(2) in subsections (a)(2) and (b), by striking "October 1, 2009" each place it appears and inserting "July 1, 2010".

**SA 252.** Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed

by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) PLAN TO ESTABLISH A MEDICAL HOME PROGRAM TO COORDINATE CARE FOR ELIGIBLE MEDICAID BENEFICIARIES.—

(A) IN GENERAL.—

(i) SUBMISSION.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date (not later than 6 months after the date of enactment of this Act) on which the State submits to the Secretary a plan to establish a medical home program to coordinate care for eligible Medicaid beneficiaries.

(ii) IMPLEMENTATION.—Each State that is paid additional Federal funds as a result of this section shall, not later than 18 months after such date of enactment, implement such a plan that has been approved by the Secretary.

(B) DETAILS.—Such plan shall include the following:

(i) Subject to clause (ii), provide primary care physicians and other participating providers of services a management fee that reflects the amount of time spent with an eligible Medicaid beneficiary, and the family of such eligible Medicaid beneficiary, providing primary care services, chronic care disease management services, and other services for purposes of coordinating care of the eligible Medicaid beneficiary.

(ii) Such management fee shall not be provided to a primary care physician with respect to an eligible Medicaid beneficiary unless such eligible Medicaid beneficiary has designated the primary care physician (under procedures established by the State) as the health home of the eligible Medicaid beneficiary.

(C) DEFINITION OF ELIGIBLE MEDICAID BENEFICIARY.—In this paragraph, the term "eligible Medicaid beneficiary" means an individual who—

(i) is enrolled in the State Medicaid plan under title XIX of the Social Security Act; and

(ii) is determined to have 1 or more chronic diseases.

**SA 253.** Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) PLAN TO ESTABLISH CHRONIC CARE DISEASE MANAGEMENT PROGRAMS.—

(A) IN GENERAL.—

(i) SUBMISSION.—A State is not eligible for an increase in its FMAP under subsection

(a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date (not later than 6 months after the date of enactment of this Act) on which the State submits to the Secretary a plan to establish chronic care disease management programs with respect to at least the 5 most prevalent diseases within the population of Medicaid beneficiaries in the State.

(ii) IMPLEMENTATION.—Each State that is paid additional Federal funds as a result of this section shall, not later than 18 months after such date of enactment, implement such a plan that has been approved by the Secretary.

(B) DETAILS.—Such plan shall include the following:

(i) Provide primary care physicians chronic care disease management payments for assuring that an eligible Medicaid beneficiary receives appropriate and comprehensive care, including referral of the eligible Medicaid beneficiary to specialists, and that the eligible Medicaid beneficiary receives preventive services.

(ii) The amount of such chronic care disease management payment shall reflect the amount of time spent with the eligible Medicaid beneficiary, and the family of the eligible Medicaid beneficiary, providing chronic care disease management services to the eligible Medicaid beneficiary.

(C) DEFINITION OF ELIGIBLE MEDICAID BENEFICIARY.—In this paragraph, the term “eligible Medicaid beneficiary” means an individual who—

(i) is enrolled in the State Medicaid plan under title XIX of the Social Security Act; and

(ii) is determined to have 1 or more of the diseases with respect to which such chronic care disease management programs are established in the State.

**SA 254.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 263, strike line 11 and all that follows through line 21 on page 390, and insert the following:

#### TITLE XIII—HEALTH INFORMATION TECHNOLOGY

##### SEC. 13001. SHORT TITLE.

This title may be cited as the “Wired for Health Care Quality Act”.

##### Subtitle A—Improving the Interoperability of Health Information Technology

##### SEC. 13101. IMPROVING HEALTH CARE QUALITY, SAFETY, AND EFFICIENCY.

(a) IN GENERAL.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

#### “TITLE XXX—HEALTH INFORMATION TECHNOLOGY AND QUALITY

##### “SEC. 3001. DEFINITIONS; REFERENCE.

“(a) IN GENERAL.—In this title:

“(1) ENTITY.—The term ‘Entity’ means the Health IT Standards Entity established under section 3003.

“(2) HEALTH CARE PROVIDER.—The term ‘health care provider’ means a hospital,

skilled nursing facility, home health entity, nursing facility, licensed assisted-living facility, health care clinic, federally qualified health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a practitioner (as defined in section 1842(b)(18)(CC) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

“(3) HEALTH INFORMATION.—The term ‘health information’ has the meaning given such term in section 1171(4) of the Social Security Act.

“(4) HEALTH INSURANCE PLAN.—

“(A) IN GENERAL.—The term ‘health insurance plan’ means—

“(i) a health insurance issuer (as defined in section 2791(b)(2));

“(ii) a group health plan (as defined in section 2791(a)(1)); and

“(iii) a health maintenance organization (as defined in section 2791(b)(3)); or

“(iv) a safety net health plan.

“(B) SAFETY NET HEALTH PLAN.—The term ‘safety net health plan’ means a managed care organization, as defined in section 1932(a)(1)(B)(i) of the Social Security Act—

“(i) that is exempt from or not subject to Federal income tax, or that is owned by an entity or entities exempt from or not subject to Federal income tax; and

“(ii) for which not less than 75 percent of the enrolled population receives benefits under a Federal health care program (as defined in section 1128B(f)(1) of the Social Security Act) or a health care plan or program which is funded, in whole or in part, by a State (other than a program for government employees).

“(C) REFERENCES.—All references in this title to ‘health plan’ shall be deemed to be references to ‘health insurance plan’.

“(5) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term ‘individually identifiable health information’ has the meaning given such term in section 1171 of the Social Security Act.

“(6) LABORATORY.—The term ‘laboratory’ has the meaning given such term in section 353.

“(7) NATIONAL COORDINATOR.—The term ‘National Coordinator’ means the National Coordinator of Health Information Technology appointed pursuant to section 3002.

“(8) POLICY COMMITTEE.—The term ‘Policy Committee’ means the Health Information Technology Policy Committee established under section 3004.

“(9) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term ‘qualified health information technology’ means a computerized system (including hardware and software) that—

“(A) protects the privacy and security of health information;

“(B) maintains and provides permitted access to health information in an electronic format;

“(C) with respect to individually identifiable health information maintained in a designated record set, preserves an audit trail of each individual that has gained access to such record set;

“(D) incorporates decision support to reduce medical errors and enhance health care quality;

“(E) complies with the standards and implementation specifications and certification criteria adopted by the Federal Government under section 3003;

“(F) has the ability to transmit and exchange information to other health information technology systems and, to the extent

feasible, public health information technology systems; and

“(G) allows for the reporting of quality measures adopted under section 3010.

“(10) STATE.—The term ‘State’ means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

“(b) REFERENCES TO SOCIAL SECURITY ACT.—Any reference in this section to the Social Security Act shall be deemed to be a reference to such Act as in effect on the date of enactment of this title.

#### “SEC. 3002. OFFICE OF THE NATIONAL COORDINATOR FOR HEALTH INFORMATION TECHNOLOGY.

“(a) ESTABLISHMENT.—There is established within the office of the Secretary, the Office of the National Coordinator for Health Information Technology. The National Coordinator shall be appointed by the Secretary in consultation with the President, and shall report directly to the Secretary.

“(b) PURPOSE.—The Office of the National Coordinator shall be responsible for—

“(1) ensuring that key health information technology initiatives are coordinated across programs of the Department of Health and Human Services;

“(2) ensuring that health information technology policies and programs of the Department of Health and Human Services are coordinated with such policies and programs of other relevant Federal agencies (including Federal commissions and advisory committees) with a goal of avoiding duplication of efforts and of helping to ensure that each agency undertakes activities primarily within the areas of its greatest expertise and technical capability;

“(3) reviewing Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published by the Office of the National Coordinator for Health Information Technology to establish a nationwide interoperable health information technology infrastructure;

“(4) providing comments and advice regarding specific Federal health information technology programs, at the request of Office of Management and Budget; and

“(5) enhancing the use of health information technology to improve the quality of health care in the prevention and management of chronic disease and to address population health.

“(c) ROLE WITH POLICY COMMITTEE AND ENTITY.—The Office of the National Coordinator shall—

“(1) serve as an ex officio member of the Policy Committee, and act as a liaison between the Federal Government and the Policy Committee;

“(2) serve as an ex officio member of the Entity and act as a liaison between the Federal Government and the Entity; and

“(3) serve as a liaison between the Entity and the Policy Committee.

“(d) REPORTS AND WEBSITE.—The Office of the National Coordinator shall—

“(1) develop, publish, and update as necessary a strategic plan for implementing a nationwide interoperable health information technology infrastructure;

“(2) maintain and frequently update an Internet website that—

“(A) publishes the schedule for the assessment of standards and implementation specifications;

“(B) publishes the recommendations of the Policy Committee;

“(C) publishes the recommendations of the Entity;

“(D) publishes quality measures adopted pursuant to this title and the Wired for Health Care Quality Act;

“(E) identifies sources of funds that will be made available to facilitate the purchase of, or enhance the utilization of, qualified health information technology systems, either through grants or technical assistance; and

“(F) publishes a plan for a transition of any functions of the Office of the National Coordinator that should be continued after September 30, 2014;

“(3) prepare a report on the lessons learned from major public and private health care systems that have implemented health information technology systems, including an explanation of whether the systems and practices developed by such systems may be applicable to and usable in whole or in part by other health care providers; and

“(4) assess the impact of health information technology in communities with health disparities and identify practices to increase the adoption of such technology by health care providers in such communities.

“(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the duplication of Federal efforts with respect to the establishment of the Office of the National Coordinator for Health Information Technology, regardless of whether such efforts are carried out before or after the date of the enactment of this title.

“(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section, \$5,000,000 for each of fiscal years 2009 and 2010.

“(g) **SUNSET.**—The provisions of this section shall not apply after September 30, 2014.

“**SEC. 3003. HEALTH INFORMATION TECHNOLOGY STANDARDS ENTITY.**

“(a) **ESTABLISHMENT.**—The Secretary, through a grant, contract, or cooperative agreement, shall provide for the establishment of a public-private entity to be known as the ‘Health IT Standards Entity’ (referred to in this title as the ‘Entity’) to—

“(1) set priorities and support the development, harmonization, and recognition of standards, implementation specifications, and certification criteria for the electronic exchange of health information (including for the reporting of quality data under section 3010); and

“(2) serve as a forum for the participation of a broad range of stakeholders with specific technical expertise in the development of standards, implementation specifications, and certification criteria to provide input on the effective implementation of health information technology systems.

“(b) **STRUCTURE.**—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

“(1) **DIVERSE COMPOSITION.**—The Entity is initially composed of members representing the Federal Government, consumers and patient organizations, organizations with expertise in privacy, organizations with expertise in security, health care providers, health plans and other third party payers, information technology vendors, purchasers and employers, health informatics and entities engaged in research and academia, health information exchanges, organizations with expertise in infrastructure and technical standards, organizations with expertise in quality improvement, and other appropriate health entities.

“(2) **BROAD PARTICIPATION.**—There is broad participation in the Entity by a variety of public and private stakeholders, either through membership in the Entity or through another means.

“(3) **PUBLISHED BUSINESS PLAN; GOVERNANCE RULES.**—The Entity has a business plan and a published set of governance rules that will enable it to be self-sustaining and to fulfill the purposes stated in this section, and the

Entity publishes such plan and such rules on an Internet website that it develops and maintains.

“(4) **CHAIRPERSON; VICE CHAIRPERSON.**—The Entity may designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Entity.

“(5) **DEPARTMENT MEMBERSHIP.**—The Secretary shall be a member of the Entity, and the National Coordinator shall act as a liaison among the Entity, the Community, and the Federal Government.

“(6) **BALANCE AMONG SECTORS.**—In developing the procedures for conducting the activities of the Entity, the Entity shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the Entity.

“(c) **STANDARDS AND IMPLEMENTATION SPECIFICATIONS.**—

“(1) **ACTIVITIES OF THE ENTITY.**—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

“(A) **PUBLICATION OF SCHEDULE.**—Not later than 90 days after the date on which the Entity is established, the Entity shall develop and publish a schedule for the assessment of standards and implementation specifications under this section, and update such schedule annually.

“(B) **FIRST YEAR STANDARDS ACTIVITY.**—Consistent with the initial schedule published under subparagraph (A) and not later than 1 year after date on which the Entity is established, the Entity shall develop, harmonize, or recognize such standards and implementation specifications.

“(C) **SUBSEQUENT STANDARDS ACTIVITY.**—The Entity shall review at least annually, and modify as appropriate, standards and implementation specifications that the Entity has previously developed, harmonized, or recognized, and continue to develop, harmonize, or recognize additional standards and implementation specifications, consistent with the updated schedule published pursuant to subparagraph (A).

“(D) **RECOGNITION OF ENTITY TO MAKE RECOMMENDATIONS.**—The Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, harmonizing, or updating standards and implementation specifications, consistent with this section, and making recommendations on such subjects to the Entity, in order to achieve uniform and consistent implementation of the standards and implementation specifications.

“(E) **STANDARD TESTING PILOT PROJECT.**—The Entity may conduct, or, in consultation with the Secretary, may recognize a private entity or entities to conduct, a pilot project to test the standards and implementation specifications developed, harmonized, or recognized under this section in order to provide for the efficient implementation of such standards and implementation specifications.

“(2) **REVIEW.**—The Secretary shall review the standards and implementation specifications described in paragraphs (1)(A) and (1)(B).

“(3) **PUBLICATION.**—

“(A) **SCHEDULE.**—The Secretary shall publish the schedules developed under paragraph (1)(A) in the Federal Register and on the Internet website of the Department of Health and Human Services.

“(B) **STANDARDS AND IMPLEMENTATION SPECIFICATIONS.**—All standards and implementation specifications developed, harmonized, or recognized by the Entity pursuant to this section shall be published in the Federal Register and on the Internet website of the Office of the National Coordinator.

“(4) **FEDERAL ACTION.**—Not later than 6 months after the issuance of a standard or implementation specification by the Entity under this subsection, the Secretary, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies as determined appropriate by the President, shall jointly review such standard or implementation specification. If appropriate, the President shall provide for the adoption by the Federal Government of any such standard or implementation specification. Such determination shall be published in the Federal Register and on the Internet website of the Office of the National Coordinator within 30 days after the date on which such determination is made.

“(d) **OPEN AND PUBLIC PROCESS.**—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

“(1) **CONSENSUS APPROACH; OPEN PROCESS.**—The Entity shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

“(2) **PARTICIPATION OF OUTSIDE ADVISERS.**—The Entity shall ensure an adequate opportunity for the participation of outside advisers, including individuals with expertise in—

“(A) health information privacy;

“(B) health information security;

“(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

“(D) long-term care and aging services; and

“(E) data exchange and developing health information technology standards and new health information technology.

“(3) **OPEN MEETINGS.**—Plenary and other regularly scheduled formal meetings of the Entity (or established subgroups thereof) shall be open to the public.

“(4) **PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.**—The Entity shall develop and maintains an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

“(5) **OPPORTUNITY FOR PUBLIC COMMENT.**—The Entity shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

“(6) **REPORT.**—Not later than 12 months after the date of enactment of this title, the Entity publishes a report on progress made in developing, harmonizing, and recognizing standards, implementation specifications, and certification criteria, and in achieving broad participation of stakeholders in its processes.

“(e) **CERTIFICATION.**—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure that—

“(1) the Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, updating, and recommending to the Entity criteria to certify that appropriate categories of health information technology products that claim to be in compliance with applicable standards and implementation specifications developed, harmonized, or recognized under this title have established such compliance;

“(2) the Entity, in consultation with the Secretary, reviews, and if appropriate, adopts such criteria; and

“(3) the Entity, in consultation with the Secretary, may recognize a private entity or

entities to conduct the certifications described under paragraph (1) using the criteria adopted under this subsection.

“(f) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as requiring the duplication of Federal efforts with respect to activities described in this section that are existing on the date of enactment of this title, including the establishment of an entity to support the development, harmonization, or recognition of standards, implementation specifications, and certification criteria, regardless of whether such efforts are carried out prior to or after such date of the enactment.

“(g) **FLEXIBILITY.**—The provisions of Public Law 92-463 (as amended) shall not apply to the Entity.

“(h) **REQUIREMENT TO CONSIDER RECOMMENDATIONS.**—In carrying out the activities described in this section, the Entity shall integrate the recommendations of the Policy Committee that are adopted by the Secretary under section 3004(c).

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section, \$2,000,000 for each of the fiscal years 2009 and 2010 to be available until expended.

**“SEC. 3004. HEALTH INFORMATION TECHNOLOGY POLICY COMMITTEE.**

“(a) **ESTABLISHMENT.**—There is established a committee to be known as the Health Information Technology Policy Committee to provide advice to the Secretary and the heads of any relevant Federal agencies concerning the policy considerations related to health information technology.

“(b) **PURPOSE.**—The Policy Committee shall—

“(1) not later than 1 year after the date of enactment of this title, and semiannually thereafter, make recommendations concerning a policy framework for the development and adoption of a nationwide interoperable health information technology infrastructure;

“(2) not later than 1 year after the date of enactment of this title, and annually thereafter, make recommendations concerning national policies for adoption by the Federal Government, and voluntary adoption by private entities, to support the widespread adoption of health information technology, including—

“(A) the protection of individually identifiable health information, including policies concerning the individual’s ability to control the acquisition, uses, and disclosures of individually identifiable health information;

“(B) methods to protect individually identifiable health information from improper use and disclosures and methods to notify patients if their individually identifiable health information is wrongfully disclosed;

“(C) methods to facilitate secure access to such individual’s individually identifiable health information;

“(D) methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient’s individually identifiable health information;

“(E) the appropriate uses of a nationwide health information network including—

“(i) the collection of quality data and public reporting;

“(ii) biosurveillance and public health;

“(iii) medical and clinical research; and

“(iv) drug safety;

“(F) fostering the public understanding of health information technology;

“(G) strategies to enhance the use of health information technology in preventing and managing chronic disease;

“(H) policies to take into account the input of employees and staff who are directly involved in patient care of such health care providers in the design, implementation, and use of health information technology systems;

“(I) other policies determined to be necessary by the Policy Committee; and

“(J) best practices in the communication of privacy protections and procedures to ensure comprehension by individuals with limited English proficiency and limited health literacy; and

“(3) serve as a forum for the participation of a broad range of stakeholders to provide input on improving the effective implementation of health information technology systems.

“(c) **PUBLICATION.**—All recommendations made by the Policy Committee pursuant to this section shall be published in the Federal Register and on the Internet website of the National Coordinator. The Secretary shall review all recommendations and determine which recommendations shall be adopted by the Federal Government and such determination shall be published on the Internet website of the Office of the National Coordinator within 30 days after the date of such adoption.

“(d) **MEMBERSHIP.**—

“(1) **IN GENERAL.**—The Policy Committee shall be composed of members to be appointed as follows:

“(A) 1 member shall be appointed by the Secretary.

“(B) 1 member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

“(C) 1 member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

“(D) 1 member shall be appointed by the majority leader of the Senate.

“(E) 1 member shall be appointed by the minority leader of the Senate.

“(F) 1 member shall be appointed by the Speaker of the House of Representatives.

“(G) 1 member shall be appointed by the minority leader of the House of Representatives.

“(H) Eleven members shall be appointed by the Comptroller General of whom—

“(i) three members shall represent patients or consumers;

“(ii) one member shall represent health care providers;

“(iii) one member shall be from a labor organization representing health care workers;

“(iv) one member shall have expertise in privacy and security;

“(v) one member shall have expertise in improving the health of vulnerable populations;

“(vi) one member shall represent health plans or other third party payers;

“(vii) one member shall represent information technology vendors;

“(viii) one member shall represent purchasers or employers; and

“(ix) one member shall have expertise in health care quality measurement and reporting.

“(2) **CHAIRPERSON AND VICE CHAIRPERSON.**—The Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

“(3) **NATIONAL COORDINATOR.**—The National Coordinator shall be a member of the Policy Committee and act as a liaison among the Policy Committee, the Entity, and the Federal Government.

“(4) **PARTICIPATION.**—The members of the Policy Committee appointed under paragraph (1) shall represent a balance among various sectors of the health care system so

that no single sector unduly influences the recommendations of the Policy Committee.

“(5) **TERMS.**—

“(A) **IN GENERAL.**—The terms of members of the Policy Committee shall be for 3 years except that the Comptroller General shall designate staggered terms for the members first appointed.

“(B) **VACANCIES.**—Any member appointed to fill a vacancy in the membership of the Policy Committee that occurs prior to the expiration of the term for which the member’s predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has been appointed. A vacancy in the Policy Committee shall be filled in the manner in which the original appointment was made.

“(6) **OUTSIDE INVOLVEMENT.**—The Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

“(A) health information privacy and security;

“(B) improving the health of vulnerable populations;

“(C) health care quality and patient safety, including individuals with expertise in measurement and the use of health information technology to capture data to improve health care quality and patient safety;

“(D) long-term care and aging services;

“(E) medical and clinical research; and

“(F) data exchange and developing health information technology standards and new health information technology.

“(7) **QUORUM.**—Ten members of the Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

“(8) **FAILURE OF INITIAL APPOINTMENT.**—

“(A) **FORFEITURE OF AUTHORITY TO APPOINT.**—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (1) to appoint one or more members of the Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

“(i) the number of members that such official is authorized to appoint shall be reduced to the number that such official has appointed as of that date; and

“(ii) the number prescribed in paragraph (7) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

“(B) **TRANSITION RULE.**—With respect to an official authorized under paragraph (1) to appoint one or more members of the Policy Committee and who has not appointed the full number of members that such paragraph authorizes such official to appoint within the 120-day period described in subparagraph (A), upon a change in such official (resulting from the convening of a new Congress or the swearing in of a new President), a new 120-day period shall begin to run under such subparagraph with respect to the remaining members to be appointed by such official.

“(e) **FEDERAL AGENCIES.**—

“(1) **STAFF OF OTHER FEDERAL AGENCIES.**—Upon the request of the Policy Committee, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Policy Committee to assist in carrying out the duties of the Policy Committee. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee involved.

“(2) **TECHNICAL ASSISTANCE.**—Upon the request of the Policy Committee, the head of a Federal agency shall provide such technical assistance to the Policy Committee as the

Policy Committee determines to be necessary to carry out its duties.

“(3) OTHER RESOURCES.—The Policy Committee shall have reasonable access to materials, resources, statistical data, and other information from the Library of Congress and agencies and elected representatives of the executive and legislative branches of the Federal Government. The chairperson or vice chairperson of the Policy Committee shall make requests for such access in writing when necessary.

“(f) ADMINISTRATIVE PROVISIONS.—

“(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Policy Committee, except that the term provided for under section 14(a)(2) of such Act shall be not longer than 7 years.

“(2) CHARTER.—

“(A) IN GENERAL.—The Secretary shall file the Policy Committee charter prescribed by section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) not later than 120 days after the date of enactment of this title.

“(B) FAILURE TO FILE.—If the charter described in subparagraph (A) has not been filed by the date specified in such subparagraph, then the requirement under section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) shall be deemed to have been met as of the day following the date specified in such subparagraph.

“(g) SUNSET.—The provisions of this section shall not apply after September 30, 2014.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$2,000,000 for each of fiscal years 2009 and 2010.

**“SEC. 3005. FEDERAL PURCHASING AND DATA COLLECTION.**

“(a) COORDINATION OF FEDERAL SPENDING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the adoption by the President of a recommendation under section 3003(c)(8), a Federal agency shall not expend Federal funds for the purchase of any new health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information if such technology or system is not consistent with applicable standards and implementation specifications adopted by the Federal Government under section 3003.

“(2) EXCEPTIONS.—The President may authorize an exception to the requirement in paragraph (1) as determined necessary by the Secretary for the efficient administration of the Federal agency involved or for economic reasons, including a case in which—

“(A) the purchasing cycles involved preclude modifying specifications without significant costs; and

“(B) a new technology or system must interact with a separate older technology or system whose replacement or modification would impose significant costs.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to restrict the purchase of minor (as determined by the Secretary) hardware or software components in order to modify, correct a deficiency in, or extend the life of existing hardware or software.

“(b) VOLUNTARY ADOPTION.—Any standards and implementation specifications adopted by the Federal Government under section 3003(c)(8) shall be voluntary with respect to private entities.

“(c) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in section 3003(c)(8), all Federal agencies collecting health data in an electronic format for the purposes of quality reporting, surveillance,

epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary, shall comply with applicable standards and implementation specifications adopted under such subsection. The requirements of this subsection shall apply to the collection of health data pursuant to programs authorized or required by the Social Security Act only as authorized or required by such Act.

“(d) ELECTRONIC SUBMISSION.—The Secretary shall implement procedures to enable the Department of Health and Human Services to accept the electronic submission of data for activities described in this title and the Federal Food, Drug, and Cosmetic Act.

**“SEC. 3006. QUALITY AND EFFICIENCY REPORTS.**

“(a) PURPOSE.—The purpose of this section is to provide for the development of reports based on Federal health care data and private data that is publicly available or is provided by the entity making the request for the report in order to—

“(1) improve the quality and efficiency of health care and advance health care research;

“(2) enhance the education and awareness of consumers for evaluating health care services; and

“(3) provide the public with reports on national, regional, and provider- and supplier-specific performance, which may be in a provider- or supplier-identifiable format.

“(b) PROCEDURES FOR THE DEVELOPMENT OF REPORTS.—

“(1) IN GENERAL.—Notwithstanding section 552(b)(6) or 552a(b) of title 5, United States Code, subject to paragraph (2)(A)(ii), not later than 12 months after the date of enactment of this section, the Secretary, in accordance with the purpose described in subsection (a), shall establish and implement procedures under which an entity may submit a request to a Quality Reporting Organization for the Organization to develop a report based on—

“(A) Federal health care data disclosed to the Organization under subsection (c);

“(B) private data that is publicly available or is provided to the Organization by the entity making the request for the report; and

“(C) clinical data, when available, used to improve the quality of care, monitor chronic diseases and medical procedures, and includes the following characteristics:

“(i) Has multi-institutional data sources.

“(ii) Is national in scope.

“(iii) Has publicly available protocols that encompass common definitions, data collection, sampling size, methodology, and standardized reporting format.

“(iv) Has an external audit process to ensure adequacy and quality of data.

“(v) Is risk-adjusted to ensure appropriate data comparison.

“(2) DEFINITIONS.—In this section:

“(A) FEDERAL HEALTH CARE DATA.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘Federal health care data’ means—

“(I) deidentified enrollment data and deidentified claims data maintained by the Secretary or entities under programs, contracts, grants, or memoranda of understanding administered by the Secretary; and

“(II) where feasible, other deidentified enrollment data and deidentified claims data maintained by the Federal Government or entities under contract with the Federal Government.

“(ii) EXCEPTION.—The term ‘Federal health care data’ includes data relating to programs administered by the Secretary under the Social Security Act only to the extent that the disclosure of such data is authorized or required under such Act.

“(B) QUALITY REPORTING ORGANIZATION.—The term ‘Quality Reporting Organization’

means an entity with a contract under subsection (d).

“(c) ACCESS TO FEDERAL HEALTH CARE DATA.—

“(1) IN GENERAL.—The procedures established under subsection (b)(1) shall provide for the secure disclosure of Federal health care data to each Quality Reporting Organization.

“(2) UPDATE OF INFORMATION.—Not less than every 6 months, the Secretary shall update the information disclosed under paragraph (1) to Quality Reporting Organizations.

“(d) QUALITY REPORTING ORGANIZATIONS.—

“(1) IN GENERAL.—

“(A) CONTRACTS.—Subject to subparagraph (B), the Secretary shall enter into a contract with up to 3 private entities to serve as Quality Reporting Organizations under which an entity shall—

“(i) store the Federal health care data that is to be disclosed under subsection (c); and

“(ii) develop and release reports pursuant to subsection (e).

“(B) ADDITIONAL CONTRACTS.—If the Secretary determines that reports are not being developed and released within 6 months of the receipt of the request for the report, the Secretary shall enter into contracts with additional private entities in order to ensure that such reports are developed and released in a timely manner.

“(2) QUALIFICATIONS.—The Secretary shall enter into a contract with an entity under paragraph (1) only if the Secretary determines that the entity—

“(A) has the research capability to conduct and complete reports under this section;

“(B) has in place—

“(i) an information technology infrastructure to support the database of Federal health care data that is to be disclosed to the entity; and

“(ii) operational standards to provide security for such database;

“(C) has experience with, and expertise on, the development of reports on health care quality and efficiency; and

“(D) has a significant business presence in the United States.

“(3) CONTRACT REQUIREMENTS.—Each contract with an entity under paragraph (1) shall contain the following requirements:

“(A) ENSURING BENEFICIARY PRIVACY.—

“(i) HIPAA.—The entity shall meet the requirements imposed on a covered entity for purposes of applying part C of title XI and all regulatory provisions promulgated thereunder, including regulations (relating to privacy) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

“(ii) OTHER STATUTORY PROTECTIONS.—The entity shall be required to refrain from disclosing data that could be withheld by the Secretary under section 552 of title 5, United States Code, or whose disclosure by the Secretary would violate section 552a of such title.

“(B) PROPRIETARY INFORMATION.—The entity shall provide assurances that the entity will not disclose any negotiated price concessions, such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations, obtained by health care providers or suppliers or health care plans, or any other proprietary cost information.

“(C) DISCLOSURE.—The entity shall disclose—

“(i) any financial, reporting, or contractual relationship between the entity and any health care provider or supplier or health care plan; and

“(ii) if applicable, the fact that the entity is managed, controlled, or operated by any

health care provider or supplier or health care plan.

“(D) COMPONENT OF ANOTHER ORGANIZATION.—If the entity is a component of another organization—

“(i) the entity shall maintain Federal health care data and reports separately from the rest of the organization and establish appropriate security measures to maintain the confidentiality and privacy of the Federal health care data and reports; and

“(ii) the entity shall not make an unauthorized disclosure to the rest of the organization of Federal health care data or reports in breach of such confidentiality and privacy requirement.

“(E) TERMINATION OR NONRENEWAL.—If a contract under this section is terminated or not renewed, the following requirements shall apply:

“(i) CONFIDENTIALITY AND PRIVACY PROTECTIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this section with respect to all Federal health care data disclosed to the entity and each report developed by the entity.

“(ii) DISPOSITION OF DATA AND REPORTS.—The entity shall—

“(I) return to the Secretary all Federal health care data disclosed to the entity and each report developed by the entity; or

“(II) if returning the Federal health care data and reports is not practicable, destroy the reports and Federal health care data.

“(4) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 4(5) of the Federal Procurement Policy Act) shall be used to enter into contracts under paragraph (1).

“(5) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a Quality Reporting Organization under this section in the event of a merger or acquisition of the Organization in order to ensure that the requirements under this section will continue to be met.

“(e) DEVELOPMENT AND RELEASE OF REPORTS BASED ON REQUESTS.—

“(1) REQUEST FOR A REPORT.—

“(A) REQUEST.—

“(i) IN GENERAL.—The procedures established under subsection (b)(1) shall include a process for an entity to submit a request to a Quality Reporting Organization for a report based on Federal health care data and private data that is publicly available or is provided by the entity making the request for the report. Such request shall comply with the purpose described in subsection (a).

“(ii) REQUEST FOR SPECIFIC METHODOLOGY.—The process described in clause (i) shall permit an entity making a request for a report to request that a specific methodology, including appropriate risk adjustment, be used by the Quality Reporting Organization in developing the report. The Organization shall work with the entity making the request to finalize the methodology to be used.

“(iii) REQUEST FOR A SPECIFIC QRO.—The process described in clause (i) shall permit an entity to submit the request for a report to any Quality Reporting Organization.

“(B) RELEASE TO PUBLIC.—The procedures established under subsection (b)(1) shall provide that at the time a request for a report is finalized under subparagraph (A) by a Quality Reporting Organization, the Organization shall make available to the public, through the Internet website of the Department of Health and Human Services and other appropriate means, a brief description of both the requested report and the methodology to be used to develop such report.

“(2) DEVELOPMENT AND RELEASE OF REPORT.—

“(A) DEVELOPMENT.—

“(i) IN GENERAL.—If the request for a report complies with the purpose described in subsection (a), the Quality Reporting Organization may develop the report based on the request.

“(ii) REQUIREMENT.—A report developed under clause (i) shall include a detailed description of the standards, methodologies, and measures of quality used in developing the report.

“(iii) RISK ADJUSTMENT.—A Quality Reporting Organization shall ensure that the methodology used to develop a report under clause (i) shall include acceptable risk adjustment and case-mix adjustment developed in consultation with providers as described in clause (iv).

“(iv) PROVIDER CONSULTATION.—During the development of the report under clause (i), the Quality Reporting Organization shall consult with a group of not more than 5 providers of the relevant specialty who are appointed by the providers' respective national associations, as to compliance with clauses (ii) and (iii). The comments of the consulted providers shall be included in the public release of the report.

“(B) REVIEW OF REPORT BY SECRETARY.—Prior to a Quality Reporting Organization releasing a report under subparagraph (C), and within 30 days of receiving a request for such a release, the Secretary shall review the report to ensure that the report was delivered using a scientifically valid methodology including appropriate risk adjustment and case-mix adjustment, and determine that the report does not disclose—

“(i) information whose disclosure by a covered entity, as such term is defined for purposes of the regulations issued under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, would violate such regulations; or

“(ii) information that could be withheld by the Department of Health and Human Services under section 552 of title 5, United States Code, or whose disclosure by the Department would violate section 552(a) of such title.

“(C) RELEASE OF REPORT.—

“(i) RELEASE TO ENTITY MAKING REQUEST.—If the Secretary finds that the report complies with the provisions described in subparagraph (B), the Quality Reporting Organization shall release the report to the entity that made the request for the report.

“(ii) RELEASE TO PUBLIC.—The procedures established under subsection (b)(1) shall provide for the following:

“(I) UPDATED DESCRIPTION.—At the time of the release of a report by a Quality Reporting Organization under clause (i), the entity shall make available to the public, through the Internet website of the Department of Health and Human Services and other appropriate means, an updated brief description of both the requested report and the methodology used to develop such report.

“(II) COMPLETE REPORT.—Not later than 1 year after the date of the release of a report under clause (i), the report shall be made available to the public through the Internet website of the Department of Health and Human Services and other appropriate means.

“(F) ANNUAL REVIEW OF REPORTS AND TERMINATION OF CONTRACTS.—

“(1) ANNUAL REVIEW OF REPORTS.—The Comptroller General of the United States shall review reports released under subsection (e)(2)(C) to ensure that such reports comply with the purpose described in subsection (a) and annually submit a report to the Secretary on such review.

“(2) TERMINATION OF CONTRACTS.—The Secretary may terminate a contract with a Quality Reporting Organization if the Secretary determines that there is a pattern of

reports being released by the Organization that do not comply with the purpose described in subsection (a).

“(g) FEES.—

“(1) FEES FOR SECRETARY.—The Secretary shall charge a Quality Reporting Organization a fee for—

“(A) disclosing the data under subsection (c); and

“(B) conducting the review under subsection (e)(2)(B).

The Secretary shall ensure that such fees are sufficient to cover the costs of the activities described in subparagraph (A) and (B).

“(2) FEES FOR QRO.—

“(A) IN GENERAL.—Subject to subparagraphs (A) and (B), a Quality Reporting Organization may charge an entity making a request for a report a reasonable fee for the development and release of the report.

“(B) DISCOUNT FOR SMALL ENTITIES.—In the case of an entity making a request for a report (including a not-for-profit) that has annual revenue that does not exceed \$10,000,000, the Quality Reporting Organization shall reduce the reasonable fee charged to such entity under subparagraph (A) by an amount equal to 10 percent of such fee.

“(C) INCREASE FOR LARGE ENTITIES THAT DO NOT AGREE TO RELEASE REPORTS WITHIN 6 MONTHS.—In the case of an entity making a request for a report that is not described in subparagraph (B) and that does not agree to the report being released to the public under clause (ii)(II) of subsection (e)(2)(C) within 6 months of the date of the release of the report to the entity under clause (i) of such subsection, the Quality Reporting Organization shall increase the reasonable fee charged to such entity under subparagraph (A) by an amount equal to 10 percent of such fee.

“(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to effect the requirement that a report be released to the public under clause (ii)(II) of subsection (e)(2)(C)(ii)(II) by not later than 1 year after the date of the release of the report to the requesting entity under clause (i) of such subsection.

“(h) REGULATIONS.—Not later than 6 months after the date of enactment of this section, the Secretary shall prescribe regulations to carry out this section.

**“SEC. 3007. RESEARCH ACCESS TO HEALTH CARE DATA AND REPORTING ON PERFORMANCE.**

“The Secretary shall permit researchers that meet criteria used to evaluate the appropriateness of the release data for research purpose (as established by the Secretary) to—

“(1) have access to Federal health care data (as defined in section 3006(b)(2)(A)); and

“(2) report on the performance of health care providers and suppliers, including reporting in a provider- or supplier-identifiable format.”

(b) COORDINATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit a report (including recommendations) to the appropriate committees of Congress concerning the coordination of existing Federal health care quality initiatives.

**Subtitle B—Facilitating the Widespread Adoption of Interoperable Health Information Technology**

**SEC. 13201. FACILITATING THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.**

Title XXX of the Public Health Service Act, as added by section 13101, is amended by adding at the end the following:

**“SEC. 3008. FACILITATING THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.**

“(a) COMPETITIVE GRANTS FOR ADOPTION OF TECHNOLOGY.—

“(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

“(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

“(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability standards and implementation specifications;

“(C) adopt the standards and implementation specifications adopted by the Federal Government under section 3003;

“(D) implement the measures adopted under section 3010 and report to the Secretary on such measures;

“(E) agree to notify individuals if their individually identifiable health information is wrongfully disclosed;

“(F) take into account the input of employees and staff who are directly involved in patient care of such health care providers in the design, implementation, and use of qualified health information technology systems;

“(G) demonstrate significant financial need;

“(H) provide matching funds in accordance with paragraph (4); and

“(I) be a—

“(i) public or not for profit hospital;

“(ii) federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act);

“(iii) individual or group practice (or a consortium thereof); or

“(iv) another health care provider not described in clause (i) or (ii); that serves medically underserved communities.

“(3) USE OF FUNDS.—Amounts received under a grant under this subsection shall be used to—

“(A) facilitate the purchase of qualified health information technology systems;

“(B) train personnel in the use of such systems;

“(C) enhance the utilization of qualified health information technology systems (which may include activities to increase the awareness among consumers of health care privacy protections); or

“(D) improve the prevention and management of chronic disease.

“(4) MATCHING REQUIREMENT.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to \$1 for each \$3 of Federal funds provided under the grant.

“(5) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

“(A) eligible entities that will improve the degree to which such entity will link the qualified health information system to local or regional health information plan or plans; and

“(B) with respect to awards made for the purpose of providing care in an outpatient medical setting, entities that organize their practices as a patient-centered medical home.

“(b) COMPETITIVE GRANTS FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILI-

TATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

“(1) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

“(2) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a ‘State loan fund’) and comply with the other requirements contained in this subsection. Amounts received under a grant under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any such State loan fund.

“(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) a State shall—

“(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

“(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

“(D) require that health care providers receiving loans under the grant—

“(i) link, to the extent practicable, the qualified health information system to a local or regional health information network;

“(ii) consult, as needed, with the Health Information Technology Resource Center established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

“(iii) agree to notify individuals if their individually identifiable health information is wrongfully disclosed; and

“(iv) take into account the input of employees and staff who are directly involved in patient care of such health care providers in the design and implementation and use of qualified health information technology systems;

“(E) require that health care providers receiving loans under the grant adopt the standards adopted by the Federal Government under section 3003;

“(F) require that health care providers receiving loans under the grant implement the measures adopted under section 3010 and report to the Secretary on such measures; and

“(G) provide matching funds in accordance with paragraph (8).

“(4) STRATEGIC PLAN.—

“(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

“(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

“(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

“(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund;

“(iii) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund; and

“(iv) a description of the strategies the State will use to address challenges in the adoption of health information technology due to limited broadband access.

“(5) USE OF FUNDS.—

“(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under paragraph (1). Loans under this section may be used by a health care provider to—

“(i) facilitate the purchase of qualified health information technology systems;

“(ii) enhance the utilization of qualified health information technology systems (which may include activities to increase the awareness among consumers of health care of privacy protections and privacy rights); or

“(iii) train personnel in the use of such systems.

“(B) LIMITATION.—Amounts received by a State under this subsection may not be used—

“(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

“(ii) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Wired for Health Care Quality Act; or

“(iii) for any purpose other than making loans to eligible entities under this section.

“(6) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

“(A) To award loans that comply with the following:

“(i) The interest rate for each loan shall be less than or equal to the market interest rate.

“(ii) The principal and interest payments on each loan shall commence not later than 1 year after the date on which the loan was awarded, and each loan shall be fully amortized not later than 10 years after such date.

“(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

“(B) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this subsection) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

“(C) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

“(D) To earn interest on the amounts deposited into the State loan fund.

“(7) ADMINISTRATION OF STATE LOAN FUNDS.—

“(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if not otherwise prohibited by the law under which the State loan fund was established.

“(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this subsection to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

“(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

“(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible in accordance with this title and applicable State laws; and

“(ii) guidance to prevent waste, fraud, and abuse.

“(D) PRIVATE SECTOR CONTRIBUTIONS.—

“(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this subsection.

“(ii) AVAILABILITY OF INFORMATION.—A State shall make publicly available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

“(8) MATCHING REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than \$1 for each \$1 of Federal funds provided under the grant.

“(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTION.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

“(9) PREFERENCE IN AWARDING GRANTS.—The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

“(10) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

“(C) COMPETITIVE GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

“(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to implement regional or local health information plans to improve health care quality and efficiency through the electronic exchange of health information pursuant to the standards, implementation specifications and certification criteria, and other requirements adopted by the Secretary under section 3010.

“(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

“(A) demonstrate financial need to the Secretary;

“(B) demonstrate that one of its principal missions or purposes is to use information technology to improve health care quality and efficiency;

“(C) adopt bylaws, memoranda of understanding, or other charter documents that demonstrate that the governance structure and decisionmaking processes of such entity allow for participation on an ongoing basis by multiple stakeholders within a community, including—

“(i) health care providers (including health care providers that provide services to low income and underserved populations);

“(ii) pharmacists or pharmacies;

“(iii) health plans;

“(iv) health centers (as defined in section 330(b)) and federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act) and rural health clinics (as defined in section 1861(aa) of the Social Security Act), if such centers or clinics are present in the community served by the entity;

“(v) patient or consumer organizations;

“(vi) organizations dedicated to improving the health of vulnerable populations;

“(vii) employers;

“(viii) State or local health departments; and

“(ix) any other health care providers or other entities, as determined appropriate by the Secretary;

“(D) demonstrate the participation, to the extent practicable, of stakeholders in the electronic exchange of health information within the local or regional plan pursuant to subparagraph (C);

“(E) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information plan by all stakeholders;

“(F) adopt the standards and implementation specifications adopted by the Secretary under section 3003;

“(G) require that health care providers receiving such grants—

“(i) implement the measures adopted under section 3010 and report to the Secretary on such measures; and

“(ii) take into account the input of employees and staff who are directly involved in patient care of such health care providers in the design, implementation, and use of health information technology systems;

“(H) agree to notify individuals if their individually identifiable health information is wrongfully disclosed;

“(I) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

“(J) prepare and submit to the Secretary an application in accordance with paragraph (3);

“(K) agree to provide matching funds in accordance with paragraph (5); and

“(L) reduce barriers to the implementation of health information technology by providers.

“(3) APPLICATION.—

“(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(B) REQUIRED INFORMATION.—At a minimum, an application submitted under this paragraph shall include—

“(i) clearly identified short-term and long-term objectives of the regional or local health information plan;

“(ii) a technology plan that complies with the standards, implementation specifications, and certification criteria adopted under section 3003(c)(8) and that includes a descriptive and reasoned estimate of costs of the hardware, software, training, and consulting services necessary to implement the regional or local health information plan;

“(iii) a strategy that includes initiatives to improve health care quality and efficiency, including the use and reporting of health care quality measures adopted under section 3010;

“(iv) a plan that describes provisions to encourage the implementation of the elec-

tronic exchange of health information by all health care providers participating in the health information plan;

“(v) a plan to ensure the privacy and security of individually identifiable health information that is consistent with Federal and State law;

“(vi) a governance plan that defines the manner in which the stakeholders shall jointly make policy and operational decisions on an ongoing basis;

“(vii) a financial or business plan that describes—

“(I) the sustainability of the plan;

“(II) the financial costs and benefits of the plan; and

“(III) the entities to which such costs and benefits will accrue;

“(viii) a description of whether the State in which the entity resides has received a grant under section 319D, alone or as a part of a consortium, and if the State has received such a grant, how the entity will coordinate the activities funded under such section 319D with the system under this section; and

“(ix) in the case of an applicant entity that is unable to demonstrate the participation of all stakeholders pursuant to paragraph (2)(C), the justification from the entity for any such nonparticipation.

“(4) USE OF FUNDS.—Amounts received under a grant under paragraph (1) shall be used to establish and implement a regional or local health information plan in accordance with this subsection.

“(5) MATCHING REQUIREMENT.—

“(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than \$1 for each \$2 of Federal funds provided under the grant.

“(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under subparagraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

“(d) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities carried out under the grant involved. Each such report shall include—

“(1) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

“(2) an analysis of the impact of the project on health care quality and safety;

“(3) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

“(4) other information as required by the Secretary.

“(e) REQUIREMENT TO ACHIEVE QUALITY IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this section and shall, in awarding grants, implement the lessons learned from such evaluations in a manner so that awards made subsequent to each such evaluation are made in a manner that, in the determination of the Secretary, will result in the greatest improvement in quality measures under section

3010. The Secretary shall ensure that such evaluation take into account differences in patient health status, patient characteristics, and geographic location, as appropriate.

“(f) LIMITATIONS.—

“(1) ELIGIBLE ENTITIES.—An eligible entity may only receive 1 non-renewable grant under subsection (a) and one non-renewable grant under subsection (c).

“(2) LOAN RECIPIENTS.—A health care provider may only receive 1 non-renewable loan awarded or guaranteed with funds provided under subsection (b).

“(g) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—For the purpose of carrying out this section, there is authorized to be appropriated \$139,000,000 for fiscal year 2009 and \$139,000,000 for fiscal year 2010.

“(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2012.

“SEC. 3009. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

“(a) IN GENERAL.—The Secretary may award grants to eligible entities or consortia under this section to carry out demonstration projects to develop academic curricula integrating qualified health information technology systems in the clinical education of health professionals or analyze clinical data sets from electronic health records to discover quality measures. Such awards shall be made on a competitive basis and pursuant to peer review.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), an entity or consortium shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(2) be or include—

“(A) a health professions school;

“(B) a school of public health;

“(C) a school of nursing; or

“(D) an institution with a graduate medical education program;

“(3) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients and the efficiency of health care delivery; and

“(4) provide matching funds in accordance with subsection (d).

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—With respect to a grant under subsection (a), an eligible entity or consortium shall use amounts received under the grant in collaboration with 2 or more disciplines.

“(2) LIMITATION.—An eligible entity or consortium shall not award a grant under subsection (a) to purchase hardware, software, or services.

“(d) MATCHING FUNDS.—

“(1) IN GENERAL.—The Secretary may award a grant to an entity or consortium under this section only if the entity or consortium agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than \$1 for each \$2 of Federal funds provided under the grant.

“(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

“(e) EVALUATION.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

“(f) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

“(1) describes the specific projects established under this section; and

“(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, \$2,000,000 for each of fiscal years 2009 and 2010.

“(h) SUNSET.—This provisions of this section shall not apply after September 30, 2012.”

Subtitle C—Improving the Quality of Health Care

SEC. 13301. CONSENSUS PROCESS FOR THE ADOPTION OF QUALITY MEASURES FOR USE IN THE NATIONWIDE INTEROPERABLE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE.

Title XXX of the Public Health Service Act, as amended by section 13201, is further amended by adding at the end the following:

“SEC. 3010. FOSTERING DEVELOPMENT AND USE OF HEALTH CARE QUALITY MEASURES.

“(a) IN GENERAL.—Only for purposes of activities conducted under this title, and excluding all programs authorized under the Social Security Act, the Secretary shall provide for the endorsement and use of health care quality measures (referred to in this title as ‘quality measures’) for the purpose of measuring the quality and efficiency of health care that patients receive pursuant to programs authorized under this title.

“(b) DESIGNATION OF, AND ARRANGEMENT WITH, ORGANIZATION.—

“(1) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary shall designate, and have in effect an arrangement with, a single organization that meets the requirements of subsection (c) under which such organization shall promote the development of quality measures by a variety of quality measurement development organizations, including the Physician Consortium for Performance Improvement, the National Committee for Quality Assurance, and others, only for purposes of activities conducted under this title and provide the Secretary with advice and recommendations on the key elements and priorities of a national system for health care quality measurement for purposes of activities conducted under this title.

“(2) RESPONSIBILITIES.—The responsibilities to be performed by the organization designated under paragraph (1) (in this title referred to as the ‘designated organization’) shall include—

“(A) establishing and managing an integrated strategy and process for setting priorities and goals in establishing quality measures only for purposes of activities conducted under this title;

“(B) coordinating and harmonizing the development and testing of such measures;

“(C) establishing standards for the development and testing of such measures;

“(D) endorsing national consensus quality measures;

“(E) recommending, in collaboration with multi-stakeholder groups, quality measures to the Secretary for adoption and use only for purposes of activities conducted under this title;

“(F) promoting the development and use of electronic health records that contain the functionality for automated collection, ag-

gregation, and transmission of performance measurement information; and

“(G) providing recommendations and advice to the Entity regarding the integration of quality measures into the standards, implementation specification, and certification criteria adoption process outlined under section 3003 and the Policy Committee regarding national policies outlined under section 3004.

“(c) REQUIREMENTS DESCRIBED.—The requirements described in this subsection are the following:

“(1) PRIVATE ENTITY.—The organization shall be a private nonprofit entity that is governed by a board of directors and an individual who is designated as president and chief executive officer.

“(2) BOARD MEMBERSHIP.—The members of the board of directors of the entity shall include representatives of—

“(A) health care providers or groups representing providers;

“(B) health plans or groups representing health plans;

“(C) patients or consumers enrolled in such plans or groups representing individuals enrolled in such plans;

“(D) health care purchasers and employers or groups representing purchasers or employers; and

“(E) organizations that develop health information technology standards and new health information technology.

“(3) OTHER MEMBERSHIP REQUIREMENTS.—The membership of the board of directors of the entity shall be representative of individuals with experience with—

“(A) urban health care issues;

“(B) safety net health care issues;

“(C) rural or frontier health care issues;

“(D) quality and safety issues;

“(E) State or local health programs;

“(F) individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

“(G) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

“(4) OPEN AND TRANSPARENT.—With respect to matters related to the arrangement with the Secretary under subsection (a)(1), the organization shall conduct its business in an open and transparent manner, and provide the opportunity for public comment and ensure a balance among disparate stakeholders, so that no member organization unduly influences the work of the organization.

“(5) VOLUNTARY CONSENSUS STANDARDS SETTING ORGANIZATIONS.—The organization shall operate as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104-113) and Office of Management and Budget Revised Circular A-119 (published in the Federal Register on February 10, 1998).

“(6) PARTICIPATION.—If the organization requires a fee for membership, the organization shall ensure that such fee is not a substantial barrier to participation in the entity’s activities related to the arrangement with the Secretary.

“(d) REQUIREMENTS FOR MEASURES.—The quality measures developed under this title only for purposes of activities conducted under this title shall comply with the following:

“(1) MEASURES.—The designated organization, in promoting the development of quality measures under this title, shall ensure that such measures—

“(A) are evidence-based, reliable, and valid;

“(B) include—

“(i) measures of clinical processes and outcomes, patient experience, efficiency, and equity; and

“(ii) measures to assess effectiveness, timeliness, patient self-management, patient centeredness, and safety; and

“(C) include measures of underuse and overuse.

“(2) PRIORITIES.—In carrying out its responsibilities under this section, the designated organization shall ensure that priority is given to—

“(A) measures with the greatest potential impact for improving the performance and efficiency of care;

“(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers;

“(C) measures which may inform health care decisions made by consumers and patients;

“(D) measures that apply to multiple services furnished by different providers during an episode of care;

“(E) measures that can be integrated into the standards, implementation specifications, and the certification criteria adoption process described in section 3003; and

“(F) measures that may be integrated into the decision support function of qualified health information technology as defined by this title.

“(3) RISK ADJUSTMENT.—The designated organization, in consultation with performance measure developers and other stakeholders, shall establish procedures to ensure that quality measures take into account differences in patient health status, patient characteristics, and geographic location, as appropriate.

“(4) MAINTENANCE.—The designated organization, in consultation with owners and developers of quality measures, shall have in place protocols designed to ensure that such measures are current and reflect the most recent available evidence and clinical guidelines.

“(e) GRANTS FOR PERFORMANCE MEASURE DEVELOPMENT.—The Secretary, acting through the Agency for Healthcare Research and Quality, may award grants, in amounts not to exceed \$50,000 each, to organizations to support the development and testing of quality measures that meet the standards established by the designated organization.

“(f) ADOPTION AND USE OF QUALITY MEASURES.—For purposes of carrying out activities authorized or required under this title to ensure the use of quality measures and to foster uniformity between health care quality measures utilized by private entities, the Secretary shall—

“(1) select quality measures for adoption and use, from quality measures recommended by multi-stakeholder groups and endorsed by the designated organization; and

“(2) ensure that the standards and implementation specifications adopted under section 3003 integrate the quality measures endorsed, adopted, and utilized under this section.

**“SEC. 3011. RELATIONSHIP WITH PROGRAMS UNDER THE SOCIAL SECURITY ACT.**

“(a) IN GENERAL.—For purposes of carrying out activities authorized or required under this title, the Secretary shall ensure that the quality measures not described in subsection (b) and adopted under this title—

“(1) complement quality measures developed by the Secretary under programs administered by the Secretary under the Social Security Act, including programs under titles XVIII, XIX, and XXI of such Act; and

“(2) do not conflict with the needs, priorities, and activities of programs authorized

or required under titles XVIII, XIX, and XXI of such Act, as set forth by the Administrator of the Centers for Medicare & Medicaid Services.

“(b) ADOPTION OF MEDICARE, MEDICAID, AND SCHIP MEASURES.—Where quality measures developed and endorsed through a multi-stakeholder consensus process under title XVIII, XIX, or XXI of the Social Security Act are available and appropriate, the Secretary shall adopt such measures for activities under this title.

“(c) NONDUPLICATION OF SOCIAL SECURITY ACT REPORTING REQUIREMENTS.—If a grantee under section 3008 reports on quality measures to the Secretary under title XVII, XIX, or XXI of the Social Security Act, such grantee is deemed to have met the quality reporting requirement under such section 3008, provided that such reporting is conducted utilizing a qualified health information technology system.”

**Subtitle D—Privacy and Security**

**SEC. 13401. PRIVACY AND SECURITY.**

Title XXX of the Public Health Service Act, as amended by section 13301, is further amended by adding at the end the following:

**“SEC. 3012. PRIVACY AND SECURITY.**

“(a) PRIVACY AND SECURITY OF PERSONAL HEALTH RECORDS.—Not later than 180 days after the date of enactment of this title, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report containing recommendations for privacy and security protections for personal health records, including whether it is appropriate to apply any provisions of subpart E of part 164 of title 45, Code of Federal Regulations, to such records and the extent to which the implementation of separate privacy and security measures is necessary. In making such recommendations, the Secretary shall to the maximum extent practicable avoid the application of new regulations that would be inconsistent, or conflict, with privacy regulations that are in effect on the date of enactment of this title.

“(b) DEFINITION.—In this section, the term ‘personal health record’ means an electronic, cumulative record of health-related information concerning an individual that is often drawn from multiple sources, that is offered by an entity that is not a covered entity or a business associate acting pursuant to a business associate agreement under the Health Insurance Portability and Accountability Act of 1996 (and the regulations promulgated under such Act) and that is primarily intended to be used and managed by the individual.

“(c) MARKETING.—For purposes of the regulations promulgated pursuant to part C of title XI of the Social Security Act and section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note), referred to in this title as the ‘HIPAA Privacy Rule’, the term ‘marketing’ means, in addition to the activities described in section 164.501 of the HIPAA Privacy Rule (45 C.F.R. 164.501) and any comparable provision in any amended or superseding rule, an arrangement whereby a covered entity, in exchange for remuneration, makes a communication described in clause (i), (ii), or (iii) of paragraph (1) of the definition of marketing in section 164.501 of the HIPAA Privacy Rule (45 C.F.R. 164.501) as in effect on the date of enactment of this title, except that the Secretary shall promulgate regulations establishing the terms and conditions under which covered entities may charge an appropriate fee for making such

communications. This subsection shall become effective on the date that is 90 days after the date on which the Secretary has promulgated such regulations.

“(d) RIGHT OF INDIVIDUALS TO ELECTRONIC ACCESS.—With respect to the right of access to inspect and obtain a copy of health information under the HIPAA Privacy Rule, effective not later than 180 days after the later of the date of enactment of this title or the issuance of guidance by the Secretary, any entity that maintains health information in an electronic form shall, to the extent readily producible, provide an individual access to that information in the form or format requested, and upon request, an electronic copy of such records. The Secretary shall issue such guidance as is necessary to implement this subsection.

“(e) RIGHTS OF INDIVIDUALS WHO ARE VICTIMS OF MEDICAL FRAUD.—To the extent provided for under the HIPAA privacy regulations and under the conditions specified in such regulations, with respect to protected health information, an individual who is a victim of medical fraud or who believes that there is an error in their protected health information stored in an electronic format shall have the right—

“(1) to have access to inspect and obtain a copy of protected health information about the individual, including the information fraudulently entered, in a designated record set; and

“(2) to have a covered entity amend protected health information or a record about the individual, including information fraudulently entered, in a designated electronic record set for as long as the protected health information is maintained in the designated electronic record set to ensure that fraudulent and inaccurate health information is not shared or re-reported.

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supercede or otherwise limit the provisions of any contract that provides for the application of privacy protections that are greater than the privacy protections provided for under the regulations promulgated under section 264 of the Health Insurance Portability and Accountability Act of 1996.

**“SEC. 3013. NOTICE OF PRIVACY PRACTICES.**

“Not later than 1 year after the date of enactment of this title, and after notice and comment, the Secretary shall develop and disseminate a model summary notice of privacy practices for use with the privacy notice required under the HIPAA Privacy Rule. Such summary notice shall be suitable for printing on one page and shall include separate statements on any marketing uses for which authorization is sought, shall describe the right to object to such uses in an way that is easily understood, and shall otherwise describe the elements of the right to privacy and security in a clear and concise manner. Such summary notice shall be provided in a form separate from any other notice or consent requests.

**“SEC. 3014. REPORTING.**

“Not later than 180 days after the date of enactment of this title, and every year thereafter for the next 5 years, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report on compliance and enforcement under the HIPAA Privacy Rule. Such report shall include—

“(1) the number of complaints filed;

“(2) the resolution or disposition of each complaint;

“(3) the amount of civil money penalties imposed;

“(4) the number of compliance reviews conducted and the outcome of each such review;

“(5) the number of subpoenas or closed cases; and

“(6) the Secretary’s plan for improving compliance and enforcement in the coming year.

**“SEC. 3015. NOTIFICATION OF PRIVACY BREACH.**

“Not later than 1 year after the date of enactment of this title, and after notice and comment, the Secretary shall provide for the development of standards and protections and determine appropriate protocols regarding the notification trigger, methods, and contents of the notification by the entity responsible for the protected health information to an individual whose protected health information has been lost, stolen, or otherwise disclosed for an unauthorized purpose. Such notification shall be made within 60 days of the discovery that such information has been lost, stolen, or otherwise disclosed. The Secretary shall include exemptions to such standards and protection for law enforcement and national security purposes. The Secretary shall determine penalties to be imposed on entities that fail to comply with this section in accordance with sections 1176 and 1177 of the Social Security Act.

**“SEC. 3016. ACCOUNTABILITY.**

“(a) **SUBCONTRACTING AND OUTSOURCING OVERSEAS.**—In the event an entity subject to this title contracts with service providers that are not subject to this title, including service providers operating in a foreign country, such entity shall—

“(1) take reasonable steps to select and retain third party service providers capable of maintaining appropriate safeguards for the security, privacy, and integrity of protected health information; and

“(2) require by contract that such service providers implement and maintain appropriate measures designed to meet the requirements of entities subject to this title.

“(b) **COMPLIANCE ASSISTANCE.**—The Secretary shall ensure there is a capacity to assist covered entities to determine the appropriate elements to be considered in arranging contracts with service providers who are not subject to this title.

“(c) **EFFECTIVE DATE.**—This section shall take effect on the date that is 30 days after the date on which the Secretary transmits to the Committee on Health, Education, Labor, and Pension of the Senate and the Committee on Energy and Commerce of the House of Representatives a statement that the Secretary has complied with the requirements of subsection (b).”

**Subtitle E—Miscellaneous Provisions**

**SEC. 13501. GAO STUDY.**

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on the Judiciary of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives, a report on the overall effectiveness and compliance of the efforts of the Secretary of Health and Human Services to implement health privacy safeguards provided for in this title, and any recommendations on how to improve effectiveness and compliance, if any.

**SEC. 13502. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.**

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3) is amended by adding at the end the following:

“(d) **HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.**—

“(1) **IN GENERAL.**—The Secretary, acting through the Director, shall develop a Health

Information Technology Resource Center (referred to in this subsection as the ‘Center’) to provide technical assistance and develop best practices to support and accelerate efforts to adopt, implement, and effectively use interoperable health information technology in compliance with sections 3003 and 3010.

“(2) **PURPOSES.**—The purposes of the Center are to—

“(A) provide a forum for the exchange of knowledge and experience;

“(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

“(C) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology;

“(D) provide for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

“(E) provide for the development of solutions to barriers to the exchange of electronic health information; and

“(F) conduct other activities identified by the States, local, or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

“(3) **SUPPORT FOR ACTIVITIES.**—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Center and facilitate information exchange across the public and private sectors.

“(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to require the duplication of Federal efforts with respect to the establishment of the Center, regardless of whether such efforts were carried out prior to or after the enactment of this subsection.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated, such sums as may be necessary for each of fiscal years 2009 and 2010 to carry out this section.”

**SEC. 13503. FACILITATING THE PROVISION OF TELEHEALTH SERVICES ACROSS STATE LINES.**

Section 330L of the Public Health Service Act (42 U.S.C. 254c-18) is amended to read as follows:

**“SEC. 330L. TELEMEDICINE; INCENTIVE GRANTS REGARDING COORDINATION AMONG STATES.**

“(a) **FACILITATING THE PROVISION OF TELEHEALTH SERVICES ACROSS STATE LINES.**—The Secretary may make grants to States that have adopted regional State reciprocity agreements for practitioner licensure, in order to expedite the provision of telehealth services across State lines.

“(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 and 2010.”

Beginning on page 648, strike line 1 and all that follows through line 9 on page 713.

**SA 255.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assist-

ance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 604, between lines 10 and 11, insert the following:

**(D) EXEMPTION FOR CERTAIN EMPLOYERS.—**

(i) **IN GENERAL.**—The provisions of this subsection shall not apply with respect to an otherwise assistance eligible individual if the employer that involuntarily terminated the individual (as described in paragraph (3)(C)) is an employer described in clause (ii).

(ii) **EMPLOYER DESCRIBED.**—An employer is described in this clause if—

(I) the employer’s liability for payroll taxes (as defined in section 6432(b) of the Internal Revenue Code of 1986) for any quarter does not exceed the amount of the credit that the employer would be entitled to receive under section 6432 of such Code to compensate the employer for the costs of providing the subsidy under this subsection for such quarter; or

(II) the cost of the employer’s group health insurance premiums would increase by more than 5 percent (as certified under clause (iii)) as a result of the receipt by the unemployed employees of the employer of the subsidy under this subsection.

(iii) **CERTIFICATION.**—To qualify for the exemption described in clause (ii)(II), an employer shall obtain a certification from an independent actuary that, based on the employer’s historical group health insurance enrollment patterns and actuarial assumptions about the likely characteristics of new assistance eligible individuals, the average annual premium for all employees of the employer would increase by more than 5 percent above the growth rate in premiums that would occur except for the application of this subparagraph.

(iv) **CRITERIA.**—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish appropriate criteria for the application of this subparagraph, including the appropriate standards for the conduct of the actuarial analyses described in clause (iii).

**SA 256.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 160 . NONAPPLICABILITY OF CERTAIN LABOR REQUIREMENTS TO SMALL BUSINESS GRANTS AND CONTRACTS.**

(a) **ROLE OF AGENCY ISSUING GRANT OR CONTRACT.**—Notwithstanding any other provision of law, the head of any entity that awards a grant or contract described in subsection (c) shall ensure that the entity, and any construction manager acting on behalf of the entity with respect to such grant or contract, does not—

(1) require a bidder, offeror, recipient, contractor, or subcontractor for a grant or contract described in subsection (c) that is for less than \$1,000,000 to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) or other Federal

or State law that similarly requires the payment of a prevailing wage to various classes of employees with respect to such grant or contract or other related construction project (not including any minimum wage requirements under applicable Federal or State law); or

(2) require such bidder, offeror, recipient, contractor, or subcontractor to enter into, or adhere to, any agreement with 1 or more labor organizations, with respect to such grant or contract or another related construction project.

(b) **NONAPPLICABILITY OF LABOR REQUIREMENTS.**—Notwithstanding any other provision of law, a recipient of a grant or contract described in subsection (c) that is for less than \$1,000,000 shall not be subject to—

(1) the provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act), or any other Federal or State law that similarly requires the payment of a prevailing wage to various classes of employees (not including any minimum wage requirements under applicable Federal or State law) with respect to such grant or contract or other related construction project; and

(2) any requirement under Federal or State law that the recipient enter into or adhere to any agreement with 1 or more labor organizations with respect to such grant or contract or other related construction project.

(c) **APPLICABLE GRANT OR CONTRACT.**—A grant or contract described in this subsection is a grant, subgrant, contract, or subcontract that is funded from amounts appropriated under this Act, or is for a project financed with the proceeds of a bond described in section 1901.

**SA 257.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

**TITLE VI—HOME OWNERSHIP PRESERVATION**

**SEC. 6001. DEFINITIONS.**

As used in this title—

(1) the term “Secretary” means the Secretary of the Treasury;

(2) the term “qualifying homeowner” means any homeowner with an existing mortgage on their principal residence;

(3) the term “Office” means the Office of Home Ownership Preservation and Foreclosure Prevention established under this title; and

(4) the term “Program” means the Home Ownership Preservation and Foreclosure Prevention Program established under this title.

**SEC. 6002. ESTABLISHMENT OF OFFICE.**

There is established in the Department of the Treasury the Office of Home Ownership Preservation and Foreclosure Prevention.

**SEC. 6003. FUNCTIONS.**

(a) **IN GENERAL.**—The Office shall be responsible for operating and supervising the Home Ownership Preservation and Foreclosure Prevention Program for the purpose of making loans, subject to sections 6004 and 6005, with respect to any qualifying homeowner.

(b) **FUNDING.**—The Secretary may issue \$100,000,000,000 in public debt for the purposes

of funding the Program, including administrative costs associated with the Program.

(c) **LOAN TERMS.**—With respect to loans made under the Program—

(1) the interest rate applicable to such loans shall be fixed to the interest rate of the debt issued by the Secretary to finance the Program; and

(2) the duration of such loans shall be subject to a 30-year amortization schedule.

**SEC. 6004. LIMITATIONS.**

(a) **IN GENERAL.**—Loans originated under the Program—

(1) may not be extended to homeowners who would have a monthly debt-to-income ratio of greater than 35 percent for all mortgage-related after such loan is made;

(2) shall be applied to the primary residence of the borrower only;

(3) may not exceed the lesser of 20 percent of the principal amount of the mortgage or \$80,000;

(4) may only be applied to mortgages below the conforming loan limit used by the Federal Housing Administration; and

(5) may be used only for loans originated between January 1, 2003 and January 1, 2008.

(b) **NO PREPAYMENT PENALTIES.**—There shall be no prepayment penalty for the early payment of a loan originated under this title.

**SEC. 6005. PROTECTIONS AGAINST TAXPAYER LIABILITY.**

(a) **FULL RECOURSE.**—All loans made under the Program shall provide full recourse against the borrower for repayment on behalf of the Department of the Treasury and the taxpayer.

(b) **PRIORITY OF OBLIGATION.**—The Department of the Treasury shall have priority repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.

(c) **NO ONGOING LIABILITY.**—The United States shall have no additional obligations to the borrower or mortgage investor after a loan under the Program has been repaid.

**SA 258.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) **QUARTERLY CERTIFICATION OF NO STATE TUITION INCREASES.**—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State will not take any action to increase tuition at State two and four-year colleges and universities during the quarter. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to have taken an action that results in an increase in tuition at State two and four-year colleges and universities during the quarter shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased

FMAP under this section for the remainder of the recession adjustment period.

**SA 259.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) **QUARTERLY CERTIFICATION OF TIMELY PAYMENTS TO CERTAIN NONPROFIT ORGANIZATIONS.**—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State is current on its contractual obligations with nonprofit organizations that deliver human services on behalf of the State. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to not be in compliance with the certification shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

**SA 260.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 732, strike line 15 and all that follows through page 733, line 4, and insert the following:

**SEC. 5004. INCREASED RESOURCES TO COMBAT MEDICAID FRAUD.**

(a) **FUNDING FOR THE HHS INSPECTOR GENERAL.**—For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and without further appropriation, \$100,000,000 for each of fiscal years 2009 through 2013. Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

(b) **STATE MEDICAID FRAUD CONTROL UNITS.**—

(1) **IN GENERAL.**—No State may elect to provide medical assistance under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under any waiver of such plan) to individuals described

in paragraph (2) unless the Secretary determines that the State has increased the amount of State expenditures attributable to the operation of the State medicaid fraud control unit described in section 1903(q) of the such Act (42 U.S.C. 1396b(q)) by at least 50 percent more than the amount of such expenditures for the most recent fiscal year.

(2) INDIVIDUALS DESCRIBED.—

(A) IN GENERAL.—The individuals described in this paragraph are—

(i) individuals who—

(I) are within one or more of the categories described in subparagraph (B); and

(II) meet the applicable requirements of subparagraph (C); and

(ii) individuals who—

(I) are the spouse, or dependent child under 19 years of age, of an individual described in clause (i); and

(II) meet the requirement of subparagraph (C)(ii).

(B) CATEGORIES DESCRIBED.—The categories of individuals described in this paragraph are each of the following:

(i)(I) Individuals who are receiving unemployment compensation benefits; and

(II) individuals who were receiving, but have exhausted, unemployment compensation benefits on or after July 1, 2008.

(ii) Individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, whose family gross income does not exceed a percentage specified by the State (not to exceed 200 percent) of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and who, but for such an election by the State, are not eligible for medical assistance under the State plan under title XIX of the Social Security Act or health assistance under a State plan under title XXI of such Act.

(iii) Such categories of individuals do not include individuals who are involuntarily unemployed and were involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, who are members of households participating in the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), and who, but for subsection (a)(10)(A)(ii)(XX), are not eligible for medical assistance under this title or health assistance under title XXI.

(C) REQUIREMENTS.—The requirements of this subparagraph with respect to an individual are the following:

(i) In the case of individuals within a category described in clause (i)(I) of subparagraph (B), the individual was involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, or meets such comparable requirement as the Secretary specifies through rule, guidance, or otherwise in the case of an individual who was an independent contractor.

(ii) The individual is not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)), but applied without regard to paragraph (1)(F) of such section and without regard to coverage provided by reason of such an election by the State.

**SA 261.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assist-

ance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) DEDICATION OF ENHANCED FUNDS FOR COVERAGE OF LOW-INCOME AMERICANS.—The increases in the FMAP for a State under this section shall not apply with respect to any expenditures for a fiscal year quarter occurring during the recession adjustment period for medical assistance provided to individuals under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) and including such expenditures that would be paid from a State allotment under title XXI of such Act) whose family income exceeds the State median income, as determined by the American Community Survey and as updated as necessary by the Secretary for the fiscal year. The limitation under the preceding sentence shall not apply with respect to any expenditures for such a fiscal year quarter for providing medical assistance under such a State plan for individuals described in section 1937(a)(2)(B) of such Act (42 U.S.C. 1396u-7(a)(2)(B)).

**SA 262.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL

SEC. 301. (a) ADDITIONAL AMOUNT FOR PROCUREMENT.—

(1) IN GENERAL.—For an additional amount for “Procurement” for the Department of Defense, \$5,232,000,000, to remain available until expended, to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material.

(2) AVAILABILITY.—The items for which the amount available under paragraph (1) shall be available shall include fixed and rotary wing aircraft, tracked and non-tracked combat vehicles, missiles, weapons, ammunition, communications equipment, maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, and other expeditionary items.

(3) ALLOCATION AMONG PROCUREMENT ACCOUNTS.—The amount available under paragraph (1) shall be allocated among the accounts of the Department of Defense for procurement in such manner as the President considers appropriate. The President shall submit to the congressional defense committees a report setting for the manner of the allocation of such amount among such accounts and a description of the items procured utilizing such amount.

(4) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term “con-

gressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(b) OFFSET.—

(1) PERIODIC CENSUSES AND PROGRAMS.—The amount appropriated by title II under the heading “BUREAU OF THE CENSUS” under the heading “PERIODIC CENSUSES AND PROGRAMS” is hereby reduced by \$1,000,000,000.

(2) DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.—The amount appropriated by title II under the heading “NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION” under the heading “DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM” is hereby reduced by \$650,000,000.

(3) PROCUREMENT, ACQUISITION, AND CONSTRUCTION FOR NOAA.—The amount appropriated by title II under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” under the heading “PROCUREMENT, ACQUISITION, AND CONSTRUCTION” is hereby reduced by \$70,000,000, with the amount of the reduction allocated to amounts available for supercomputing activities relating to climate change research.

(4) DEPARTMENTAL MANAGEMENT FOR DEPARTMENT OF COMMERCE.—The amount appropriated by title II under the heading “DEPARTMENT OF COMMERCE” under the heading “DEPARTMENTAL MANAGEMENT” is hereby reduced by \$34,000,000.

(5) FEDERAL BUILDINGS FUND FOR GSA.—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “REAL PROPERTY ACTIVITIES” under the heading “FEDERAL BUILDINGS FUND” is hereby reduced by \$2,000,000,000, with the amount of the reduction allocated to amounts available for measures necessary to convert GSA facilities to High-Performance Green Buildings.

(6) ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT FOR GSA.—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT” is hereby reduced by \$600,000,000.

(7) RESOURCE MANAGEMENT FOR US FISH AND WILDLIFE SERVICE.—The amount appropriated by title VII under the heading “UNITED STATES FISH AND WILDLIFE SERVICE” under the heading “RESOURCE MANAGEMENT” is hereby reduced by \$65,000,000, with the amount of the reduction allocated as follows:

(A) \$20,000,000 for trail improvements.

(B) \$25,000,000 for habitat restoration.

(C) \$20,000,000 for fish passage barrier removal.

(8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading “CORPORATION FOR NATIONAL AND COMMUNITY SERVICE” under the heading “OPERATING EXPENSES” is hereby reduced by \$13,000,000, with the amount of reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—The amount appropriated by title XII under the heading “FEDERAL RAILROAD ADMINISTRATION” under the heading “SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION” is hereby reduced by \$850,000,000.

**SA 263.** Ms. STABENOW (for herself, Ms. CANTWELL, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure

investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC. —. FORMERLY HOMELESS YOUTH WHO ARE STUDENTS QUALIFIED FOR PURPOSES OF LOW INCOME HOUSING TAX CREDIT.**

(a) IN GENERAL.—Clause (i) of section 42(i)(3)(D) is amended by redesignating subclauses (II) and (III) as subclauses (III) and (IV), respectively, and by inserting after subclause (I) the following new subclause:

“(II) a student who previously was a homeless child or youth (as defined by section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a)).”

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to determinations made before, on, or after the date of the enactment of this Act.

**SA 264.** Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mr. BEGICH, Mr. LEVIN, Mr. BROWN, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

**SEC. 4 —. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.**—Section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) is amended by striking “30 percent” and inserting “90 percent”.

**SA 265.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 422, between lines 4 and 5, insert the following:

(4) The website shall provide—

(A) information, organized by the location of the job opportunities involved, consisting of links to and information on how to access descriptions of and related information for job opportunities created by or with entities receiving funding under this Act;

(B) Internet links to the job banks operated by State workforce agencies and to the Department of Labor’s CareerOneStop website that connects jobseekers to the one-stop career centers established under section 134(c) of the Workforce Investment Act of 1998; and

(C) to the extent practicable, links to other information about—

(i) other State, local, and public agencies receiving funding under this Act; and

(ii) nonprofit and other private organizations that enter into contracts to perform work funded by this Act for the purpose of increasing employment opportunities under this Act for individuals in the United States.

On page 422, line 5, strike “(4)” and insert “(5)”.

On page 422, line 12, strike “(5)” and insert “(6)”.

On page 422, line 15, strike “(6)” and insert “(7)”.

On page 422, line 18, strike “(7)” and insert “(8)”.

**SA 266.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 48, strike line 21 and all that follows through page 56, line 23, and insert the following:

(C) provide wireless voice service to unserved or underserved areas;

(D) provide broadband education, awareness, training, access, equipment, and support to—

(i) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(ii) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations; and

(iii) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture.

(E) improve access to, and use of, broadband service by public safety agencies; and

(F) stimulate the demand for broadband, economic growth, and job creation.

(2) The Assistant Secretary may consult with the chief executive officer of any State with respect to—

(A) the identification of areas described in subsection (1)(A) or (B) located in that State; and

(B) the allocation of grant funds within that State for projects in or affecting the State.

(3) The Assistant Secretary shall—

(A) establish and implement the grant program as expeditiously as practicable;

(B) ensure that all awards are made before the end of fiscal year 2010;

(C) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially complete projects supported by the program in accordance with project timelines, not to exceed 2 years following an award; and

(D) report on the status of the program to the Committees on Appropriations of the House and the Senate, the Committee on Energy and Commerce of the House, and the

Committee on Commerce, Science, and Transportation of the Senate, every 90 days.

(4) To be eligible for a grant under the program an applicant shall—

(A) be a State or political subdivision thereof, a nonprofit foundation, corporation, institution or association, Indian tribe, Native Hawaiian organization, or other non-governmental entity in partnership with a State or political subdivision thereof, Indian tribe, or Native Hawaiian organization if the Assistant Secretary determines the partnership consistent with the purposes this section;

(B) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(C) provide a detailed explanation of how any amount received under the program will be used to carry out the purposes of this section in an efficient and expeditious manner, including a demonstration that the project would not have been implemented during the grant period without Federal grant assistance;

(D) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project or function to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(E) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government agency) or otherwise unconditionally obligate, from non-Federal sources, funds required to meet the requirements of paragraph (5);

(F) disclose to the Assistant Secretary the source and amount of other Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and

(G) provide such assurances and procedures as the Assistant Secretary may require to ensure that grant funds are used and accounted for in an appropriate manner.

(5) The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of a project above 80 percent if—

(A) the applicant petitions the Assistant Secretary for a waiver; and

(B) the Assistant Secretary determines that the petition demonstrates financial need.

(6) The Assistant Secretary may make competitive grants under the program to—

(A) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(B) construct and deploy broadband service related infrastructure;

(C) deploy necessary infrastructure for the provision of wireless voice service;

(D) ensure access to broadband service by community anchor institutions;

(E) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(F) construct and deploy broadband facilities that improve public safety broadband communications services; and

(G) undertake such other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

(7) The Assistant Secretary—

(A) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on such entity’s use of the assistance and progress fulfilling the objectives for which such funds were granted, and

the Assistant Secretary shall make these reports available to the public;

(B) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section;

(C) shall establish appropriate mechanisms to ensure appropriate use and compliance with all terms of any use of funds made available pursuant to this section;

(D) may, in addition to other authority under applicable law, deobligate awards to grantees that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and

(E) shall create and maintain a fully searchable database, accessible on the Internet at no cost to the public, that contains at least the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program.

(8) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Federal Communications Commission, publish the non-discrimination and network interconnection obligations that shall be contractual conditions of grants awarded under this section.

(9) Within 1 year after the date of enactment of this Act, the Commission shall complete a rulemaking to develop a national broadband plan. In developing the plan, the Commission shall—

(A) consider the most effective and efficient national strategy for ensuring that all Americans have access to, and take advantage of, advanced broadband services;

(B) have access to data provided to other Government agencies under the Broadband Data Improvement Act (47 U.S.C. 1301 note);

(C) evaluate the status of deployments of broadband service, including the progress of projects supported by the grants made pursuant to this section; and

(D) develop recommendations for achieving the goal of nationally available broadband service for the United States and for promoting broadband adoption nationwide.

(10) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that entities and depicts the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider throughout each State: *Provided*, That not later than 2 years after the date of the enactment of the Act, the Assistant Secretary shall make the broadband inventory map developed and maintained pursuant to this section accessible to the public.

(11) For purposes of this section, the term “wireless voice service” means the provision of two-way, real-time, voice communications using a mobile service.

**SA 267.** Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 98 by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year end-

ing September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 4 and 5, insert the following:

**GENERAL PROVISIONS—THIS TITLE**

**ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL**

**SEC. 301. (a) ADDITIONAL AMOUNT FOR PROCUREMENT.—**

(1) **IN GENERAL.**—For an additional amount for “Procurement” for the Department of Defense, \$5,232,000,000, to remain available until expended, to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material.

(2) **AVAILABILITY.**—The items for which the amount available under paragraph (1) shall be available shall include fixed and rotary wing aircraft, tracked and non-tracked combat vehicles, missiles, weapons, ammunition, communications equipment, maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, and other expeditionary items.

(3) **ALLOCATION AMONG PROCUREMENT ACCOUNTS.**—The amount available under paragraph (1) shall be allocated among the accounts of the Department of Defense for procurement in such manner as the President considers appropriate. The President shall submit to the congressional defense committees a report setting for the manner of the allocation of such amount among such accounts and a description of the items procured utilizing such amount.

(4) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(b) **OFFSET.—**

(1) **PERIODIC CENSUSES AND PROGRAMS.**—The amount appropriated by title II under the heading “BUREAU OF THE CENSUS” under the heading “PERIODIC CENSUSES AND PROGRAMS” is hereby reduced by \$1,000,000,000.

(2) **DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.**—The amount appropriated by title II under the heading “NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION” under the heading “DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM” is hereby reduced by \$650,000,000.

(3) **PROCUREMENT, ACQUISITION, AND CONSTRUCTION FOR NOAA.**—The amount appropriated by title II under the heading “NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION” under the heading “PROCUREMENT, ACQUISITION, AND CONSTRUCTION” is hereby reduced by \$70,000,000, with the amount of the reduction allocated to amounts available for supercomputing activities relating to climate change research.

(4) **DEPARTMENTAL MANAGEMENT FOR DEPARTMENT OF COMMERCE.**—The amount appropriated by title II under the heading “DEPARTMENT OF COMMERCE” under the heading “DEPARTMENTAL MANAGEMENT” is hereby reduced by \$34,000,000.

(5) **FEDERAL BUILDINGS FUND FOR GSA.**—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “REAL PROPERTY ACTIVITIES” under the heading “FEDERAL BUILDINGS FUND” is hereby reduced by \$2,000,000,000, with the amount of the reduction allocated to amounts available for measures necessary to convert GSA facilities to High-Performance Green Buildings.

(6) **ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT FOR GSA.**—The amount appropriated by title V under the heading “GENERAL SERVICES ADMINISTRATION” under the heading “ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT” is hereby reduced by \$600,000,000.

(7) **RESOURCE MANAGEMENT FOR US FISH AND WILDLIFE SERVICE.**—The amount appropriated by title VII under the heading “UNITED STATES FISH AND WILDLIFE SERVICE” under the heading “RESOURCE MANAGEMENT” is hereby reduced by \$65,000,000, with the amount of the reduction allocated as follows:

(A) \$20,000,000 for trail improvements.

(B) \$25,000,000 for habitat restoration.

(C) \$20,000,000 for fish passage barrier removal.

(8) **OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.**—The amount appropriated by title VIII under the heading “CORPORATION FOR NATIONAL AND COMMUNITY SERVICE” under the heading “OPERATING EXPENSES” is hereby reduced by \$13,000,000, with the amount of reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) **SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.**—The amount appropriated by title XII under the heading “FEDERAL RAILROAD ADMINISTRATION” under the heading “SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION” is hereby reduced by \$850,000,000.

**SA 268.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 1 through 5.

On page 59, between lines 9 and 10, insert the following:

**NATIONAL GUARD AND RESERVE EQUIPMENT**

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$2,000,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the date of the enactment of this Act, individually submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives the modernization priority assessment for their respective Reserve and National Guard components.

On page 95, strike lines 1 through 8.

On page 137, line 17, strike “\$5,800,000,000” and insert “\$5,400,000,000”.

**SA 269.** Mrs. HUTCHISON (for herself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and

local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION  
NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance-Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, \$550,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(1)(6) of title 49, United States Code, to make such grants or agreements: *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent: and *Provided further*, That each amount otherwise appropriated by this division for administrative costs or programmatic overhead shall be reduced by a percentage that will reduce the aggregate amount otherwise appropriated for such purposes by \$550,000,000.

**SA 270.** Mr. DEMINT (for himself, Mr. VITTER, Mr. WICKER, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —REGULATORY RELIEF FOR SMALL AND FAMILY-OWNED BUSINESSES UNDER CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008.**

**SEC. —001. CERTAIN REQUIREMENTS INAPPLICABLE TO SECOND-HAND SELLERS.**

Section 19 of the Consumer Product Safety Act (15 U.S.C. 2068) is amended by adding at the end thereof the following:

“(c) EXCEPTIONS FOR SECOND-HAND SELLERS.—

“(1) IN GENERAL.—It is not a violation of subsection (a)(1) or (a)(2) of this section for a second-hand seller to sell, offer for sale, or distribute in commerce—

“(A) a consumer product for resale that is treated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) because of the application of section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a); or

“(B) a children’s product without the label required by section 14(c) of this Act.

“(2) SECOND-HAND SELLER DEFINED.—In this subsection, the term ‘second-hand seller’ means—

“(A) a consignment shop, thrift shop, or similar enterprise that sells, offers for sale, or distributes in commerce a product after the first retail sale of that product;

“(B) an individual who utilizes the Internet, a yard sale, or other casual means of

selling, or offering for sale, such a product; or

“(C) a person who sells, or offers for sale, such a product at an auction for the benefit of a nonprofit organization.”.

**SEC. —002. PROSPECTIVE APPLICATION OF LEAD CONTENT AND THIRD PARTY TESTING RULES.**

(a) LEAD CONTENT.—Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a)) is amended—

(1) by striking “(b) beginning on the dates provided in paragraph (2),” in paragraph (1) and inserting “(b),”;

(2) by striking “(15 U.S.C. 1261 et seq.)” in paragraph (1) and inserting “(15 U.S.C. 1261 et seq.) if it is manufactured after the date on which such limit takes effect.”;

(3) by striking “180 days” in paragraph (2)(A) and inserting “360 days”;

(4) by striking “1 year” in paragraph (2)(B) and inserting “18 months”;

(5) by striking “3 years” in paragraph (2)(C) and inserting “3½ years”;

(6) by striking “3 years” in paragraph (2)(D) and inserting “3½ years”.

(b) THIRD PARTY TESTING.—Section 14(a)(3)(A) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(3)(A)) is amended by inserting “after August 9, 2009, and” after “manufactured”.

(c) APPLICATION.—The amendments made by subsections (a) and (b) shall be treated as having taken effect on August 15, 2008.

**SEC. —003. LEAD CONTENT CERTIFICATION; WAIVER OF THIRD PARTY TESTING REQUIREMENT.**

Section 14(g) of the Consumer Product Safety Act (15 U.S.C. 2063(g)) is amended by adding at the end thereof the following:

“(5) SPECIAL RULE FOR LEAD CONTENT TESTING AND CERTIFICATION.—Subsection (a) shall not require the manufacturer or private labeler of a product to test a product for, or certify it with respect to, lead content if—

“(A) each component of the product has been tested for lead content by the manufacturer or private labeler of the component; and

“(B) the manufacturer or private labeler of each such component certifies that the component (including paint, electroplating, and other coatings) does not contain more lead than the limit established by section 101(a)(2) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a)(2)).”.

**SEC. —004. SUSPENSION OF ENFORCEMENT PENDING FINAL REGULATIONS.**

Notwithstanding any provision of law to the contrary, neither the Consumer Product Safety Commission nor the Attorney General of any State may initiate an enforcement proceeding under the Consumer Product Safety Act or the Federal Hazardous Substances Act for failure to comply with the requirements of, or for violation of, the following provisions of law until 30 days after the date on which the Commission issues the referenced rule, regulation, or guidance:

(1) Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a) with respect to materials, products, or parts described in subsection (b)(1), until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(B) of that Act.

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission, by final regulation, issues the requirements described in subparagraph (A) of section 101(b)(4) and establishes the schedule described in subparagraph (A) of section 101(b)(4).

(3) Section 14(a)(1) or (2) of the Consumer Product Safety Act (15 U.S.C. 2063(a)(1) or (2)), until the date on which—

(A) the Commission has established and published final notice of the requirements for accreditation of third party conformity assessment bodies under section 14(a)(3)(B)(vi) of that Act for products to which children’s product safety rules established or revised before August 14, 2008, apply,

(B) the Commission has established by final regulation requirements for the periodic audit of third party conformity assessment bodies under section 14(d)(1) of that Act (15 U.S.C. 2063(d)(1)), or

(C) the Commission has by final regulation initiated the program required by section 14(d)(2)(A) of that Act (15 U.S.C. 2063(d)(2)(A)) and established protocols and standards under section 14(d)(2)(B) of that Act (15 U.S.C. 2063(d)(2)(B)), whichever is last.

**SEC. —005. WAIVER OF CIVIL PENALTY FOR INITIAL GOOD FAITH VIOLATION.**

Section 20(c) of the Consumer Product Safety Act (15 U.S.C. 2069(c)) is amended by adding at the end thereof the following: “The Commission shall waive any civil penalty under this section if the Commission determines that—

“(1) the violation is the first violation of section 19(a) by that person; and

“(2) the person was acting in good faith with respect to the act or omission that constitutes the violation.”.

**SEC. —006. SMALL ENTERPRISE COMPLIANCE ASSISTANCE.**

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, or as soon thereafter as is practicable, the Consumer Product Safety Commission, in consultation with the Small Business Administration and State small business agencies, shall develop a compliance guide for small enterprises to assist them in complying with the requirements of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and other Acts enforced by the Commission.

(b) CONTENTS.—The guide—

(1) shall be designed to assist small enterprises to determine—

(A) whether the Consumer Product Safety Act (or any other Act enforced by the Commission) applies to their business activities;

(B) whether they are considered distributors, manufacturers, private labelers, or retailers under the Act; and

(C) which rules, standards, regulations, or statutory requirements apply to their business activities;

(2) shall provide guidance on how to comply with any such applicable rule, standard, regulation, or requirement, including—

(A) what actions they should take to ensure that they meet the requirements; and

(B) how to determine whether they have met the requirements; and

(3) may contain such additional information as the Commission deems appropriate, including telephone, e-mail, and Internet contacts for compliance support and information.

(c) PUBLICATION AND DISTRIBUTION.—The Commission shall—

(1) publish a sufficient number of copies of the guide to satisfy both individual requests for copies and mass requests to accommodate distribution by chambers of commerce, trade associations and other organizations the membership of which includes small enterprises whose business activities are affected by the requirements of the Consumer Product Safety Act and other Acts enforced by the Commission;

(2) make the guide available, without charge, by mail; and

(3) provide easy access to the guide on the Commission’s public website.

**SA 271.** Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 1607. COMMUNITY ASSISTANCE.**

For an additional amount for the Office of Refugee Resettlement of the Department of Health and Human Services, \$112,000,000, and for the Bureau of Population Refugees and Migration of the Department of State, \$48,000,000, to assist communities resettling individuals who have been granted status pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), or section 1244 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), or who have been provided status as refugees under Federal law.

**SA 272.** Mr. ROCKEFELLER (for Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 11 and 12, insert the following:

**INDUSTRIAL TECHNOLOGY SERVICES**

For an additional amount for Industrial Technology Services, \$70,000,000 shall be available for the necessary expenses of the Technology Innovation Program, to remain available until September 30, 2010.

**SA 273.** Mr. CASEY (for himself, Ms. SNOWE, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 10, line 26, before the period at the end insert “, including all Federally provided commodities”.

**SA 274.** Ms. CANTWELL (for herself, Mr. HATCH, Ms. STABENOW, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, in-

frastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, strike lines 8 to 10 and insert the following:

(b) ENSURING CONSUMER ACCESSIBILITY TO ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY IN THE CASE OF ELECTRICITY.—Section 179(d)(3) is amended by striking subparagraph (B) and inserting the following:

“(B) for the recharging of motor vehicles propelled by electricity, but only if—

“(i) the property complies with the Society of Automotive Engineers’ connection standards,

“(ii) the property provides for non-restrictive access for charging and for payment interoperability with other systems, and

“(iii) the property—

“(I) is located on property owned by the taxpayer, or

“(II) is located on property owned by another person, is placed in service with the permission of such other person, and is fully maintained by the taxpayer.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

**SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART METERS AND SMART GRID SYSTEMS.**

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking “and” at the end of clause (vi), by striking the period at the end of clause (vii) and inserting “, and”, and by adding at the end the following new clauses:

“(viii) any qualified smart electric meter, and

“(ix) any qualified smart electric grid system.”.

(2) CONFORMING AMENDMENTS.—Subparagraph (D) of section 168(e)(3) is amended by inserting “and” at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

(b) TECHNICAL AMENDMENTS.—Paragraphs (18)(A)(ii) and (19)(A)(ii) of section 168(i) are each amended by striking “16 years” and inserting “10 years”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (b) shall take effect as if included in section 306 of the Energy Improvement and Extension Act of 2008.

Beginning on page 467, strike line 21 and all that follows through page 470, line 23, and insert the following:

**SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUG-IN ELECTRIC MOTOR VEHICLES.**

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30D(b)(2)(B) is amended by striking “250,000” and inserting “500,000”.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM EXISTING CREDIT.—Section 30D(e)(1) is amended to read as follows:

“(1) MOTOR VEHICLE.—The term ‘motor vehicle’ means a motor vehicle (as defined in section 30(c)(2)), which is treated as a motor vehicle for purposes of title II of the Clean Air Act.”.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30D is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and

(2) by inserting after subsection (e) the following new subsection:

“(f) CREDIT FOR CERTAIN OTHER VEHICLES.—For purposes of this section—

“(1) IN GENERAL.—In the case of a specified vehicle, this section shall be applied with the following modifications:

“(A) For purposes of subsection (a)(1), in lieu of the applicable amount determined under subsection (a)(2), the applicable amount shall be 10 percent of so much of the cost of the specified vehicle as does not exceed \$40,000.

“(B) Subsection (b) shall not apply and no specified vehicle shall be taken into account under subsection (b)(2).

“(C) In the case of a specified vehicle which is a 2- or 3-wheeled motor vehicle, subsection (c)(1) shall be applied by substituting ‘2.5 kilowatt hours’ for ‘4 kilowatt hours’.

“(D) In the case of a specified vehicle which is a low-speed motor vehicle, subsection (c)(3) shall not apply.

“(2) SPECIFIED VEHICLE.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘specified vehicle’ means—

“(i) any 2- or 3-wheeled motor vehicle, or

“(ii) any low-speed motor vehicle, which is placed in service after December 31, 2009, and before January 1, 2012.

“(B) 2- OR 3-WHEELED MOTOR VEHICLE.—The term ‘2- or 3-wheeled motor vehicle’ means any vehicle—

“(i) which would be described in section 30(c)(2) except that it has 2 or 3 wheels,

“(ii) with motive power having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground,

“(iii) which has an electric motor that produces in excess of 5-brake horsepower,

“(iv) which draws propulsion from 1 or more traction batteries, and

“(v) which has been certified to the Department of Transportation pursuant to section 567 of title 49, Code of Federal Regulations, as conforming to all applicable Federal motor vehicle safety standards in effect on the date of the manufacture of the vehicle.

“(C) LOW-SPEED MOTOR VEHICLE.—The term ‘low-speed motor vehicle’ means a motor vehicle (as defined in section 30(c)(2)) which—

“(i) is placed in service after December 31, 2009, and

“(ii) meets the requirements of section 571.500 of title 49, Code of Federal Regulations.”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendment made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) OTHER MODIFICATIONS.—The amendments made by subsection (b) shall apply to property placed in service after December 31, 2009, in taxable years beginning after such date.

**SEC. 1162. CONVERSION KITS.**

(a) IN GENERAL.—Section 30B (relating to alternative motor vehicle credit) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (h) the following new subsection:

“(i) PLUG-IN CONVERSION CREDIT.—

“(1) IN GENERAL.—For purposes of subsection (a), the plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is 10 percent of so much of the cost of the converting such vehicle as does not exceed \$40,000.

“(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

“(A) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘qualified plug-in

electric drive motor vehicle' means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c)), determined without regard to paragraphs (4) and (6) thereof.

“(B) PLUG-IN TRACTION BATTERY MODULE.—The term ‘plug-in traction battery module’ means an electro-chemical energy storage device which—

“(i) which has a traction battery capacity of not less than 2.5 kilowatt hours,

“(ii) which is equipped with an electrical plug by means of which it can be energized and recharged when plugged into an external source of electric power,

“(iii) which consists of a standardized configuration and is mass produced,

“(iv) which has been tested and approved by the National Highway Transportation Safety Administration as compliant with applicable motor vehicle and motor vehicle equipment safety standards when installed by a mechanic with standardized training in protocols established by the battery manufacturer as part of a nationwide distribution program,

“(v) which complies with the requirements of section 32918 of title 49, United States Code, and

“(vi) which is certified by a battery manufacturer as meeting the requirements of clauses (i) through (v).

“(C) CREDIT ALLOWED TO LESSOR OF BATTERY MODULE.—In the case of a plug-in traction battery module which is leased to the taxpayer, the credit allowed under this subsection shall be allowed to the lessor of the plug-in traction battery module.

“(D) CREDIT ALLOWED IN ADDITION TO OTHER CREDITS.—The credit allowed under this subsection shall be allowed with respect to a motor vehicle notwithstanding whether a credit has been allowed with respect to such motor vehicle under this section (other than this subsection) in any preceding taxable year.

“(3) TERMINATION.—This subsection shall not apply to conversions made after December 31, 2012.”.

(b) CREDIT TREATED AS PART OF ALTERNATIVE MOTOR VEHICLE CREDIT.—Section 30B(a) is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following new paragraph:

“(5) the plug-in conversion credit determined under subsection (i).”.

(c) NO RECAPTURE FOR VEHICLES CONVERTED TO QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.—Paragraph (8) of section 30B(h) is amended by adding at the end the following: “, except that no benefit shall be recaptured if such property ceases to be eligible for such credit by reason of conversion to a qualified plug-in electric drive motor vehicle.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years beginning after such date.

On page 524, after line 3, insert the following:

**SEC. . INCENTIVES FOR MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.**

(a) DEDUCTION FOR MANUFACTURING FACILITIES.—Part VI of subchapter B of chapter 1 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 179E the following new section:

**“SEC. 179F. ELECTION TO EXPENSE MANUFACTURING FACILITIES PRODUCING PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES AND COMPONENTS.**

“(a) TREATMENT AS EXPENSES.—A taxpayer may elect to treat the applicable percentage

of the cost of any qualified plug-in electric drive motor vehicle manufacturing facility property as an expense which is not chargeable to a capital account. Any cost so treated shall be allowed as a deduction for the taxable year in which the qualified manufacturing facility property is placed in service.

“(b) APPLICABLE PERCENTAGE.—For purposes of subsection (a), the applicable percentage is—

“(1) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

“(2) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

“(c) ELECTION.—

“(1) IN GENERAL.—An election under this section for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

“(2) ELECTION IRREVOCABLE.—Any election made under this section may not be revoked except with the consent of the Secretary.

“(d) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY PROPERTY.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified plug-in electric drive motor vehicle manufacturing facility property’ means any qualified property—

“(A) the original use of which commences with the taxpayer,

“(B) which is placed in service by the taxpayer after the date of the enactment of this section and before January 1, 2015, and

“(C) no written binding contract for the construction of which was in effect on or before the date of the enactment of this section.

“(2) QUALIFIED PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified property’ means any property which is a facility or a portion of a facility used for the production of—

“(i) any new qualified plug-in electric drive motor vehicle (as defined by section 30D(c)), or

“(ii) any eligible component.

“(B) ELIGIBLE COMPONENT.—The term ‘eligible component’ means any battery, any electric motor or generator, or any power control unit which is designed specifically for use with a new qualified plug-in electric drive motor vehicle (as so defined).

“(e) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subsection (a) shall be reduced by an amount equal to—

“(1) the total amount of such costs (determined before the application of this subsection), multiplied by

“(2) the percentage of property expected to be produced which is not qualified property.

“(f) ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDIT IN LIEU OF DEDUCTION.—

“(1) IN GENERAL.—If a taxpayer elects to have this subsection apply for any taxable year—

“(A) subsection (a) shall not apply to any qualified plug-in electric drive motor vehicle manufacturing facility property placed in service by the taxpayer, and

“(B) each of the limitations described in paragraph (2) for any such taxable year shall be increased by the qualified plug-in electric drive motor vehicle manufacturing facility amount which is—

“(i) determined for such taxable year under paragraph (3), and

“(ii) allocated to such limitation under paragraph (4).

“(2) LIMITATIONS TO BE INCREASED.—The limitations described in this paragraph are—

“(A) the limitation imposed by section 38(c), and

“(B) the limitation imposed by section 53(c).

“(3) QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—For purposes of this paragraph—

“(A) IN GENERAL.—The qualified plug-in electric drive motor vehicle manufacturing facility amount is an amount equal to the applicable percentage of any qualified plug-in electric drive motor vehicle manufacturing facility which is placed in service during the taxable year.

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is—

“(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and

“(ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

“(C) SPECIAL RULE FOR DUAL USE PROPERTY.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—

“(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by

“(ii) the percentage of property expected to be produced which is not qualified property.

“(4) ALLOCATION OF QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE MANUFACTURING FACILITY AMOUNT.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

“(5) ELECTION.—

“(A) IN GENERAL.—An election under this subsection for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

“(B) ELECTION IRREVOCABLE.—Any election made under this subsection may not be revoked except with the consent of the Secretary.

“(6) CREDIT REFUNDABLE.—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not any other subpart).”.

(b) TECHNICAL AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “179F(f),” after “168(k)(4)(F),”.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

“Sec. 179F. Election to expense manufacturing facilities producing plug-in electric drive motor vehicle and components.”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

**SA 275.** Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mr. KERRY, Mr. MENENDEZ, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 267, line 7, insert before the semicolon the following: “, including the use of electronic technology to collect and report patient demographic data, including, at a minimum, race, ethnicity, and gender data”.

On page 282, between lines 3 and 4, insert the following:

“(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, and gender information.”.

On page 283, between lines 21 and 22, insert the following:

“(4) CONSISTENCY WITH EVALUATION CONDUCTED UNDER MIPPA.—

“(A) REQUIREMENT FOR CONSISTENCY.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

“(B) SCOPE.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3) of the Social Security Act.

“(C) TIMING.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act, regardless of whether the report described in subsection (b) of such section has been submitted.”.

**SA 276.** Ms. CANTWELL (for herself, Mr. KERRY, Ms. SNOWE, Mr. SCHUMER, Ms. STABENOW, Mr. BINGAMAN, Mr. ENSIGN, Mr. CARPER, Mr. HATCH, Mr. WYDEN, Mr. CARDIN, Mr. NELSON of Florida, Mr. REED, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle J of title I of division B, add the following:

**SEC. \_\_\_\_ . ELECTION TO ACCELERATE THE LOW-INCOME HOUSING TAX CREDIT.**

(a) IN GENERAL.—At the election of the taxpayer, the credit determined under section 42 of the Internal Revenue Code of 1986 for the taxpayer's first three taxable years beginning after December 31, 2008, in which credits are allowable for any low-income housing project with respect to initial in-

vestments made pursuant to a binding agreement by such taxpayer after December 31, 2008, and before January 1, 2011, shall be 200 percent of the amount which would (but for this subsection) be so allowable.

(b) ELIGIBILITY FOR ELECTION.—The election under subsection (a) shall take effect with respect to the first taxable year referred to in such subsection only when all rental requirements pursuant to section 42(g)(1) of the Internal Revenue Code of 1986 have been met with respect to the low-income housing project.

(c) REDUCTION IN AGGREGATE CREDIT TO REFLECT ACCELERATED CREDIT.—The aggregate credit allowable to any taxpayer under section 42 of the Internal Revenue Code of 1986 with respect to any investment for taxable years after the first three taxable years referred to in subsection (a) shall be reduced on a pro rata basis by the amount of the increased credit allowable by reason of subsection (a) with respect to such first three taxable years. The preceding sentence shall not be construed to affect whether any taxable year is part of the credit, compliance, or extended use periods under such section 42.

(d) ELECTION.—The election under subsection (a) shall be made at the time and in the manner prescribed by the Secretary of the Treasury or the Secretary's delegate, and, once made, shall be irrevocable. In the case of a partnership, such election shall be made by the partnership.

**SA 277.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 435, strike line 4 and all that follows through page 441, line 15, and insert the following:

**SEC. 1001. REDUCTION IN 10-PERCENT RATE BRACKET FOR 2009 AND 2010.**

(a) IN GENERAL.—Paragraph (1) of section 1(i) is amended by adding at the end the following new subparagraph:

“(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

“(i) IN GENERAL.—Subparagraph (A)(i) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

“(I) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting ‘5 percent’ for ‘10 percent’.

“(II) Section 3402(p)(2) shall be applied by substituting ‘5 percent’ for ‘10 percent’.”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Subclause (II) of section 1(i)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

**SA 278.** Mr. MCCAIN proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job

preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 431, after line 8, insert the following:

**SEC. \_\_\_\_ . REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS' DEBT OBLIGATIONS.**

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

“(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

“(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

“(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

“(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American Recovery and Reinvestment Act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

“(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

“(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

“(2) MAXIMUM DEFICIT AMOUNTS.—

“(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

“(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105-33.

“(C) DEFICIT.—For purposes of this paragraph, the term ‘deficit’ shall have the meaning given such term in Public Law 99-177.”.

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

“(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 252 of this Act and any procedure with respect to such sections in this Act shall be effective beginning on the date of enactment of this subsection.”.

(c) BASELINE.—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

**SA 279.** Mr. MCCAIN (for himself and Mr. SHELBY) proposed an amendment to amendment SA 98 proposed by Mr.

INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 429, strike line 6 and all that follows through page 430, line 12, and insert the following:

SEC. 1604. (a) INAPPLICABILITY OF BUY AMERICAN REQUIREMENTS.—Notwithstanding any other provision of this Act, the utilization of funds appropriated or otherwise made available by this Act shall not be subject to any Buy American requirement in a provision of this Act.

(b) BUY AMERICAN REQUIREMENT DEFINED.—In this section, the term “Buy American requirement” means a requirement in a provision of this Act that an item may be procured only if the item is grown, processed, reused, or produced in the United States.

**SA 280.** Mr. BAYH (for himself, Mr. BINGAMAN, Ms. STABENOW, Mr. ROCKEFELLER, and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, line 22, before the period, insert the following: “: *Provided further*, That \$200,000,000 shall be available for waste energy recovery grants to owners or operators of waste energy recovery projects and utilities as authorized under section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343)”.

On page 90, between lines 14 and 15, insert the following:

**SEC. 4. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.**

Section 373 of the Energy Policy and Conservation Act (42 U.S.C. 6343) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (1), by inserting “and” after the semicolon at the end;
  - (B) in paragraph (2), by striking “; and” and inserting a period; and
  - (C) by striking paragraph (3);
- (2) in subsection (b)—
  - (A) in paragraph (3)(A)—
    - (i) by inserting “not more than” after “rate of”; and
    - (ii) by striking “Energy Independence and Security Act of 2007” and inserting “American Recovery and Reinvestment Act of 2009”; and
  - (B) in paragraph (4), by inserting “not more than” after “rate of”;
  - (3) by striking subsection (c);
  - (4) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and
  - (5) by striking subsection (e) (as so redesignated) and inserting the following:
 

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$200,000,000 for each of fiscal years 2009 and 2010.”

**SA 281.** Mr. BAYH (for himself, Ms. STABENOW, and Mr. BEGICH) submitted

an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, after “That” insert the following: “\$200,000,000 shall be available for grants under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of electric drive vehicles, including plug-in electric drive vehicles, and for near-term, large-scale electrification projects aimed at the transportation section: *Provided further*, That \$590,000,000 shall be available under section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231) to carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary application, and electricity transmission and distribution: *Provided further*, That”.

**SA 282.** Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 1607. PROGRAM OF STATE GRANTS TO ATTRACT AND RETAIN JOBS IN INFORMATION TECHNOLOGY AND MANUFACTURING SECTORS.**

- (a) DEFINITIONS.—In this section:
  - (1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that—
    - (A) employs not fewer than 20 full-time equivalent employees in eligible jobs; and
    - (B) such jobs are located—
      - (i) in a foreign country; or
      - (ii) in the United States but would be relocated by such entity to a foreign country without the assistance of a grant awarded under the Program.
  - (2) ELIGIBLE JOB.—The term “eligible job” means, with respect to an entity, a job in the information technology sector or manufacturing sector in which the entity employs a full-time equivalent employee.
  - (3) ELIGIBLE STATE.—The term “eligible State” means a State that—
    - (A) submits an application in accordance with subsection (d)(1);
    - (B) includes in such application a certification as required by subsection (d)(2);
    - (C) agrees to make contributions pursuant to subsection (d)(3); and
    - (D) any part of which is located within a labor surplus area.
  - (4) LABOR SURPLUS AREA.—The term “labor surplus area” means an area in the United States included in the most recent classification of labor surplus areas by the Secretary of Labor.

(5) PROGRAM.—The term “Program” means the program established under subsection (b).

(6) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of Commerce.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall, acting through the Assistant Secretary of Commerce for Economic Development, establish a program to provide funds to States to award grants to eligible entities for the purposes described in paragraph (2).

(2) PURPOSES.—A grant awarded under the Program shall be used by an eligible entity—

- (A) to relocate an eligible job located in a foreign country to a labor surplus area; or
- (B) to retain an eligible job located in a labor surplus area that the eligible entity would otherwise relocate to a foreign country without the assistance of such grant.

(c) ALLOTMENT TO STATES.—

(1) IN GENERAL.—During the 2-year period beginning on the date that is 90 days after the date of the enactment of this Act, the Secretary shall provide \$2,000,000,000 to eligible States to enable such States to award grants under the Program.

(2) ALLOTMENT AMONG STATES.—From the amount provided pursuant to paragraph (1), the Secretary shall allot to each eligible State an amount which bears the same relationship to the amount provided under paragraph (1) as the total number of individuals in the State bears to the total number of individuals in all eligible States.

(d) REQUIREMENTS OF STATES.—

(1) APPLICATION.—A State seeking funds under the Program shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) CERTIFICATION.—An application submitted under paragraph (1) shall include a certification made by the appropriate official of an eligible State that the State will use any amount provided to the State under the Program in accordance with the requirements of subsection (e).

(3) STATE MATCHING REQUIREMENT.—A State seeking funds under the Program shall agree to make available non-Federal funds to carry out the purposes of the Program in an amount equal to not less than 30 percent of the amount allotted to such State under subsection (c)(2).

(e) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—Subject to subsection (g), not later than 1 year after the date that a State receives an amount under subsection (c), the State shall use such amount to award grants to eligible entities in that State to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under the Program for the purpose of relocating a job from one State to another State.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking a grant from a State under the program shall submit an application to the Governor of that State at such time, in such manner, and containing such information as the Governor may require.

(B) CERTIFICATION.—An application submitted under subparagraph (A) by an eligible entity shall include a certification made by the entity that the entity will relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(3) AMOUNTS.—A grant awarded by a State to an eligible entity under the Program shall be disbursed by the State to the entity in 2 installments as follows:

(A) INITIAL INSTALLMENT.—The initial installment of the grant shall be disbursed to the entity as soon as practicable after the grant is awarded in an amount equal to \$5,000 per eligible job that the entity—

(i) relocates from a foreign country to a labor surplus area; or

(ii) retains in a labor surplus area that the entity would otherwise relocate to a foreign country without the assistance of such grant.

(B) SECOND INSTALLMENT.—Subject to paragraph (4), the second installment of the grant shall be disbursed to the entity as soon as practicable after the 366th day after the grant is awarded in an amount equal to \$4,000 per eligible job that the entity—

(i) relocates as described in subparagraph (A)(i); or

(ii) retains as described in subparagraph (A)(ii).

(4) CERTIFICATION OF INCREASE IN EMPLOYMENT.—

(A) IN GENERAL.—To be eligible for the second installment of a grant under paragraph (3)(B), an eligible entity awarded a grant under the Program shall certify to the satisfaction of the Governor of the State that awarded the grant that the entity increased during the first year of the grant the number of full-time equivalent employees employed by the entity in an eligible job in a labor surplus area.

(B) FAILURE TO CERTIFY.—If an eligible entity awarded a grant under the Program fails to make the certification required by subparagraph (A)—

(i) the entity shall not receive the second installment of the grant under paragraph (3)(B); and

(ii) the grant awarded to such recipient shall be terminated.

(f) PUBLICATION OF GRANT AWARDS.—

(1) NOTICE TO SECRETARY.—Not later than 30 days after the date on which a State awards a grant under the Program, the State shall submit to the Secretary such information regarding the grant as the Secretary may require, including the following:

(A) The name of the grant recipient.

(B) The number of eligible jobs to be relocated or retained, as described in clause (i) or (ii) of subsection (e)(3)(A), by the grant recipient.

(C) The labor surplus area concerned.

(2) IN GENERAL.—Not later than 30 days after the date on which the Secretary receives information under paragraph (1), the Secretary shall publish such information on the Internet web site of the Department of Commerce.

(g) STATE ADMINISTRATIVE COSTS.—Of the amount provided to a State by the Secretary under the Program, an amount not to exceed 5 percent may be used by such State for the costs of administering the Program.

(h) AUDITS.—A State shall audit each eligible entity awarded a grant under the Program to ensure that the entity relocates or retains eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(i) REPORT.—Not later than 410 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the Program.

(j) DIRECT SPENDING AUTHORITY AND OFFSET.—

(1) DIRECT SPENDING AUTHORITY.—There is authorized to be appropriated and is appropriated to the Secretary \$2,000,000,000 to carry out the Program.

(2) AVAILABILITY.—The amounts appropriated under paragraph (1) shall remain available for the purpose described in such paragraph until September 30, 2010.

(3) OFFSET.—The amount appropriated or otherwise made available by title XIV of this division under the heading “STATE FISCAL

STABILIZATION FUND” and the amount described in section 1401(c) of such title are each reduced by \$2,000,000,000.

**SA 283.** Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 451, between lines 13 and 14, insert the following:

**SEC. \_\_\_\_ . TEMPORARY INCREASE IN PERSONAL CAPITAL LOSS DEDUCTION LIMITATION.**

(a) IN GENERAL.—Section 1211 is amended by adding at the end the following new subsection:

“(c) SPECIAL RULE FOR TAXABLE YEARS BEGINNING IN 2009.—In the case of a taxable year beginning after December 31, 2008, and before January 1, 2010, subsection (b)(1) shall be applied—

“(1) by substituting ‘\$15,000’ for ‘\$3,000’, and

“(2) by substituting ‘\$7,500’ for ‘\$1,500’.”

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

(c) OFFSET.—Notwithstanding any other provision of division A, the amounts appropriated or made available in division A (other than any such amount under the heading “Department of Veterans Affairs” in title X of division A) shall be reduced by a percentage necessary to offset the aggregate reduction in revenues resulting from the enactment of the amendment made by subsection (a).

**SA 284.** Mr. VITTER (for himself, Mr. COCHRAN, Mr. SHELBY, Mrs. HUTCHISON, Mr. WICKER, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . COASTAL RESTORATION AND GULF STATE RECOVERY.**

(a) SEAWARD BOUNDARIES OF STATES.—

(1) IN GENERAL.—Section 4 of the Submerged Lands Act (43 U.S.C. 1312) is amended by striking “three geographical miles” each place it appears and inserting “12 nautical miles”.

(2) CONFORMING AMENDMENTS.—Section 2 of the Submerged Lands Act (43 U.S.C. 1301) is amended by striking “three geographical miles” each place it appears in subsections (a)(2) and (b) and inserting “12 nautical miles”.

(3) EFFECT OF AMENDMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) through (D), the amendments made by this subsection shall not effect Federal oil and gas mineral rights.

(B) SUBMERGED LAND.—Submerged land within the seaward boundaries of States shall be—

(i) subject to Federal oil and gas mineral rights to the extent provided by law;

(ii) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and

(iii) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(C) EXISTING LEASES.—The amendments made by this subsection shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(D) TAXATION.—A State may exercise all of the sovereign powers of taxation of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this subsection).

(b) COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.—

(1) IN GENERAL.—Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) is amended—

(A) in subsection (c), by adding at the end the following:

“(5) APPLICATION REQUIREMENTS; AVAILABILITY OF FUNDING.—On approval of a plan by the Secretary under this section, the producing State shall—

“(A) not be subject to any additional application or other requirements (other than notifying the Secretary of which projects are being carried out under the plan) to receive the payments; and

“(B) be immediately eligible to receive payments under this section.”; and

(B) by adding at the end the following:

“(e) FUNDING.—

“(1) STREAMLINING.—

“(A) REPORT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) (referred to in this subsection as the ‘Secretary’) shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—

“(i) decreasing the time required to approve plans submitted under subsection (c)(1);

“(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

“(iii) any modifications to the authorized uses for payments under subsection (d).

“(B) CLEAN WATER.—Not later than 180 days after the date of enactment of this subsection, the Secretary and the Administrator of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

“(C) ENVIRONMENTAL REQUIREMENTS.—In the case of any project covered by this subsection that is not carried out on wetland (as defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)), there shall be no requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) DREDGED MATERIALS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Army shall develop and implement guidelines requiring the use of dredged material, at full Federal expense, for ecological restoration, or port or other coastal infrastructure, in producing States.

“(3) COST-SHARING REQUIREMENTS.—Any amounts made available to producing States under this section may be used to meet the cost-sharing requirements of other Federal grant programs, including grant programs

that support coastal protection and restoration.

“(4) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

“(A) secure additional funds from other sources; and

“(B) use the amounts made available under this section on receipt.”

(2) APPLICATION.—The amendments made by paragraph (1) apply to an application for payments under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) that is pending on, or filed on or after, the date of enactment of this Act.

**SA 285.** Mr. BAUCUS (for himself, Mr. LEAHY, and Mr. TESTER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 159, between lines 11 and 12, insert the following:

(2) MINIMUM AMOUNT.—Notwithstanding paragraph (1), no State higher education agency shall receive less than 0.5 percent of the amount allocated under paragraph (1).

**SA 286.** Ms. LANDRIEU (for herself, Mr. KOHL, and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, between lines 3 and 4, insert the following:

(D) CHARTER SCHOOLS.—

(i) IN GENERAL.—An eligible local educational agency receiving funds under this paragraph shall use an equitable portion of the funds, as determined under clause (ii), to carry out school renovation, repair, and construction (consistent with subsection (c)) for charter schools that are served by the eligible local educational agency.

(ii) EQUITABLE PORTION.—An eligible local educational agency receiving funds under this paragraph shall determine the amount of the equitable portion described in clause (i) on the basis of—

(I) the percentage of poor children who are enrolled in the charter schools served by the eligible local educational agency; and

(II) the needs of the charter schools as determined by the eligible local educational agency.

**SA 287.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental

appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

**TITLE VI—TAXPAYER PROTECTION PROSECUTION TASK FORCE**

**SEC. 6001. CREATION OF A TAXPAYER PROTECTION PROSECUTION TASK FORCE.**

The Attorney General of the United States shall immediately establish a Taxpayer Protection Prosecution Task Force (referred to in this title as the “Task Force”).

**SEC. 6002. DUTIES OF THE TASK FORCE.**

The Task Force shall—

(1) investigate and prosecute financial fraud cases or any other violation of law that contributed to the collapse of our financial markets; and

(2) seek to claw back any ill-gotten gains, particularly by those who received billions of dollars in compensation creating the real estate and financial bubble.

**SEC. 6003. MEMBERSHIP.**

The membership of the Task Force shall include—

(1) Department of Justice attorneys acting as a team of Federal prosecutors;

(2) special agents from the Federal Bureau of Investigation, the Internal Revenue Service, and United States Postal Service; and

(3) additional assistance from the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, and other Federal banking regulators or investigators.

**SEC. 6004. STAFFING.**

The Task Force shall be staffed by Department of Justice career attorneys, enforcement attorneys, and other private and public sector legal professionals and experts in the violations of law under investigation.

**SEC. 6005. DIRECTOR.**

The Director of the Task Force shall be appointed by the President, subject to the advice and consent of the Senate.

**SEC. 6006. OUTSIDE EMPLOYMENT.**

The Director of the Task Force and all professional members of the staff shall for a period of 2 years after their employment with the Task Force be prohibited from directly or indirectly representing any client in or in connection with any investigation relating to any of the work of the Task Force.

**SEC. 6007. REPORTS TO CONGRESS.**

The Task Force shall file—

(1) a public report directly with Congress every 6 months on its activities; and

(2) if necessary, a classified annex to protect the confidentiality of ongoing investigations or attorney-client privilege or other non-public information.

**SEC. 6008. STATUTE OF LIMITATIONS RECOMMENDATION.**

The Task Force shall make recommendations to Congress not later than 60 days after the date of the establishment of the Task Force regarding extension of the statute of limitation for complex financial fraud and other similar cases.

**SA 288.** Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assist-

ance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 478, between lines 15 and 16, insert the following:

**SEC. ——. TEMPORARY REINSTATEMENT OF REGULAR INVESTMENT TAX CREDIT.**

The current year business credit under section 38 of Internal Revenue Code of 1986 shall include the amount that would be determined under section 46(a) of such Code (without regard to paragraphs (2) and (3) of such subsection) (as such Code was in effect before the amendments made by the Revenue Reconciliation Act of 1990 (Public Law 101-508)) with respect to property placed in service after 2008 and before July 1, 2010, if the regular percentage were 15 percent.

**SA 289.** Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, between lines 6 and 7, insert the following:

(E) PROHIBITION.—Notwithstanding any other provision of this section, a State higher education agency shall not award a subgrant under this section to an institution of higher education that—

(i) has an endowment exempt from taxation under subtitle A of the Internal Revenue Code of 1986 that is more than \$15,000,000,000; or

(ii) has paid more than \$1,000,000 for lobbying activities, as such term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), in the preceding fiscal year.

**SA 290.** Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 3 and 4, insert the following:

“(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and”.

**SA 291.** Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and

creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 3 and 4, insert the following:

“(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and”.

**SA 292.** Mr. BROWNBACK (for himself, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 320, between lines 3 and 4, insert the following:

“(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and”.

**SA 293.** Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 270, strike lines 1 through 11, and insert the following:

“(1) STANDARDS.—The National Coordinator shall—

“(A) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

“(B) make such determinations under subparagraph (A), and report to the Secretary such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

“(C) review Federal health information technology investments to ensure that Federal health information technology programs are meeting the objectives of the strategic plan published under paragraph (3); and

“(D) provide comments and advice regarding specific Federal health information technology programs, at the request of Office of Management and Budget.”.

Beginning on page 273, strike line 21, and all that follows through line 8 on page 274, and insert the following:

“(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the pur-

pose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications.

“(6) CERTIFICATION.—

“(A) IN GENERAL.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technology in accordance with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.”.

On page 277, strike lines 8 through 11, and insert the following:

“(8) GOVERNANCE FOR NATIONWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall implement the recommendations made by the HIT Policy Committee regarding the governance of the nationwide health information network.”.

On page 283, between lines 12 and 13, insert the following:

“(ix) Methods to facilitate secure access by an individual to such individual's protected health information.

“(x) Methods, guidelines, and safeguards to facilitate secure access to patient information by a family member, caregiver, or guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the patient's individually identifiable health information.”.

On page 284, strike lines 1 through 13, and insert the following:

“(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

“(A) One member shall be appointed by the Secretary.

“(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs.

“(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

“(D) One member shall be appointed by the Majority Leader of the Senate.

“(E) One member shall be appointed by the Minority Leader of the Senate.

“(F) One member shall be appointed by the Speaker of the House of Representatives.

“(G) One member shall be appointed by the Minority Leader of the House of Representatives.

“(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

“(i) three members shall represent patients or consumers;

“(ii) one member shall represent health care providers;

“(iii) one member shall be from a labor organization representing health care workers;

“(iv) one member shall have expertise in privacy and security;

“(v) one member shall have expertise in improving the health of vulnerable populations;

“(vi) one member shall represent health plans or other third party payers;

“(vii) one member shall represent information technology vendors;

“(viii) one member shall represent purchasers or employers; and

“(ix) one member shall have expertise in health care quality measurement and reporting.

“(3) CHAIRPERSON AND VICE CHAIRPERSON.—The HIT Policy Committee shall designate one member to serve as the chairperson and

one member to serve as the vice chairperson of the Policy Committee.

“(4) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

“(5) PARTICIPATION.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

“(6) TERMS.—

“(A) IN GENERAL.—The terms of the members of the HIT Policy Committee shall be for 3 years, except that the Comptroller General shall designate staggered terms for the members first appointed.

“(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the HIT Policy Committee that occurs prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that member's term until a successor has been appointed. A vacancy in the HIT Policy Committee shall be filled in the manner in which the original appointment was made.

“(7) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

“(A) health information privacy and security;

“(B) improving the health of vulnerable populations;

“(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

“(D) long-term care and aging services;

“(E) medical and clinical research; and

“(F) data exchange and developing health information technology standards and new health information technology.

“(8) QUORUM.—Ten members of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

“(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

“(A) the number of members that such official is authorized to appoint shall be reduced to the number that such official has appointed as of that date; and

“(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than one-half of the total number of members who have been appointed as of that date.

“(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.”.

On page 287, between lines 16 and 17, insert the following:

“(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.”.

On page 288, strike lines 4 through 19 and insert the following:

“(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the Committee or through another means.

“(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson.

“(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall act as a liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

“(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

“(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees or dues charged by such Committee to those consumer advocacy groups and not for profit entities that work in the public interest as a part of their mission.

“(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure the following:

“(1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

“(2) PARTICIPATION OF OUTSIDE ADVISERS.—The HIT Standards Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

“(A) health information privacy;  
 “(B) health information security;  
 “(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;  
 “(D) long-term care and aging services; and  
 “(E) data exchange and developing health information technology standards and new health information technology.

“(3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

“(4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The HIT Standards Committee shall develop and maintain an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

“(5) OPPORTUNITY FOR PUBLIC COMMENT.—The HIT Standards Committee shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

“(e) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) and Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.”

On page 290, line 14, strike “INITIAL SET OF”.

On page 291, between lines 6 and 7, insert the following:

“(3) SUBSEQUENT STANDARDS ACTIVITY.—The Secretary shall adopt additional stand-

ards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).”

Beginning on page 293, strike line 7 and all that follows through line 2 on page 295, and insert the following:

**SEC. 3008. TRANSITIONS.**

“(a) ONCHIT.—Nothing in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

“(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in sections 3002 or 3003 or this subsection shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

“(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations are made by the HIT Policy Committee, recommendations of the HIT Standards Committee shall be consistent with the most recent recommendations made by such AHIC Successor, Inc.”

On page 294, strike lines 10 through 16.

305, line 5, strike “shall coordinate” and insert “may review”.

**SA 294.** Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 678, line 24, strike “0.” and insert “0. In implementing this subparagraph with respect to charity care, the Secretary shall coordinate with the Secretary of the Treasury and the Medicare Payment Advisory Commission to ensure uniform definitions of charity care and uncompensated care.”

**SA 295.** Mr. GRASSLEY (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC.— STUDY OF TAX-EXEMPT AND NON-TAX-EXEMPT HOSPITALS.**

(a) STUDY.—The Secretary of the Treasury shall undertake a study of the differences in operation between hospitals that are described in section 501(c)(3) of the Internal Revenue Code of 1986 and are exempt from tax under section 501(a) of such Code, and hospitals that are not so exempt. The study

conducted under this section shall include, in addition to any other information deemed relevant by the Secretary of the Treasury, a comprehensive review of the amount of uncompensated care, non-patient services and other benefits, and executive compensation provided by each type of hospital.

(b) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary of the Treasury shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the results of the study conducted under this section.

**SA 296.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 720, strike line 18 and all that follows through page 723, line 11, and insert the following:

(f) STATE INELIGIBILITY.—

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—No State shall be eligible for an increased FMAP rate under this section for any fiscal year quarter during the recession adjustment period if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, any of the following:

(A) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(B) BENEFITS.—Any reduction in the type, amount, duration, or scope of benefits provided under such State plan or waiver.

(C) PROVIDER PAYMENTS.—Any reduction in provider payments under such State plan or waiver, including the aggregate or per service amount paid to any provider and the amount and extent of beneficiary cost-sharing imposed.

(2) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under paragraph (1) if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, that any reductions described in paragraph (1) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

**SA 297.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 714, strike line 1 and all that follows through page 725, line 14, and insert the following:

**SEC. 5001. TEMPORARY INCREASE OF MEDICAID FMAP.**

(a) PERMITTING MAINTENANCE OF FMAP.—Subject to subsections (d), (e), (f), and (g) if the FMAP determined without regard to this section for a State for—

(1) fiscal year 2009 is less than the FMAP as so determined for fiscal year 2008, the FMAP for the State for fiscal year 2008 shall be substituted for the State's FMAP for fiscal year 2009, before the application of this section;

(2) fiscal year 2010 is less than the FMAP as so determined for fiscal year 2008 or fiscal year 2009 (after the application of paragraph (1)), the greater of such FMAP for the State for fiscal year 2008 or fiscal year 2009 shall be substituted for the State's FMAP for fiscal year 2010, before the application of this section; and

(3) fiscal year 2011 is less than the FMAP as so determined for fiscal year 2008, fiscal year 2009 (after the application of paragraph (1)), or fiscal year 2010 (after the application of paragraph (2)), the greatest of such FMAP for the State for fiscal year 2008, fiscal year 2009, or fiscal year 2010 shall be substituted for the State's FMAP for fiscal year 2011, before the application of this section, but only for the first, second, and third calendar quarters in fiscal year 2011.

(b) GENERAL 9.5 PERCENTAGE POINT INCREASE.—Subject to subsections (d), (e), (f), and (g), for each State for calendar quarters during the recession adjustment period (as defined in subsection (h)(2)), the FMAP (after the application of subsection (a)) shall be increased (without regard to any limitation otherwise specified in section 1905(b) of the Social Security Act) by 9.5 percentage points.

(c) INCREASE IN CAP ON MEDICAID PAYMENTS TO TERRITORIES.—Subject to subsections (e), (f), and (g), with respect to entire fiscal years occurring during the recession adjustment period and with respect to fiscal years only a portion of which occurs during such period (and in proportion to the portion of the fiscal year that occurs during such period), the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under subsections (f) and (g) of section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by 9.5 percent.

(d) SCOPE OF APPLICATION.—The increases in the FMAP for a State under this section shall apply for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r-4);

(2) payments under title IV of such Act (42 U.S.C. 601 et seq.) (except that the increases under subsections (a) and (b) shall apply to payments under part E of title IV of such Act (42 U.S.C. 670 et seq.);

(3) payments under title XXI of such Act (42 U.S.C. 1397aa et seq.);

(4) any payments under title XIX of such Act that are based on the enhanced FMAP described in section 2105(b) of such Act (42 U.S.C. 1397ee(b)); or

(5) any payments under title XIX of such Act that are attributable to expenditures for medical assistance provided to individuals made eligible under a State plan under title XIX of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) because of income standards (expressed as a percentage of the poverty line) for eligibility for medical assistance that are higher than the income standards (as so expressed) for such eligibility as in effect on July 1, 2008.

(e) STATE INELIGIBILITY.—

(1) MAINTENANCE OF ELIGIBILITY REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State is not eligible for an increase in its FMAP under subsection (a) or (b), or an increase in a cap amount under subsection (c), if eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(B) STATE REINSTATEMENT OF ELIGIBILITY PERMITTED.—Subject to subparagraph (C), a State that has restricted eligibility standards, methodologies, or procedures under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) after July 1, 2008, is no longer ineligible under subparagraph (A) beginning with the first calendar quarter in which the State has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008.

(C) SPECIAL RULES.—A State shall not be ineligible under subparagraph (A)—

(i) for the calendar quarters before July 1, 2009, on the basis of a restriction that was applied after July 1, 2008, and before the date of the enactment of this Act, if the State prior to July 1, 2009, has reinstated eligibility standards, methodologies, or procedures that are no more restrictive than the eligibility standards, methodologies, or procedures, respectively, under such plan (or waiver) as in effect on July 1, 2008; or

(ii) on the basis of a restriction that was directed to be made under State law as of July 1, 2008, and would have been in effect as of such date, but for a delay in the request for, and approval of, a waiver under section 1115 of such Act with respect to such restriction.

(2) COMPLIANCE WITH PROMPT PAY REQUIREMENTS.—No State shall be eligible for an increased FMAP rate as provided under this section for any claim submitted by a provider subject to the terms of section 1902(a)(37)(A) of the Social Security Act (42 U.S.C. 1396a(a)(37)(A)) during any period in which that State has failed to pay claims in accordance with section 1902(a)(37)(A) of such Act. Each State shall report to the Secretary, no later than 30 days following the 1st day of the month, its compliance with the requirements of section 1902(a)(37)(A) of the Social Security Act as they pertain to claims made for covered services during the preceding month.

(3) NO WAIVER AUTHORITY.—The Secretary may not waive the application of this subsection or subsection (f) under section 1115 of the Social Security Act or otherwise.

(f) REQUIREMENTS.—

(1) IN GENERAL.—A State may not deposit or credit the additional Federal funds paid to the State as a result of this section to any reserve or rainy day fund maintained by the State.

(2) STATE REPORTS.—Each State that is paid additional Federal funds as a result of this section shall, not later than September 30, 2011, submit a report to the Secretary, in such form and such manner as the Secretary shall determine, regarding how the additional Federal funds were expended.

(3) ADDITIONAL REQUIREMENT FOR CERTAIN STATES.—In the case of a State that requires political subdivisions within the State to contribute toward the non-Federal share of

expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under subsection (b), or an increase in a cap amount under subsection (c), if it requires that such political subdivisions pay for quarters during the recession adjustment period a greater percentage of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1923, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) STATE SELECTION OF RECESSION ADJUSTMENT RELIEF PERIOD.—The increase in a State's FMAP under subsection (a) or (b), or an increase in a State's cap amount under subsection (c), shall only apply to the State for 9 consecutive calendar quarters during the recession adjustment period. Each State shall notify the Secretary of the 9-calendar quarter period for which the State elects to receive such increase.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined without regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term "poverty line" has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term "recession adjustment period" means the period beginning on October 1, 2008, and ending on June 20, 2011.

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(5) STATE.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

**SA 298.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 7 and 8, insert the following:

(3) QUARTERLY CERTIFICATION OF NO NEW TAXES.—

(A) IN GENERAL.—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal funds resulting from the application of this section to the State for the quarter, that the State will not take any action to raise State income, property, or sales taxes during the quarter. Any State that fails to make such a certification shall not be eligible for such additional Federal funds and any State that makes such a certification and is determined by the Secretary to have taken an action that results in an increase in the State income, property, or sales taxes during

the quarter shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

(B) NONAPPLICATION TO STATE ACTION TAKEN PRIOR TO DATE OF ENACTMENT.—In the case of a State that enacted a law or took other action before the date of enactment of this Act that will result in an increase in State income, property, or sales taxes during any quarter of the recession adjustment period, the State shall not be ineligible for an increased FMAP under this section for any such quarter if the State certifies that it will not enact any new such law or take any new such action after the date of enactment of this Act and for the remainder of the recession adjustment period and the State submits the quarterly certifications required under subparagraph (A).

**SA 299.** Mr. REID (for himself and Mr. ENSIGN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 540, line 1, strike all through page 541, line 11, and insert the following:

**SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.**

(a) INTEREST ON PRIVATE ACTIVITY BONDS ISSUED DURING 2009 AND 2010 NOT TREATED AS TAX PREFERENCE ITEM.—Subparagraph (C) of section 57(a)(5) is amended by adding at the end a new clause:

“(vi) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—For purposes of clause (i), the term ‘private activity bond’ shall not include—

“(I) any bond issued after December 31, 2008, and before January 1, 2011, or

“(II) any interim financing refunding bond issued after December 31, 2008, and before January 1, 2011.

For purposes of clause (I), a refunding bond (whether a current or advance refunding), other than an interim financing refunding bond, shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond). For purposes of this clause, the term ‘interim financing refunding bond’ means any refunding bond which is issued to refund another bond which had a maturity date that was less than 5 years after the date such other bond was issued.”

(b) NO ADJUSTMENT TO ADJUSTED CURRENT EARNINGS FOR INTEREST ON TAX-EXEMPT BONDS ISSUED DURING 2009 AND 2010.—Subparagraph (B) of section 56(g)(4) is amended by adding at the end the following new clause:

“(iv) TAX EXEMPT INTEREST ON BONDS ISSUED IN 2009 AND 2010.—Clause (i) shall not apply in the case of any interest on—

“(I) a bond issued after December 31, 2008, and before January 1, 2011, or

“(II) an interim financing refunding bond issued after December 31, 2008, and before January 1, 2011.

For purposes of clause (I), a refunding bond (whether a current or advance refunding),

other than an interim financing refunding bond, shall be treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond). For purposes of this clause, the term ‘interim financing refunding bond’ means any refunding bond which is issued to refund another bond which had a maturity date that was less than 5 years after the date such other bond was issued.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2008.

**SA 300.** Mr. DORGAN (for himself, Mr. BAUCUS, Mr. BROWN, Mr. INOUE, and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

On page 430, strike lines 7 through 12 and insert the following:

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

**SA 301.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 15, after “transition” insert the following: “, including the potential need for indoor or outdoor, or both, antenna to facilitate the reception and display of signals of channels broadcast in digital television service and the potential for the loss of channels due to the transition to digital television service”.

**SA 302.** Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, line 8, strike “2005,” and all that follows through “Provided, That” on line 9, and insert the following: “2005, as well as to assist consumers with the purchase or installation, or both, of an indoor or outdoor antenna to facilitate the reception and display of signals of channels broadcast in digital television service, to remain available until September 30, 2010: *Provided*, That the Assistant Secretary for Communications and Information of the Department of Commerce may only use amounts provided under this heading to assist consumers with the pur-

chase or installation, or both, of an indoor or outdoor antenna, if upon the determination of the Assistant Secretary, in consultation with the Federal Communications Commission and the Secretary of Commerce, such funds are no longer necessary to provide additional coupons under section 3005 of the Digital Television Transition and Public Safety Act of 2005: *Provided further*, That”.

**SA 303.** Mrs. LINCOLN (for herself and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC. . . . MODIFICATIONS TO REHABILITATION CREDIT.**

(a) RECAPTURE EXEMPTION FOR FORECLOSURE TRANSACTIONS WITH RESPECT TO INVESTMENT CREDIT PROPERTY PLACED IN SERVICE WITHIN 24 MONTHS OF ENACTMENT.—Subsection (a) of section 50 is amended by adding at the end the following new paragraph:

“(6) TEMPORARY SPECIAL RULE FOR CERTAIN FORECLOSURE TRANSACTIONS.—Paragraphs (1) and (2) shall not apply to any transfer or deemed sale of any investment credit property that arises from a foreclosure or instrument in lieu of foreclosure or any similar transaction if—

“(A) such property is placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

“(B) the transferee in such transfer or deemed sale is not a related person (within the meaning of section 267(b)) of the taxpayer.”.

(b) USE FOR LODGING NOT TO DISQUALIFY CERTAIN BUILDINGS FOR REHABILITATION CREDIT.—Paragraph (2) of section 50(b) is amended—

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

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

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

“(D) a building other than a certified historic structure which is—

“(i) located within a qualified census tract (within the meaning of section 42(d)(5)(B)(ii)) or a difficult development area (within the meaning of section 42(d)(5)(B)(iii)); and

“(ii) placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009; and”.

(c) DATE BY WHICH BUILDINGS MUST BE FIRST PLACED IN SERVICE.—Paragraph (1) of section 47(c) is amended by adding at the end the following new subparagraph:

“(E) SPECIAL RULE FOR CERTAIN BUILDINGS PLACED IN SERVICE IN 2009 AND 2010.—In the case of a building other than a certified historic structure which is—

“(i) located within a qualified census tract (within the meaning of section 42(d)(5)(B)(ii)) or a difficult development area (within the meaning of section 42(d)(5)(B)(iii)), and

“(ii) placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009,

subparagraph (B) shall be applied by substituting ‘not less than 50 years before the year in which qualified rehabilitation expenditures are first taken into account under subsection (b)(1)’ for ‘before 1936’.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

**SA 304.** Mr. WYDEN (for himself, Mr. REED, and Mr. MERKLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 590, between lines 8 and 9, insert the following:

**SEC. 2105. EXTENSION OF TEMPORARY FEDERAL MATCHING FOR THE FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.**

(a) **IN GENERAL.**—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449) is amended by striking ‘‘December 8, 2009’’ and inserting ‘‘September 30, 2010’’.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449).

**SA 305.** Mr. COBURN (for himself, Mr. BURR, Mr. DEMINT, Mr. CHAMBLISS, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, after line 8, insert the following:

**SEC. \_\_\_\_ . SENATE COMMITTEE OVERSIGHT OF WASTE, FRAUD, AND ABUSE.**

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end the following:

‘‘14. (a)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the beginning of a Congress on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.

‘‘(2) A hearing described in clause (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

‘‘(b) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives of any such agency.

‘‘(c) Each standing committee, or a subcommittee thereof, shall hold at least one

hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the ‘high-risk list’ or the ‘high-risk series’.

**SA 306.** Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.**

(a) **SHORT TITLE.**—This section may be cited as the ‘‘Employ American Workers Act’’.

(b) **PROHIBITION.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110-343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)).

(2) **DEFINED TERM.**—In this subsection, the term ‘‘hire’’ means to permit a new employee to commence a period of employment.

(c) **SUNSET PROVISION.**—This section shall be effective during the 1-year period beginning on the date of the enactment of this Act.

**SA 307.** Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**FIX AMERICA FIRST: PROHIBITION ON FUNDING OF FOREIGN GOVERNMENTS AND PERSONS**

**SEC. 1607.** Notwithstanding any other provision of this Act, none of the amounts authorized or appropriated by this Act may be made available to foreign governments or citizens or nationals of a foreign country residing outside the United States or its territories.

**SA 308.** Mr. BOND (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending

September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

**SEC. \_\_\_\_ . NUTRITION ENHANCEMENT FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

Not later than 18 months after the date of enactment of this Act, of the funds made available by this Act for the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), the Secretary of Agriculture shall use not more than \$5,000,000 to develop, after notice and opportunity for public comment, guidelines to ensure, to the maximum extent practicable, that Federal expenditures under the program are used to purchase food that is nutritious consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341), by establishing an approved list of Universal Product Codes for products that can be purchased under the program.

**SA 309.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . LIMIT ON FUNDS.**

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

**SA 310.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 1 through 5.

On page 59, between lines 9 and 10, insert the following:

**NATIONAL GUARD AND RESERVE EQUIPMENT**

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, \$2,000,000,000, to remain available for obligation until September 30, 2010: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the date of the enactment of this Act, individually submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives the modernization priority assessment for their respective Reserve and National Guard components.

On page 93, line 7, strike “\$9,048,000,000” and insert “\$8,648,000,000”.

On page 93, line 12, strike “\$6,000,000,000” and insert “\$5,600,000,000”.

On page 95, strike lines 1 through 8.

**SA 311.** Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, on lines 10 and 11, strike “funds provided under the heading ‘Small Business Administration’ in this Act.” and insert the following: “the \$84,000,000 amount appropriated under this heading, and for an additional amount, to remain available until expended, \$19,500,000, of which \$12,000,000 is for the Administrator of the Small Business Administration to make grants under the Small Business Development Center program established by section 21 of the Small Business Act (15 U.S.C. 648), \$3,000,000 is for the Administrator of the Small Business Administration to make grants under the Women’s Business Center program established by section 29 of the Small Business Act (15 U.S.C. 656), \$2,000,000 is for the Administrator of the Small Business Administration to make grants under the Service Corps of Retired Executives program established by section 8(b)(1)(B) of the Small Business Act, \$1,000,000 is for PRIME, the program for investment in microentrepreneurs, \$1,000,000 is for technical and management assistance under section 7(j) of the Small Business Act (15 U.S.C. 636), and \$500,000 is for Veteran Business Outreach Centers under section 32 of the Small Business Act (15 U.S.C. 657b): *Provided*, That the \$19,500,000 amount appropriated under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: *Provided further*, That, notwithstanding section 21(a)(4) or section 29(c) of the Small Business Act (15 U.S.C. 648(a)(4) and 656(c)), no non-Federal contribution shall be required as a condition of participation in the Small Business Development Center program or the Women’s Business Center program using funds provided under this heading: *Provided further*, That the \$19,500,000 amount appropriated under this heading shall be used only for programs of the Small Business Administration in existence on the date of enactment of this Act: *Provided further*, That, to the extent practicable, not later than 30 days after the Administrator receives the \$19,500,000 amount appropriated under this heading, the Administrator shall expend all such funds, and if such funds are not expended within 30 days, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the proposed use of such funds.”.

**SA 312.** Mr. UDALL of Colorado (for himself, Mr. BENNET of Colorado, and Mr. MERKLEY) submitted an amendment intended to be proposed to

amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 121, line 4, before the period, insert the following: “: *Provided further*, That no State matching funds are required: *Provided further*, That funding shall be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service”.

**SA 313.** Mr. LEAHY (for himself, Ms. KLOBUCHAR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_ . WAIVER OF MATCHING REQUIREMENT UNDER COPS PROGRAM.**

Section 1701(g) of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796dd(g)) shall not apply with respect to funds appropriated in this Act for Community Oriented Policing Services authorized under part Q of such Act of 1968.

**SA 314.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, line 2, strike “70” and insert “55”.

On page 24, line 20, strike “may” and insert “shall”.

On page 27, line 3, strike “70” and insert “55”.

On page 29, line 22, strike “may” and insert “shall”.

**SA 315.** Mr. LEAHY (for himself Mr. CARPER, Mr. SANDERS, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 11, strike “2011: *Provided*, That” and insert the following: “2011: *Provided*, That each State shall receive not less than 0.5 percent of funds made available under this heading: *Provided further*, That notwithstanding the previous proviso”.

**SA 316.** Mr. LEAHY (for himself, Mr. KERRY, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, line 17, strike “education and” and insert “education, adult education and literacy, and”.

**SA 317.** Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 437, between lines 10 and 11, insert the following:

“(3) SPECIAL RULE FOR CERTAIN ELIGIBLE INDIVIDUALS.—In the case of any taxable year beginning in 2009, if an eligible individual receives any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21, the amount of the credit allowed under subsection (a) (determined without regard to subsection (c)) with respect to such eligible individual shall be equal to the greater of—

“(A) the amount of the credit determined without regard to this paragraph or subsection (c), or

“(B) \$300 (\$600 in the case of a joint return where both spouses are eligible individuals described in this paragraph).

If the amount of the credit is determined under subparagraph (B) with respect to any eligible individual, the modified adjusted gross income limitation under subsection (b) shall not apply to such credit.

**SA 318.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, beginning on line 12, strike through line 16 and insert the following:

(c) CREDIT ALLOWED FOR ENERGY STORAGE.—

(1) IN GENERAL.—Subparagraph (B) of section 45(a)(1) is amended by inserting “, or delivered by the taxpayer to an unrelated person from a qualified renewable energy bulk storage facility,” before “during the taxable year”.

(2) STORAGE FACILITY.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

“(12) QUALIFIED RENEWABLE ENERGY BULK STORAGE FACILITY.—For purposes of subsection (a), the term ‘qualified renewable energy bulk storage facility’ means a facility owned by the taxpayer which is designed to store energy produced from qualified energy resources and to convert such energy to electricity and deliver such electricity for sale.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

(2) ENERGY STORAGE.—The amendment made by subsection (c) shall apply to electricity produced and stored after the date of the enactment of this Act.

(3) TECHNICAL AMENDMENT.—The amendment \* \* \*

**SA 319.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 1607. WORKER EMPLOYMENT PLAN.**

Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall implement a plan to encourage employers that carry out projects funded under this Act (or an amendment made by this Act) to employ individuals from low-income and high unemployment areas to carry out activities under such projects.

**SA 320.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 456, after line 24, add the following:

**SEC. —. QUALIFIED ENERGY EFFICIENCY PROPERTY TREATED AS ENERGY PROPERTY.**

(a) IN GENERAL.—Subparagraph (A) of section 48(a)(3) is amended by striking “or” at the end of clause (vi), by inserting “or” at the end of clause (vii), and by inserting after clause (vii) the following new clause:

“(viii) qualified energy efficiency property.”.

(b) QUALIFIED ENERGY EFFICIENCY PROPERTY.—Section 48(c) is amended by adding at the end the following new paragraph:

“(5) QUALIFIED ENERGY EFFICIENCY PROPERTY.—

“(A) IN GENERAL.—The term ‘qualified energy efficiency property’ means any property which—

“(i) is residential rental property or non-residential real property,

“(ii) is a qualified building, and

“(iii) achieves a minimum energy savings of 50 percent or more in comparison to a reference building which meets the minimum requirements of Standard 90.1-2001 (as defined by section 179D(c)(2)), determined under rules similar to the rules of section 179D(d)(2).

“(B) QUALIFIED BUILDING.—The term ‘qualified building’ means any building—

“(i) which is more than 250,000 square feet,

“(ii) which is located not more than one-half mile from a location in which there is direct access to public bus, rail, light rail, street car, or ferry system,

“(iii) which meets the requirements of subchapter IV of chapter 31 of title 40, United States Code, and

“(iv) for which the site work and construction is commenced not later than 120 days after the date of the enactment of this paragraph.

“(C) SPECIAL RULE FOR RESIDENTIAL RENTAL PROPERTY.—In the case of a qualified building in which the majority of the building is devoted to residential use—

“(i) subparagraph (A)(iii) shall be applied by substituting ‘25percent’ for ‘50 percent’, and

“(ii) any mechanical systems which meet the requirements of Standard 90.1-2001 may be used in lieu of appendix G to such Standard in modeling energy use of a reference building.”.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to periods after the date of the enactment of this Act, under rules similar to the rules of section 48(m) of the Internal Revenue Code of 1986 (as in effect on the day before the date of the enactment of the Revenue Reconciliation Act of 1990).

**SA 321.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 477, strike line 18 and insert the following:

(d) INCLUSION OF SATELLITE PROPERTY AT 6-YEAR EXTENSION.—Clause (iv) of section 168(k)(2)(A) is amended by inserting “, or, in the case of property described in subparagraph (H) or (L) of subsection (g)(4), before January 1, 2015” before the period.

(e) EFFECTIVE DATES.—

**SA 322.** Mr. MENENDEZ (for himself and Mr. BEGICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, between lines 14 and 15, insert the following:

(D) shall, when making grants under the program, consider whether the entity seeking such grant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637);

On page 54, line 15, strike “(D)” and insert “(E)”.

On page 54, line 23, strike “(E)” and insert “(F)”.

**SA 323.** Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 1607. MINORITY OWNED ENTERPRISES.**

(a) IN GENERAL.—In awarding contracts or subcontracts for construction projects funded using amounts made available under this Act (or an amendment made by this Act), additional consideration shall be given to entities that voluntarily include in their bids for such contracts or subcontracts minority business enterprise participation that exceeds the minimum participation required under the Federal guidelines utilized for purposes of section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) MONITORING BY DOL.—The Secretary of Labor shall monitor the construction projects carried out with amounts made available under this Act (or an amendment made by this Act) to ensure that the contracting practices with respect to such projects are carried out without entry barriers, and that minority business enterprise and disadvantaged business enterprise participation targets are achieved with integrity and accountability.

**SA 324.** Mr. KOHL (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 168, strike lines 4 through 7, and insert the following:

(5) STATE HIGHER EDUCATION AGENCY.—The term “State higher education agency”—

(A) has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003), except that if the application of this subparagraph to a State would result in the State legislature being designated the State higher education agency, then the term shall mean the Governor of the State; or

(B) means a State entity designated by a State higher education agency (as defined in such section 103) to carry out the State higher education agency’s functions under this section.

**SA 325.** Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

**SEC. \_\_\_\_ . RESTORATION OF DEDUCTION FOR TRAVEL EXPENSES OF SPOUSE, ETC. ACCOMPANYING TAXPAYER ON BUSINESS TRAVEL.**

(a) IN GENERAL.—Subsection (m) of section 274 is amended by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

**SA 326.** Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. VITTER, Mr. ENZI, Mr. RISCH, and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 16 \_\_\_\_ .** (a)(1) Notwithstanding any other provision of law, all reviews carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any actions taken under this Act or for which funds are made available under this Act shall be completed by the date that is 270 days after the date of enactment of this Act.

(2) If a review described in paragraph (1) has not been completed for an action subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the date specified in paragraph (1)—

(A) the action shall be considered to have no significant impact to the human environment for the purpose of that Act; and

(B) that classification shall be considered to be a final agency action.

(b) The lead agency for a review of an action carried out pursuant to this section shall be the Federal agency to which funds are made available for the action.

(c)(1) There shall be a single administrative appeal for all reviews carried out pursuant to this section.

(2) Upon resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies shall lie with the United States Court of Appeals for the District of Columbia Circuit.

(3) An appeal to the court described in paragraph (2) shall be based only on the administrative record.

(4) After an agency has made a final decision with respect to a review carried out under this section, that decision shall be effective during the course of any subsequent appeal to a court described in paragraph (2).

(5) All civil actions arising under this section shall be considered to arise under the laws of the United States.

**SA 327.** Mr. CORNYN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 380, strike line 22 and insert the following: "State, provided that an attorney general of a State may not enter into a contingency fee agreement for legal or expert witness services relating to a civil action under this section. For purposes of this paragraph, the term 'contingency fee agreement' means a contract or other agreement to provide services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained."

**SA 328.** Mr. VITTER (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. \_\_\_\_ . PUBLIC, PRIVATE, AND AGRICULTURAL PROJECTS AND ACTIVITIES.**

(a) EXEMPTION FROM REVIEW.—During the 3-year period beginning on the date of enactment of this Act, no public or private development project that is to be carried out during that period (other than such a project for which a permit is required under section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344) or that is to be carried out on wetland (as that term is defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801)) shall be subject to any requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) EMERGENCIES.—Section 10 of the Endangered Species Act of 1973 (16 U.S.C. 1539) is amended by adding at the end the following:

"(k) EMERGENCIES.—On the declaration of an emergency by the Governor of a State, the Secretary shall, for the duration of the emergency, temporarily exempt from the prohibition against taking, and the prohibition against the adverse modification of critical habitat, under this Act any action that is reasonably necessary to avoid or ameliorate the impact of the emergency, including the operation of any water supply or flood control project by a Federal agency."

**(c) JURISDICTION OVER COVERED ENERGY PROJECTS.—**

(1) DEFINITION OF COVERED ENERGY PROJECT.—In this subsection, the term "covered energy project" means any action or decision by a Federal official regarding—

(A) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other

source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(B) any action under such a lease.

(2) EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this subsection or any other Act that arise from any covered energy project.

(3) TIME FOR FILING COMPLAINT.—

(A) IN GENERAL.—Each cause or claim described in paragraph (2) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(B) PROHIBITION.—Any cause or claim described in paragraph (2) that is not filed within the time period described in subparagraph (A) shall be barred.

(4) DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DEADLINE.—

(A) IN GENERAL.—Each proceeding that is subject to paragraph (2)—

(i) shall be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

(ii) shall take precedence over all other pending matters before the district court.

(B) FAILURE TO COMPLY WITH DEADLINE.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this subsection, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(5) ABILITY TO SEEK APPELLATE REVIEW.—An interlocutory or final judgment, decree, or order of the district court under this subsection may be reviewed by no other court except the Supreme Court.

(6) DEADLINE FOR APPEAL TO THE SUPREME COURT.—If a writ of certiorari has been granted by the Supreme Court pursuant to paragraph (5)—

(A) the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued; and

(B) all such proceedings shall take precedence over all other matters then before the Supreme Court.

**SA 329.** Mr. REED (for himself, Mr. BROWN, Mr. LEAHY, Mr. KERRY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. MERKLEY, Mr. ROCKEFELLER, Mr. SANDERS, Ms. STABENOW, Mr. WYDEN, Mr. KENNEDY, and Mr. SCHUMER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 14 through 16, strike "\$14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,*" and insert "\$20,598,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided,* That \$6,200,000,000 shall be available to carry out the Weatherization Assistance Program for Low-Income Persons established under part

A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That \$3,400,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.): *Provided further*,”.

On page 133, between lines 18 and 19, insert the following:

**LOW-INCOME HOME ENERGY ASSISTANCE**

For an additional amount for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), \$1,000,000,000, which shall be come available on the date of enactment of this Act, and shall be distributed to States not later than September 30, 2009.

**SA 330.** Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 194, line 22, strike “\$637,875,000” and all that follows through “(equipment): *Provided*” on page 195, line 2, and insert: “\$757,875,000, to remain available until September 30, 2013, of which \$84,100,000 shall be for child development centers; \$481,000,000 shall be for warrior transition complexes; \$42,400,000 shall be for health and dental clinics (including acquisition, construction, installation, and equipment); and \$120,000,000 shall be for the Secretary of the Army to carry out at least three pilot projects to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks and locations in the United States: *Provided*, That the amount made available under this heading for a pilot program to use the private sector for the acquisition or construction of military unaccompanied housing is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: *Provided further*”.

**SA 331.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVII—IMMIGRATION MATTERS**

**SEC. 1701. EXTENSION OF EB-5 REGIONAL CENTER PILOT PROGRAM.**

Section 610(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102-395; 8 U.S.C. 1153 note) is amended by striking “annually for 15 years” and inserting “for each fiscal year through fiscal year 2016”.

**SEC. 1702. DEFINITIONS.**

In this title:

(1) **COMMISSIONER.**—The term “Commissioner” means the Commissioner of Social Security.

(2) **COMPTROLLER GENERAL.**—The term “Comptroller General” means the Comptroller General of the United States.

(3) **PILOT PROGRAM.**—The term “pilot program” means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Homeland Security.

**SEC. 1703. EXTENSION OF PILOT PROGRAMS.**

Section 401(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note) is amended by striking “at the end of the 11-year period beginning on the first day the pilot program is in effect.” and inserting “on September 30, 2016.”.

**SEC. 1704. PROTECTION OF SOCIAL SECURITY ADMINISTRATION PROGRAMS RELATED TO THE EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.**

(a) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(2) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(b) **REQUIREMENT FOR AGREEMENT.**—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

(1) provides funds to the Commissioner for the full costs of carrying out the responsibilities of the Commissioner under the pilot program, including the costs of—

(A) acquiring, installing, and maintaining technological equipment and systems to carry out such responsibilities, but only the portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

(2) provides such funds to the Commissioner quarterly, in advance of the applicable quarter, based on estimating methodology agreed to by the Commissioner and the Secretary, unless the delayed enactment of an annual appropriation Act prevents funds from being available to make such a quarterly payment; and

(3) requires an annual accounting and reconciliation of the actual costs incurred by the Commissioner to carry out such responsibilities and the funds provided under the agreement, that shall be reviewed by the Office of the Inspector General in the Social Security Administration and in the Department of Homeland Security.

(c) **CONTINUATION OF EMPLOYMENT VERIFICATION IN ABSENCE OF TIMELY AGREEMENT.**—

(1) **CONTINUATION OF PREVIOUS AGREEMENT.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), if the agreement required under subsection (b) for a fiscal year is not reached as of the first day of such fiscal year, the most recent previous agreement between the Commissioner and the Secretary to provide funds to the Commissioner for carrying out the responsibilities of the Commissioner under the pilot program shall be deemed to remain in effect until the date that the agreement required under subsection (b) for such fiscal year becomes effective.

(B) **ANNUAL ADJUSTMENT.**—If the most recent previous agreement is deemed to remain in effect for a fiscal year under subparagraph (A), the Director of the Office of Management and Budget is authorized to modify the amount provided under such agreement for such fiscal year to account for—

(i) inflation; and

(ii) any increase or decrease in the estimated number of individuals who will require services from the Commissioner under the pilot program during such fiscal year.

(2) **NOTIFICATION OF CONGRESS.**—If the most recent previous agreement is deemed to remain in effect under paragraph (1)(A) for a fiscal year, the Commissioner and the Secretary shall—

(A) not later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

(B) once during each 90-day period until the date that the agreement required under subsection (b) has been reached for such fiscal year, submit to the appropriate committees of Congress a notification of the status of negotiations between the Commissioner and the Secretary to reach such an agreement.

**SEC. 1705. STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.**

(a) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Finance and the Committee on the Judiciary of the Senate; and

(2) the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives.

(b) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program.

(c) **MATTERS TO BE STUDIED.**—The study required by subsection (b) shall include an analysis of—

(1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program;

(2) the processes by which such erroneous tentative nonconfirmations are remedied; and

(3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(d) **REPORT.**—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study required by subsection (b).

**SEC. 1706. STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES.**

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the Committee on the Judiciary of the Senate; and

(B) the Committee on the Judiciary of the House of Representatives.

(2) **SMALL ENTITY.**—The term “small entity” has the meaning given that term in section 601 of title 5, United States Code.

(b) **STUDY.**—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the effects of the pilot on small entities.

(c) MATTERS TO BE STUDIED.—

(1) IN GENERAL.—The study required by subsection (b) shall include an analysis of—

(A) the costs of complying with the pilot program incurred by small entities;

(B)(i) the description and estimated number of small entities enrolled in and participating in the pilot program; or

(ii) why no such estimated number is available;

(C) the projected reporting, recordkeeping, and other compliance requirements of the pilot program that apply to small entities;

(D) the factors that impact enrollment and participation of small entities in the pilot program, including access to appropriate technology, geography, and entity size and class; and

(E) the actions, if any, carried out by the Secretary to minimize the economic impact of participation in the pilot program on small entities.

(2) DIRECT AND INDIRECT EFFECTS.—The study required by subsection (b) shall analyze, and treat separately, with respect to small entities—

(A) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and

(B) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(3) DISAGGREGATION BY ENTITY SIZE.—The study required by subsection (b) shall analyze separately data with respect to—

(A) small entities with fewer than 50 employees; and

(B) small entities that operate in States that require small entities to participate in the pilot program.

(d) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

**SA 332.** Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, line 23, after “expended:” insert the following: “*Provided further*, that not less than \$100,000,000 of the funds made available under this heading shall be available to cover the cost of loan guarantees pursuant to section 201(4) of this Act: *Provided further*, That the principal amount of loan guarantees made pursuant to such section 201(4) shall not exceed \$2,000,000,000.”

On page 50, after line 25, insert the following:

(4) The Assistant Secretary—

(A) shall establish and administer a broadband telecommunications loan guarantee program as expeditiously as practicable;

(B) shall provide broadband telecommunications loan guarantees for any project which meets the following criteria:

(i) The total amount financed by the loan guarantee does not exceed \$100,000,000.

(ii) The loan guarantee does not exceed 80 percent of the principal losses of the project, provided that the maximum amount of any loan guarantee does not exceed 60 percent of the total amount financed for the project.

(iii) The project raises its financing not later than 120 days after the date that the project receives approval for the loan guarantee from the Assistant Secretary.

(iv) The project design provides broadband connectivity to every business location and every residence within the project territory not later than the date that 2 years after the date that the project received its financing.

(v) The service territory covered by the project—

(I) is, in the discretion of the Assistant Secretary, reasonably coherent; and

(II) does not include unoccupied areas for the sole purpose of artificially adjusting the average density of the covered connectivity area of the project;

(C) shall, not later than 90 days after the date of enactment of this Act, and quarterly thereafter until all funds reserved for broadband telecommunications loan guarantees under this paragraph are obligated, submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Energy and Commerce of the House, and the Committee on Commerce, Science and Transportation of the Senate, on the planned spending and actual obligations of such reserved funds; and

(D) may use not more than 3 percent of the funds reserved for broadband telecommunications loan guarantees under this paragraph for administrative costs to carry out the broadband telecommunications loan guarantee program established under this paragraph.

On page 51, line 1, strike “(4)” and insert “(5)”.

On page 52, line 8, strike “(5)” and insert “(6)”.

On page 52, line 18, strike “(5)” and insert “(6)”.

On page 53, line 1, strike “(6)” and insert “(7)”.

On page 53, line 23, strike “(7)” and insert “(8)”.

On page 55, line 9, strike “(8)” and insert “(9)”.

On page 55, line 16, strike “(9)” and insert “(10)”.

On page 56, line 12, strike “(10)” and insert “(11)”.

**SA 333.** Mr. COCHRAN (for himself, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

**SEC. 4. TENNESSEE VALLEY AUTHORITY BORROWING AUTHORITY.**

(a) BORROWING AUTHORITY.—For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Tennessee Valley Authority, an additional \$3,250,000,000 in borrowing authority is made available under section 15d of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4), to remain outstanding at any time.

(b) OFFSET.—The aggregate amount appropriated or otherwise made available to carry out title XXX of the Public Health Service Act (as added by section 13101) is reduced by \$3,250,000,000.

**SA 334.** Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SPECTER, Mr. HARKIN, Mr. WYDEN, Ms. STABENOW, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

**SEC. 4204A. DELAY IN THE PHASE OUT OF THE MEDICARE HOSPICE BUDGET NEUTRALITY ADJUSTMENT FACTOR DURING FISCAL YEAR 2009.**

Notwithstanding any other provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46464 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall recompute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

**SA 335.** Mr. SCHUMER (for himself, Mrs. LINCOLN, Ms. STABENOW, Mr. KERRY, Mr. BINGAMAN, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

**SEC. 5006. SENSE OF THE SENATE REGARDING RESCISSION OF CERTAIN MEDICAID REGULATIONS.**

It is the sense of the Senate that the following regulations relating to Medicaid should be rescinded:

(1) COST LIMITS FOR PUBLIC PROVIDERS.—The final regulation published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been “improperly promulgated”, *Alameda County Medical Center, et al., v. Leavitt, et al.*, Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008).

(2) PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—The proposed regulation published on May 23, 2007 (72 Federal Register 28930).

(3) MEDICAID ALLOWABLE PROVIDER TAXES.—The final regulation published on February 22, 2008 (73 Federal Register 9685).

(4) REHABILITATIVE SERVICES.—The proposed regulation published on August 13, 2007 (72 Federal Register 45201).

(5) PAYMENTS FOR COSTS OF SCHOOL ADMINISTRATION, TRANSPORTATION.—The final regulation published on December 28, 2007 (72 Federal Register 73635).

(6) CASE MANAGEMENT SERVICES.—The interim final regulation published on December 4, 2007 (Federal Register 68077).

(7) OUTPATIENT HOSPITAL SERVICES.—The final regulation published on November 7, 2008 (73 Federal Register 66187).

**SA 336.** Mr. CARDIN (for himself, and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 13, strike “104(k)(3)” and insert “104(k)”.

**SA 337.** Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 14, strike “Provided” and all that follows through “project:” on line 25.

**SA 338.** Mr. HARKIN (for himself, and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

**SEC. 1607. AUTOMOBILE TRADE-IN PROGRAM.**

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE, FUEL, MANUFACTURER, MODEL YEAR.—The terms “automobile”, “fuel”, “manufacturer”, and “model year” have the meaning given such terms in section 32901 of title 49, United States Code.

(2) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means an individual—

(A) who does not have more than 3 automobiles registered under his or her name;

(B) who filed a return of Federal income tax for a taxable year beginning in 2007 or in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

(C) who is not an individual with respect to whom a deduction under section 151 of the Internal Revenue Code of 1986 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins;

(D) whose adjusted gross income reported in the most recent return described in subparagraph (B) was not more than \$50,000 (\$75,000 in the case of a joint tax return or a return filed by a head of household (as de-

finied in section 2(b) of the Internal Revenue Code of 1986);

(E) who has not acquired an automobile under the Program; and

(F) who did not file such return jointly with another individual who has acquired an automobile under the Program.

(3) ELIGIBLE NEW AUTOMOBILE.—The term “eligible new automobile”, with respect to a trade of an eligible old automobile by an eligible individual under the Program, means an automobile that—

(A) has never been registered in any jurisdiction;

(B) was assembled in the United States; and

(C) has a fuel economy that—

(i) is not less than 25 miles per gallon (20 miles per gallon in the case of a pick up truck), as determined by the Administrator of the Environmental Protection Agency using the 5-cycle fuel economy measurement methodology of such Agency; and

(ii) has a fuel economy that is more than 4.9 miles per gallon greater than the fuel economy of such eligible old automobile, as determined by the Administrator using the 2-cycle fuel economy measurement methodology of such Agency for both automobiles.

(4) ELIGIBLE OLD AUTOMOBILE.—The term “eligible old automobile”, with respect to a trade for an eligible new automobile by an eligible individual under the Program, means an automobile that—

(A) is operable;

(B) was first registered in any jurisdiction by any person not less than 10 years before the date on which such trade is initiated;

(C) is registered under such eligible individual's name on the date on which such trade is initiated; and

(D) was registered under such eligible individual's name before January 16, 2009.

(5) PICK UP TRUCK.—The term “pick up truck” means an automobile with an open bed as determined by the Secretary in consultation with the Secretary of Transportation.

(6) PROGRAM.—The term “Program” means the Automobile Trade-In Program established under subsection (b).

(7) SECRETARY.—Except as otherwise provided, the term “Secretary” means the Secretary of the Treasury, or the Secretary's designee.

(b) PROGRAM ESTABLISHED.—The Secretary shall establish the Automobile Trade-In Program to provide eligible individuals with subsidies to purchase eligible new automobiles in exchange for eligible old automobiles.

(c) DURATION OF PROGRAM.—The Program shall commence on the date on which the Secretary prescribes regulations under subsection (h) and shall terminate on the earlier of—

(1) September 30, 2010; and

(2) the date on which all of the funds appropriated or otherwise made available under subsection (j) have been expended.

(d) TRADES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, if an eligible individual and a seller of an eligible new automobile initiate a trade as described in subsection (e) for such new automobile with an eligible old automobile of the eligible individual before the termination of the Program under subsection (c), the Secretary shall provide to the seller of such new automobile \$10,000.

(2) LIMITATION ON PURCHASE PRICE OF ELIGIBLE NEW AUTOMOBILES.—The Secretary may not make any payment under this subsection for a trade for an eligible new automobile under the Program if—

(A) the purchase price of such new automobile exceeds the manufacturer's suggested retail price for such new automobile; or

(B) the price of the non-safety related accessories, as determined by the Secretary in consultation with the Administrator of the National Highway Traffic Safety Administration, of such new automobile exceeds—

(i) the average price of the non-safety related accessories for the prior model year of such new automobile; or

(ii) in the case that there is no prior model year for such new automobile, the average price of non-safety related accessories for similar new automobiles (as determined by the Secretary), with consideration of the types of non-safety related accessories that are typically provided with such automobiles.

(3) COMPENSATION FOR DELAYED PAYMENTS.—In the case that a payment under this subsection to a seller for a trade under the Program is delayed, the Secretary shall provide to such seller the amount otherwise determined under this subsection plus interest at the overpayment rate established under section 6621 of the Internal Revenue Code of 1986.

(e) INITIATION OF TRADE.—An eligible individual and the seller of an eligible new automobile initiate a trade under the Program for such eligible new automobile with an eligible old automobile of such individual if—

(1) the eligible individual, or the eligible individual's designee, drives such old automobile to the location of such seller;

(2) the eligible individual provides to the seller—

(A) such old automobile; and

(B) an amount (if any) equal to the difference between—

(i) the purchase price of such new automobile; and

(ii) the amount the Secretary is required to provide to the seller under subsection (d); and

(3) the eligible individual and the seller notify the Secretary of such trade at such time and in such manner as the Secretary considers appropriate.

(f) LIMITATION ON RESALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who purchases an automobile under the Program may not sell or lease the automobile before the date that is 1 year after the date on which the individual purchased the automobile under the Program.

(2) EXCEPTION FOR HARDSHIP.—The limitation in paragraph (1) shall not apply to an individual if compliance with such limitation would constitute a hardship, as determined by the Secretary.

(g) DISPOSAL OF ELIGIBLE OLD AUTOMOBILES.—

(1) IN GENERAL.—A seller who receives an eligible old automobile in exchange for an eligible new automobile under the Program shall deliver such old automobile to an appropriate location for proper destruction and disposal as determined by the Secretary in accordance with paragraph (2).

(2) DISPOSAL AND SALVAGE.—The Secretary may permit a seller under paragraph (1) to salvage portions of an automobile to be destroyed and disposed of under such paragraph, except that the Secretary shall require the destruction of the engine block and the frame of the automobile.

(3) COMPENSATION.—The Secretary shall compensate a seller described in paragraph (1) for costs incurred by such seller under such paragraph in such amounts or at such rates as the Secretary considers appropriate.

(h) REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act,

the Secretary shall prescribe rules to carry out the Program.

(2) EXPEDITED PROCEDURES FOR RULE-MAKING.—The provisions of chapter 5 of title 5, United States Code, shall not apply to regulations prescribed under paragraph (1).

(i) MONITORING.—The Secretary shall establish a mechanism to monitor the expenditure of funds appropriated under subsection (j).

(j) DIRECT SPENDING AUTHORITY.—

(1) IN GENERAL.—There is authorized to be appropriated and is appropriated to the Secretary \$16,000,000,000, including administrative expenses, to carry out the Program.

(2) AVAILABILITY.—The amount appropriated under paragraph (1) shall be available for the purpose described in such paragraph until September 30, 2010.

(3) EMERGENCY DESIGNATION.—Amounts appropriated pursuant to paragraph (1) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

**SA 339.** Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

**SEC. . ENERGY PROGRAMS.**

(a) IN GENERAL.—Notwithstanding any other provision of law and in addition to any other funds made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the “Secretary”)—

(1) to carry out section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102), \$10,000,000 for the period of fiscal years 2009 and 2010;

(2) for the costs of grants and loan guarantees to carry out section 9003 of that Act (7 U.S.C. 8103), \$300,000,000 for the period of fiscal years 2009 and 2010;

(3) to carry out section 9004 of that Act (7 U.S.C. 8104), \$200,000,000 for the period of fiscal years 2009 and 2010;

(4) to carry out section 9005 of that Act (7 U.S.C. 8105), \$100,000,000 for the period of fiscal years 2009 and 2010;

(5) for the costs of grants and loan guarantees to carry out section 9007 of that Act (7 U.S.C. 8107), \$300,000,000 for the period of fiscal years 2009 and 2010;

(6) to carry out section 9008 of that Act (7 U.S.C. 8108), \$100,000,000 for the period of fiscal years 2009 and 2010;

(7) to carry out section 9009 of that Act (7 U.S.C. 8109), \$40,000,000 for the period of fiscal years 2009 and 2010;

(8) to carry out section 9011 of that Act (7 U.S.C. 8111), \$50,000,000 for the period of fiscal years 2009 and 2010; and

(9) to carry out section 9013 of that Act (7 U.S.C. 8113), \$40,000,000 for the period of fiscal years 2009 and 2010.

(b) CONDITION ON FUNDS.—Funds made available under subsection (a)(3) may be used

to provide assistance under section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) to power plants and manufacturing facilities in rural areas.

(c) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred under subsection (a), without further appropriation.

(d) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until September 30, 2010.

(e) OFFSET.—Notwithstanding any other provision of this Act, each amount provided to the Secretary of Energy under title IV is reduced by the pro rata percentage required to reduce the total amount provided to the Secretary of Energy under title IV by \$1,140,000,000.

**SA 340.** Mr. ROCKEFELLER (for himself and Mrs. HAGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 629, between lines 6 and 7, insert the following:

**SEC. 3102. CHIP ALLOTMENT ADJUSTMENTS.**

Effective as if included in the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, section 2104(m) of the Social Security Act, as added by section 102 of the Children’s Health Insurance Program Reauthorization Act of 2009, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6), the following:

“(7) ADJUSTMENT OF FISCAL YEARS 2009 AND 2010 ALLOTMENTS TO ACCOUNT FOR CHANGES IN PROJECTED SPENDING FOR CERTAIN PREVIOUSLY APPROVED EXPANSION PROGRAMS.—In the case of one of the 50 States or the District of Columbia that has an approved State plan amendment effective January 1, 2006, to provide child health assistance through the provision of benefits under the State plan under title XIX for children from birth through age 5 whose family income does not exceed 200 percent of the poverty line, the Secretary shall increase the allotments otherwise determined for the State for fiscal years 2009 and 2010 under paragraphs (1) and (2)(A)(i) in order to take into account changes in the projected total Federal payments to the State under this title for such fiscal years that are attributable to the provision of such assistance to such children.”

**SA 341.** Mr. ROCKEFELLER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 277, between lines 11 and 12, insert the following:

“(9) CHILD-SPECIFIC PROVISIONS.—

“(A) CHILD-SPECIFIC ELECTRONIC HEALTH RECORDS.—Not later than 9 months after the date on which standards are initially adopted under section 3004, the National Coordinator shall coordinate the development of, and make available for use, a child-specific electronic health record. Such child-specific electronic health record shall be interoperable with any qualified electronic health record system for adult records.

“(B) PEDIATRIC CARE AND BEST PRACTICES.—The National Coordinator, the HIT Policy Committee, and the HIT Standard Committee shall each consider pediatric care and best practice for children’s health in making recommendations under this title.”

**SA 342.** Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

**SEC. 5006. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.**

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(A) in subsection (b), in the first sentence—

(i) by striking “and (4)” and inserting “(4)”; and

(ii) by inserting “and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the national economic downturn assistance FMAP determined for the State for the quarter under subsection (y)(3)” before the period; and

(B) by adding at the end the following:

“(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—For purposes of clause (5) of the first sentence of subsection (b):

“(1) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—

“(A) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the “trigger quarter”); and

“(B) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.

“(2) ELIGIBLE STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for the State for any quarter occurring during a national economic downturn assistance period described

in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

“(3) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

“(A) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year quarter determined with respect to a State under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

“(i) dividing—

“(I) the Medicaid additional unemployed increased cost amount determined under subparagraph (B) for the quarter; by

“(II) the State’s total Medicaid quarterly spending amount determined under subparagraph (C) for the quarter; and

“(ii) multiplying the quotient determined under clause (i) by 100.

“(B) MEDICAID ADDITIONAL UNEMPLOYED INCREASED COST AMOUNT.—For purposes of subparagraph (A)(i)(I), the Medicaid additional unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

“(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE BASE QUARTER OF UNEMPLOYMENT.—

“(I) IN GENERAL.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base unemployment quarter for the State determined under subclause (II) from the rolling average number of unemployed individuals in the State for the quarter.

“(II) BASE UNEMPLOYMENT QUARTER DEFINED.—

“(aa) IN GENERAL.—For purposes of subclause (I), except as provided in item (bb), the base quarter for a State is the quarter with the lowest rolling average number of unemployed individuals in the State in the 12-month period preceding the trigger quarter for a national economic downturn assistance period described in paragraph (1).

“(bb) EXCEPTION.—If the rolling average number of unemployed individuals in a State for a quarter occurring during a national economic downturn assistance period described in paragraph (1) is less than the rolling average number of unemployed individuals in the State for the base quarter determined under item (aa), that quarter shall be treated as the base quarter for the State for such national economic downturn assistance period.

“(ii) NATIONAL AVERAGE AMOUNT OF ADDITIONAL FEDERAL MEDICAID SPENDING PER ADDITIONAL UNEMPLOYED INDIVIDUAL.—In the case of—

“(I) a calendar quarter occurring in fiscal year 2012, \$350; and

“(II) a calendar quarter occurring in any succeeding fiscal year, the amount applicable under this clause for calendar quarters occurring during the preceding fiscal year, increased by the annual percentage increase in the medical care component of the consumer price index for all urban consumers (U.S. city average), as rounded up in an appropriate manner.

“(iii) STATE NONDISABLED, NONELDERLY ADULTS AND CHILDREN MEDICAID SPENDING INDEX.—

“(I) IN GENERAL.—With respect to a State, the quotient (not to exceed 1.00) of—

“(aa) the State expenditure per person in poverty amount determined under subclause (II); divided by—

“(bb) the National expenditure per person in poverty amount determined under subclause (III).

“(II) STATE EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause

(I)(aa), the State expenditure per person in poverty amount is the quotient of—

“(aa) the total amount of annual expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children; divided by

“(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A).

“(III) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

“(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

“(bb) the sum of the total amounts determined under subclause (II)(bb) for all States.

“(C) STATE’S TOTAL MEDICAID QUARTERLY SPENDING AMOUNT.—For purposes of subparagraph (A)(i)(II), the State’s total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

“(i) the total amount of expenditures by the State for providing medical assistance under the State plan to all individuals enrolled in the plan for the most recent fiscal year for which data is available; divided by

“(ii) 4.

“(4) DATA.—In making the determinations required under this subsection, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State referred to in paragraph (5), the most recently available—

“(A) data from the Bureau of the Census with respect to the number of nonelderly adults and children who reside in a State described in paragraph (2) with family income below the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved, (or, if the Secretary determines it appropriate, a multiyear average of such data);

“(B) data reported to the Secretary by a State described in paragraph (2) with respect to expenditures for medical assistance under the State plan under this title for non-disabled, nonelderly adults and children; and

“(C) econometric studies of the responsiveness of Medicaid enrollments and spending to changes in rolling average unemployment rates and other factors, including State spending on certain Medicaid populations.

“(5) DEFINITION OF ‘ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS’, ‘ROLLING AVERAGE UNEMPLOYMENT RATE’.—In this subsection, the term—

“(A) ‘rolling average number of unemployed individuals’ means, with respect to a calendar quarter and a State, the average of the 12 most recent months of seasonally adjusted unemployment data for each State;

“(B) ‘rolling average unemployment rate’ means, with respect to a calendar quarter and a State, the average of the 12 most recent monthly unemployment rates for the State; and

“(C) ‘monthly unemployment rate’ means, with respect to a State, the quotient of—

“(i) the monthly seasonally adjusted number of unemployed individuals for the State; divided by

“(ii) the monthly seasonally adjusted number of the labor force for the State, using the most recent data available from the Bureau of Labor Statistics Local Area Unemployment Statistics for each State.

“(6) INCREASE IN CAP ON PAYMENTS TO TERRITORIES.—With respect to any fiscal year quarter for which the national economic downturn assistance Federal medical assistance percentage applies to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa, the amounts

otherwise determined for such commonwealth or territory under subsections (f) and (g) of section 1108 shall be increased by such percentage of such amounts as the Secretary determines is equal to twice the average increase in the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

“(7) SCOPE OF APPLICATION.—The national economic downturn assistance FMAP shall only apply for purposes of payments under section 1903 for a quarter and shall not apply with respect to—

“(A) disproportionate share hospital payments described in section 1923;

“(B) payments under title IV or XXI; or

“(C) any payments under this title that are based on the enhanced FMAP described in section 2105(b).”

(2) EFFECTIVE DATE; NO RETROACTIVE APPLICATION.—The amendments made by paragraph (1) take effect on January 1, 2012. In no event may a State receive a payment on the basis of the national economic downturn assistance Federal medical assistance percentage determined for the State under section 1905(y)(3) of the Social Security Act for amounts expended by the State prior to January 1, 2012.

(b) GAO STUDY AND REPORT.—

(1) STUDY.—The Comptroller General of the United States shall analyze the previous periods of national economic downturn, including the most recent such period in effect as of the date of enactment of this Act, and the past and projected effects of temporary increases in the Federal medical assistance percentage under the Medicaid program with respect to such periods.

(2) REPORT.—Not later than April 1, 2011, the Comptroller General of the United States shall submit a report to Congress on the results of the analysis conducted under paragraph (1). Such report shall include such recommendations as the Comptroller General determines appropriate for modifying the national economic downturn assistance FMAP established under section 1905(y) of the Social Security Act (as added by subsection (a)) to improve the effectiveness of the application of such percentage in addressing the needs of States during periods of national economic downturn, including recommendations for—

(A) improvements to the factors that begin and end the application of such percentage;

(B) how the determination of such percentage could be adjusted to address State and regional economic variations during such periods; and

(C) how the determination of such percentage could be adjusted to be more responsive to actual Medicaid costs incurred by States during such periods, as well as to the effects of any other specific economic indicators that the Comptroller General determines appropriate.

**SA 343.** Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

## PART —HOUSING PROVISIONS

## SEC. 1. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) modifies or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 2 of this Act—

(1) such modification or disposition shall not be treated as a prohibited transaction under section 860F(a)(2) of such Code, and

(2) for purposes of part IV of subchapter M of chapter 1 of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860G(a)(1) of such Code) solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as amounts received under qualified mortgages.

(b) TERMINATION OF REMIC.—For purposes of the Internal Revenue Code of 1986, an entity which is a REMIC (as defined in section 860D(a) of the Internal Revenue Code of 1986) shall cease to be a REMIC if the instruments governing the conduct of servicers or trustees with respect to qualified mortgages (as defined in section 860G(a)(3) of such Code) or foreclosure property (as defined in section 860G(a)(8) of such Code)—

(1) prohibit or restrict (including restrictions on the type, number, percentage, or frequency of modifications or dispositions) such servicers or trustees from reasonably modifying or disposing of such qualified mortgages or such foreclosure property in order to participate in the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary under section 2 of this Act,

(2) commit to a person other than the servicer or trustee the authority to prevent the reasonable modification or disposition of any such qualified mortgage or foreclosure property,

(3) require a servicer or trustee to purchase qualified mortgages which are in default or as to which default is reasonably foreseeable for the purposes of reasonably modifying such mortgages or as a consequence of such reasonable modification, or

(4) fail to provide that any duty a servicer or trustee owes when modifying or disposing of qualified mortgages or foreclosure property shall be to the trust in the aggregate and not to any individual or class of investors.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—Subsection (a) shall apply to modification and dispositions after the date of the enactment of this Act, in taxable years ending on or after such date.

(2) SUBSECTION (b).—

(A) IN GENERAL.—Except as provided in subparagraph (B), subsection (b) shall take effect on the date that is 3 months after the date of the enactment of this Act.

(B) EXCEPTION.—The Secretary of the Treasury may waive the application of subsection (b) in whole or in part for any period of time with respect to any entity if—

(i) the Secretary determines that such entity is unable to comply with the requirements of such subsection in a timely manner, or

(ii) the Secretary determines that such waiver would further the purposes of this Act.

## SEC. 2. ESTABLISHMENT OF A HOME MORTGAGE LOAN RELIEF PROGRAM UNDER THE TROUBLED ASSET RELIEF PROGRAM AND RELATED AUTHORITIES.

(a) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall establish and implement a program under the Troubled Asset Relief Program and related authorities established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a))—

(1) to achieve appropriate broad-scale modifications or dispositions of troubled home mortgage loans; and

(2) to achieve appropriate broad-scale dispositions of foreclosure property.

(b) RULES.—The Secretary of the Treasury shall promulgate rules governing the—

(1) reasonable modification of any home mortgage loan pursuant to the requirements of this Act; and

(2) disposition of any such home mortgage loan or foreclosed property pursuant to the requirements of this Act.

(c) CONSIDERATIONS.—In developing the rules required under subsection (b), the Secretary of the Treasury shall take into consideration—

(1) the debt-to-income ratio, loan-to-value ratio, or payment history of the mortgagors of such home mortgage loans; and

(2) any other factors consistent with the intent to streamline modifications of trouble home mortgage loans into sustainable home mortgage loans.

(d) USE OF BROAD AUTHORITY.—The Secretary of the Treasury shall use all available authorities to implement the home mortgage loan relief program established under this section, including, as appropriate—

(1) home mortgage loan purchases;

(2) home mortgage loan guarantees;

(3) making and funding commitments to purchase home mortgage loans or mortgage-backed securities;

(4) buying down interest rates and principal on home mortgage loans;

(5) principal forbearance; and

(6) developing standard home mortgage loan modification and disposition protocols, which shall include ratifying that servicer action taken in anticipation of any necessary changes to the instruments governing the conduct of servicers or trustees with respect to qualified mortgages or foreclosure property are consistent with the Secretary of the Treasury's standard home mortgage loan modification and disposition protocols.

(e) PAYMENTS AUTHORIZED.—The Secretary of the Treasury is authorized to pay servicers for home mortgage loan modifications or other dispositions consistent with any rules established under subsection (b).

(f) RULE OF CONSTRUCTION.—Any standard home mortgage loan modification and disposition protocols developed by the Secretary of the Treasury under this section shall be construed to constitute standard industry practice.

**SA 344.** Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

## SEC. . FUNDING PRIORITIES.

It is the sense of the Senate that—

(1)(A) local and State agencies or authorities responsible for selecting projects to be funded under this Act or disseminating funds under this Act should, to the extent possible, select projects that utilize local populations; and

(B) preference should be given to projects that employ or subcontract with—

(i) veterans, or members of the reserve components of the Armed Forces;

(ii) low income people;

(iii) at risk youth;

(iv) individuals that are participating in reentry or career training programs; and

(v) individuals for whom construction work constitutes nontraditional employment;

(2) to the extent possible local and State agencies should maximize the utilization of individuals registered in apprenticeship programs, and expand participation in these programs by individuals in the populations described in paragraph (1)(B);

(3) to the extent possible State and Local agencies should maximize the utilization of contractors that provide health care and retirement benefits to their employees and maintain strong worker safety;

(4) to the extent possible the local or State agency receiving funds under this Act should coordinate with local community organizations, hiring centers, faith based organizations, labor organizations, and non-profits; and

(5) local and State agencies should make available on their State run websites information on how funds received under this Act are being implemented and disbursed to encourage participation and transparency.

**SA 345.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

“(1) BREACH.—The term ‘breach’ means the unauthorized acquisition, access, use, or disclosure of protected health information which compromises the security, privacy, or integrity of protected health information maintained by or on behalf of a person. Such term does not include any unintentional acquisition, access, or use of such information by an employee or agent of the covered entity or business associate involved if such acquisition, access, or use, respectively, was made in good faith and within the course and scope of the employment or other contractual relationship of such employee or agent, respectively, with the covered entity or business associate and if such information is not further acquired, accessed, used, or disclosed by such employee or agent.”

**SA 346.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for

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

On page 70, line 16, insert “Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) and for” after “available for”.

On page 70, line 22, strike “That the remaining \$2,100,000,000” and insert “That, of the remaining \$2,100,000,000, \$100,000,000 shall be available for the Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 1992 (25 U.S.C. 3502(b)) with eligibility for grants under the program determined in accordance with section 2601 of that Act (25 U.S.C. 3501) and \$2,000,000,000”.

**SA 347.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 18, insert “transmission plans, including” after “of”.

On page 74, line 2, insert “transmission plans, including” after “of”.

**SA 348.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 232, line 14, insert “; *Provided further*, That of the funds provided under this heading, \$25,000,000 shall be available to reimburse expenditures for the relocation and digitization of omni directional range navigation devices (DVOR) to enable or facilitate the construction of wind power development projects” before the period at the end.

**SA 349.** Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGAMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

**SEC. 1121. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.**

(a) IN GENERAL.—Section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

“(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the sum of—

“(1) the amount paid or incurred by the taxpayer during such taxable year for qualified energy efficiency improvements, and

“(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

“(b) LIMITATION.—The aggregate amount of the credits allowed under this section for taxable years beginning in 2009 and 2010 with respect to any taxpayer shall not exceed \$1,500.”.

(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

“(A) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.”.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking “2006” and inserting “2009”.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

“(E) a natural gas, propane, or oil water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.”.

(c) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

“(4) QUALIFIED NATURAL GAS, PROPANE, AND OIL FURNACES AND HOT WATER BOILERS.—

“(A) QUALIFIED NATURAL GAS FURNACE.—The term ‘qualified natural gas furnace’ means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

“(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term ‘qualified natural gas hot water boiler’ means any natural gas hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

“(C) QUALIFIED PROPANE FURNACE.—The term ‘qualified propane furnace’ means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.

“(D) QUALIFIED PROPANE HOT WATER BOILER.—The term ‘qualified propane hot water boiler’ means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.

“(E) QUALIFIED OIL FURNACES.—The term ‘qualified oil furnace’ means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.

“(F) QUALIFIED OIL HOT WATER BOILER.—The term ‘qualified oil hot water boiler’ means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.”.

(2) CONFORMING AMENDMENT.—Clause (ii) of section 25C(d)(2)(A) is amended to read as follows:

“(ii) any qualified natural gas furnace, qualified propane furnace, qualified oil furnace, qualified natural gas hot water boiler, qualified propane hot water boiler, or qualified oil hot water boiler, or”.

(d) MODIFICATIONS OF STANDARDS FOR QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Subsection (c) of section 25C is amended by adding at the end the following new paragraph:

“(4) QUALIFICATIONS FOR EXTERIOR WINDOWS, DOORS, AND SKYLIGHTS.—Such term shall not include any component described in subparagraph (B) or (C) of paragraph (2) un-

less such component is equal to or below a U factor of 0.30 and SHGC of 0.30.”.

(2) ADDITIONAL QUALIFICATION FOR INSULATION.—Subparagraph (A) of section 25C(c)(2) is amended by inserting “and meets the prescriptive criteria for such material or system established by the 2009 International Energy Conservation Code, as such Code (including supplements) is in effect on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009” after “such dwelling unit”.

(e) EXTENSION.—Section 25C(g)(2) is amended by striking “December 31, 2009” and inserting “December 31, 2010”.

(f) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) EFFICIENCY STANDARDS.—The amendments made by subsections (b), (c), and (d) shall apply to property placed in service after December 31, 2009.

**SA 350.** Ms. SNOWE (for herself, Mrs. FEINSTEIN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, between lines 10 and 11, insert the following:

**SEC. . EXTENSION OF AND INCREASE IN NEW ENERGY EFFICIENT HOME CREDIT.**

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking “December 31, 2009” and inserting “December 31, 2011”.

(b) INCREASE.—Paragraph (2) of section 45L(a) (relating to allowance of credit) is amended—

(1) by striking “\$2,000” in subparagraph (A) and inserting “\$5,000”, and

(2) by striking “\$1,000” in subparagraph (B) and inserting “\$2,500”.

(c) MODIFICATION OF ENERGY SAVINGS REQUIREMENTS.—So much of subparagraph (A) of section 45L(c)(1) as precedes clause (i) is amended to read as follows:

“(A) to have a level of annual total energy consumption which is at least 50 percent below the annual level of total energy consumption of a comparable dwelling unit—”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to homes constructed and acquired after December 31, 2008.

**SEC. . MODIFICATION OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.**

(a) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179D(b)(1) is amended by striking “\$1.80” and inserting “\$3.00”.

(2) PARTIAL ALLOWANCE.—Paragraph (1) of section 179D(d) is amended—

(A) by striking “\$.60” and inserting “\$1.00”, and

(B) by striking “\$1.80” and inserting “\$3.00”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.

**SEC. \_\_\_\_\_ . ENERGY RATINGS OF NON-BUSINESS PROPERTY.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

**“SEC. 25E. ENERGY RATINGS OF NON-BUSINESS PROPERTY.**

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred by the taxpayer for a qualified home energy rating conducted during such taxable year.

“(b) LIMITATION.—The amount allowed as a credit under subsection (a) with respect to any taxpayer for any taxable year shall not exceed \$200.

“(c) QUALIFIED HOME ENERGY RATING.—For purposes of this section, the term ‘qualified home energy rating’ means a home energy rating conducted with respect to any residence of the taxpayer by a home performance auditor certified by a provider accredited by the Building Performance Institute (BPI), the Residential Energy Services Network (RESNET), or equivalent rating system.

“(d) TERMINATION.—This section shall not apply with respect to any rating conducted after December 31, 2011.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Energy ratings of non-business property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

**SEC. \_\_\_\_\_ . CREDIT FOR HOME PERFORMANCE AUDITOR CERTIFICATIONS.**

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**“SEC. 45R. HOME PERFORMANCE AUDITOR CERTIFICATION CREDIT.**

“(a) IN GENERAL.—For purposes of section 38, the home performance auditor certification credit determined under this section for any taxable year is an amount equal to the qualified training and certification costs paid or incurred by the taxpayer which may be taken into account for such taxable year.

“(b) QUALIFIED TRAINING AND CERTIFICATION COSTS.—

“(1) IN GENERAL.—The term ‘qualified training and certification costs’ means costs paid or incurred for training which is required for the taxpayer or employees of the taxpayer to be certified as home performance auditors for purposes of providing qualified home energy ratings under section 25E(c).

“(2) LIMITATION.—The qualified training and certification costs taken into account under subsection (a)(1) for the taxable year with respect to any individual shall not exceed \$500 reduced by the amount of the credit allowed under subsection (a)(1) to the taxpayer (or any predecessor) with respect to such individual for all prior taxable years.

“(3) YEAR COSTS TAKEN INTO ACCOUNT.—Qualified training and certifications costs with respect to any individual shall not be taken into account under subsection (a)(1) before the taxable year in which the individual with respect to whom such costs are paid or incurred has performed 25 qualified home energy ratings under section 25E(c).

“(c) SPECIAL RULES.—

“(1) AGGREGATION RULES.—For purposes of this section, all persons treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.

“(2) DENIAL OF DOUBLE BENEFIT.—

“(A) IN GENERAL.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount taken into account under subsection (a) for such taxable year.

“(B) AMOUNT PREVIOUSLY DEDUCTED.—No credit shall be allowed under subsection (a) with respect to any amount for which a deduction has been allowed in any preceding taxable year.”

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “plus” at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting “plus”, and by adding at the end the following new paragraph:

“(36) the home performance auditor certification credit determined under section 45R(a).”

(c) CONFORMING AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 45Q the following new item:

“Sec. 45R. Home performance auditor certification credit.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

**SA 351.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 461, between lines 10 and 11, insert the following:

**SEC. \_\_\_\_\_ . ENERGY RATINGS OF NON-BUSINESS PROPERTY.**

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

**“SEC. 25E. ENERGY RATINGS OF NON-BUSINESS PROPERTY.**

“(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the amount paid or incurred by the taxpayer for a qualified home energy rating conducted during such taxable year.

“(b) LIMITATION.—The amount allowed as a credit under subsection (a) with respect to any taxpayer for any taxable year shall not exceed \$200.

“(c) QUALIFIED HOME ENERGY RATING.—For purposes of this section, the term ‘qualified home energy rating’ means a home energy rating conducted with respect to any residence of the taxpayer by a home performance auditor certified by a provider accredited by the Building Performance Institute (BPI), the Residential Energy Services Network (RESNET), or equivalent rating system.

“(d) TERMINATION.—This section shall not apply with respect to any rating conducted after December 31, 2011.”

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Energy ratings of non-business property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after the date of the enactment of this Act.

**SA 352.** Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 410, line 3, strike the period and insert “; and”.

On page 410, after line 3, insert the following:

“(G) reviewing the specific number of jobs created by each title of each division of this Act.”

On page 410, line 10, after “agencies,” insert “The Board shall include a complete assessment of the number of jobs created by each title of each division of this Act and shall recommend to the appropriate committees of Congress for rescission unobligated balances of any program in this Act that is not creating or cannot be reasonably expected to create jobs or help those displaced by the current recession.”

On page 431, after line 8, insert the following:

**SEC. \_\_\_\_\_ . POINT OF ORDER AGAINST CONTINUING SPENDING LEVELS.**

(a) BASELINE.—The Congressional Budget Office shall not include any discretionary amounts provided in this Act in the baseline for fiscal year 2011 and fiscal years thereafter.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, resolution, or amendment that continues the discretionary appropriations levels under this Act beyond fiscal year 2010.

**SA 353.** Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the ‘Fix Housing First Act’.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

**TITLE I—FIX HOUSING FIRST**

Subtitle A—Homeowner Security Program  
Sec. 1001. Homeowner security program.

Sec. 1002. Termination.  
 Sec. 1003. Other limitations  
 Sec. 1004. Study on interest rates.  
 Sec. 1005. Reports to Congress.  
 Sec. 1006. Funding.  
 Sec. 1007. Other mortgage purchases.

Subtitle B—Foreclosure Mitigation

Sec. 1011. Definitions.  
 Sec. 1012. Payments to eligible servicers authorized.  
 Sec. 1013. Compensation for aggrieved investors.  
 Sec. 1014. Authorization of appropriations.  
 Sec. 1015. Sunset of authority.

Subtitle C—Credit for Certain Home Purchases

Sec. 1021. Credit for certain home purchases.

**TITLE II—MIDDLE CLASS TAX RELIEF**

Sec. 2001. 10 percent rate bracket for individuals reduced to 5 percent for 2009 and 2010.  
 Sec. 2002. 15 percent rate bracket for individuals reduced to 10 percent for 2009 and 2010.

**TITLE III—BUSINESS TAX RELIEF**

Subtitle A—Temporary Investment Incentives

Sec. 3001. Special allowance for certain property acquired during 2009.  
 Sec. 3002. Temporary increase in limitations on expensing of certain depreciable business assets.

Subtitle B—5-Year Carryback of Operating Losses

Sec. 3101. 5-year carryback of operating losses.  
 Sec. 3102. Exception for TARP recipients.

Subtitle C—Incentives for New Jobs

Sec. 3201. Incentives to hire unemployed veterans.

Subtitle D—Cancellation of Indebtedness

Sec. 3301. Deferral and ratable inclusion of income arising from indebtedness discharged by the repurchase of a debt instrument.

Subtitle E—Qualified Small Business Stock

Sec. 3401. Modifications to exclusion for gain from certain small business stock.

Subtitle F—S Corporations

Sec. 3501. Temporary reduction in recognition period for built-in gains tax.

Subtitle G—Broadband Incentives

Sec. 3601. Broadband Internet access tax credit.

Subtitle H—Clarification of Regulations Related to Limitations on Certain Built-in Losses Following an Ownership Change

Sec. 3701. Clarification of regulations related to limitations on certain built-in losses following an ownership change.

**TITLE I—FIX HOUSING FIRST**

**Subtitle A—Homeowner Security Program**

**SEC. 1001. HOMEOWNER SECURITY PROGRAM.**

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury (in this subtitle referred to as the “Secretary”) shall, not later than 1 month after the date of enactment of this Act, in consultation with the Board of Governors of the Federal Reserve System, develop and implement a comprehensive homeowner security program in accordance with this subtitle, but only after making a finding that implementing such a program shall not disrupt the ability of the Federal Government to fund regular operations of the Government or not adversely affect the credit rating of debt instruments issued by the Government.

(b) CRITERIA.—The homeowner security program developed under this subtitle (in this subtitle referred to as the “program”) shall—

(1) require the Federal Government to take action to restore mortgage interest rates for 30-year fixed mortgages to amounts that are comparable to the return on obligations of the Treasury having 10-year periods of maturity, based on the average of the spreads of such rates over the 20-year period preceding the date of enactment of this Act;

(2) include specific measures to minimize cost and risk to the taxpayer and minimize market distortions;

(3) be limited to—

(A) providing funds to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from the fund established under section 1006 for the purpose of purchasing newly issued mortgages, bonds, or mortgage-backed securities under this subtitle; and

(B) the payment of applicable prepayment or other fees or penalties associated with underlying mortgage loans;

(4) limit such action to conforming loans, as determined by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, using conforming loan limits in effect for 2008;

(5) apply such action only—

(A) to creditworthy borrowers, as determined after an evaluation of debt to income ratio, credit rating, income, employment history, and other relevant information, who are current in payments on outstanding mortgage obligations;

(B) subject to a new, independent appraisal of the property securing the obligation; and

(C) with respect to mortgage loans that are—

(i) secured by the single-family, primary residence of the borrower; and

(ii) held or backed by—

(I) the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; or

(II) any other person, only if the loan-to-value ratio on the property securing the loan is not more than 95 percent;

(6) ensure availability of such mortgage loans for home purchase regardless of the type or size of financial institution that acts as a loan originator or a portfolio lender, taking into account the differences in the cost of funds and other factors when executing the program;

(7) allow new purchases and refinanced loans to qualify for such action; and

(8) result in the redemption of the vast majority of residential mortgage backed securities that are currently held in the marketplace.

(c) AUTHORITY TO PAY CERTAIN FEES.—Funds made available to carry out this subtitle may be used to pay loan origination fees, if the Secretary determines that such payments are necessary to maximize the economic benefit of the program.

(d) ADDITIONAL CONSIDERATIONS.—In developing the program under this subtitle, the Secretary shall consider whether refinancings under the program should be in the form of recourse or nonrecourse loans.

**SEC. 1002. TERMINATION.**

The program developed under section 1001, and the authority of the Secretary under this subtitle, shall terminate on December 31, 2010, or such earlier date, if the Secretary determines that no further economic benefit can be achieved or can't be achieved by the private market.

**SEC. 1003. OTHER LIMITATIONS.**

(a) RESALE.—If the Secretary, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation re-

packages and sells mortgages funded under the program developed under this subtitle, such mortgages shall be segregated from other mortgages not so funded, and shall be identified as such.

(b) INFORMATION AVAILABLE TO BORROWERS.—The rules of the Secretary under this subtitle shall assure the ability of the homeowner with respect to a mortgage loan refinanced under the homeowner security program to ascertain the identity of the owner or holder of the mortgage, including upon resale of the mortgage loan.

(c) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to issue such rules to carry out this subtitle as the Secretary determines are appropriate, including measures designed to address problems that have contributed to the mortgage crisis, and to prevent such future crises.

**SEC. 1004. STUDY ON INTEREST RATES.**

In carrying out this subtitle, the Secretary shall—

(1) conduct an economic study of reducing mortgage interest rates, estimating the impact on the mortgage delinquencies and foreclosures, housing prices, and credit markets; and

(2) develop clear metrics for the homeowner security program.

**SEC. 1005. REPORTS TO CONGRESS.**

The Secretary shall submit a report to Congress once every 3 months on the development and implementation of the program required by this subtitle, together with any necessary legislative recommendations.

**SEC. 1006. FUNDING.**

(a) ESTABLISHMENT OF TREASURY FUND.—The Secretary shall establish, within the Treasury of the United States, a fund comprised of the proceeds to the United States from the sale of Treasury bills having 30-year periods of maturity.

(b) APPROPRIATION.—There is appropriated to the Secretary from the fund created under subsection (a) to carry out this subtitle, \$300,000,000,000, to remain available until expended.

(c) TERMINATION OF FUND.—The fund established under this section shall remain in effect for such period as any obligation under this subtitle remains outstanding, and shall be terminated when all such obligations are repaid.

**SEC. 1007. OTHER MORTGAGE PURCHASES.**

Nothing in this subtitle shall preclude the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation from using funds not appropriated under this subtitle for the purpose of purchasing mortgage loans.

**Subtitle B—Foreclosure Mitigation**

**SEC. 1011. DEFINITIONS.**

For purposes of this subtitle—

(1) the term “securitized mortgages” means residential mortgages that have been pooled by a securitization vehicle;

(2) the term “securitization vehicle” means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term “servicer” means a servicer of securitized mortgages;

(4) the term “eligible servicer” means a servicer of pooled and securitized residential mortgages, all of which are eligible mortgages;

(5) the term “eligible mortgage” means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as established by the Federal National Mortgage Association;

(6) the term “Secretary” means the Secretary of the Treasury;

(7) the term “effective term of the subtitle” means the period beginning on the effective date of this subtitle and ending on December 31, 2011;

(8) the term “incentive fee” means the monthly payment to eligible servicers, as determined under section 1012(a);

(9) the term “Office” means the Office of Aggrieved Investor Claims established under section 1013(a); and

(10) the term “prepayment fee” means the payment to eligible servicers, as determined under section 1012(b).

#### SEC. 1012. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) **AUTHORITY.**—The Secretary is authorized during the effective term of the subtitle, to make payments to eligible servicers in an amount not to exceed an aggregate of \$10,000,000,000, subject to the terms and conditions established under this subtitle.

(b) **FEES PAID TO ELIGIBLE SERVICERS.**—

(1) **IN GENERAL.**—During the effective term of the subtitle, eligible servicers may collect monthly fee payments, consistent with the limitation in paragraph (2).

(2) **CONDITIONS.**—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may collect an incentive fee equal to 10 percent of mortgage payments received during that month, not to exceed \$60 per loan; and

(B) prepaid during a month, an eligible servicer may collect a one-time prepayment fee equal to 12 times the amount of the incentive fee for the preceding month. For purposes of subparagraph (A), total fees which may be collected for any mortgage may not exceed \$1,000.

(c) **SAFE HARBOR.**—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a

modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) **LEGAL COSTS.**—If an unsuccessful suit is brought by a person described in subsection (d)(4), that person shall bear the actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith.

(e) **REPORTING REQUIREMENTS.**—

(1) **IN GENERAL.**—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) **CONTENT.**—Each report required by this subsection shall include—

(A) the number of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, disaggregated to reflect whether the loss mitigation was in the form of—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) **PUBLIC AVAILABILITY OF REPORTS.**—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection.

#### SEC. 1013. COMPENSATION FOR AGGRIEVED INVESTORS.

(a) **IN GENERAL.**—

(1) **COMPENSATION.**—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of loan modifications made pursuant to this subtitle; and

(B) damages described in subsection (d)(4), as determined by the Secretary of the Treasury.

(2) **OFFICE OF AGGRIEVED INVESTOR CLAIMS.**—

(A) **IN GENERAL.**—There is established within the Department of the Treasury an Office of Aggrieved Investor Claims.

(B) **PURPOSE.**—The Office shall receive, process, and pay claims in accordance with this section.

(C) **FUNDING.**—The Office—

(i) shall be funded from funds made available to the Secretary under this section;

(ii) may reimburse other Federal agencies for claims processing support and assistance;

(iii) may appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in competitive service; and

(iv) upon the request of the Secretary, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Department of Treasury to assist it in carrying out its duties under this section.

(3) **OPTION TO APPOINT INDEPENDENT CLAIMS MANAGER.**—The Secretary may appoint an Independent Claims Manager—

(A) to head the Office; and

(B) to assume the duties of the Secretary under this section.

(b) **SUBMISSION OF CLAIMS.**—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Secretary a written claim for one or more injuries suffered by the injured person in accordance with such requirements as the Secretary determines to be appropriate.

(c) **INVESTIGATION OF CLAIMS.**—

(1) **IN GENERAL.**—The Secretary shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) **EXTENT OF DAMAGES.**—Any payment under this section—

(A) shall be limited to actual compensatory damages measured by injuries suffered; and

(B) shall not include—

(i) interest before settlement or payment of a claim; or

(ii) punitive damages.

(d) **PAYMENT OF CLAIMS.**—

(1) **DETERMINATION AND PAYMENT OF AMOUNT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which a claim is submitted under this section, the Secretary shall determine and fix the amount, if any, to be paid for the claim.

(B) **PARAMETERS OF DETERMINATION.**—In determining and settling a claim under this section, the Secretary shall determine only—

(i) whether the claimant is an injured person;

(ii) whether the injury that is the subject of the claim resulted from a loan modification made pursuant to this subtitle;

(iii) the amount, if any, to be allowed and paid under this section; and

(iv) the person or persons entitled to receive the amount.

(2) PARTIAL PAYMENT.—

(A) IN GENERAL.—At the request of a claimant, the Secretary may make one or more advance or partial payments before the final settlement of a claim, including final settlement on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a partial payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—

(i) seek judicial review under subsection (i); and

(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—

(I) was not eligible to receive the compensation; or

(II) fraudulently procured the compensation.

(3) ALLOWABLE DAMAGES FOR FINANCIAL LOSS.—A claim that is paid for injury under this section may include damages resulting from a loan modification pursuant to this subtitle for the following types of otherwise uncompensated financial loss:

(A) Lost personal income.

(B) Any other loss that the Secretary determines to be appropriate for inclusion as financial loss.

(e) ACCEPTANCE OF AWARD.—The acceptance by a claimant of any payment under this section, except an advance or partial payment made under subsection (d)(2), shall—

(1) be final and conclusive on the claimant with respect to all claims arising out of or relating to the same subject matter;

(2) constitute a complete release of all claims against the United States (including any agency or employee of the United States) under chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”), or any other Federal or State law, arising out of or relating to the same subject matter;

(3) constitute a complete release of all claims against the eligible servicer of the securitization in which the injured person was an investor under any Federal or State law, arising out of or relating to the same subject matter; and

(4) shall include a certification by the claimant, made under penalty of perjury and subject to the provisions of section 1001 of title 18, United States Code, that such claim is true and correct.

(f) REGULATIONS.—Notwithstanding any other provision of law, not later than 45 days after the date of enactment of this Act, the Secretary shall promulgate and publish in the Federal Register interim final regulations for the processing and payment of claims under this section.

(g) CONSULTATION.—In administering this section, the Secretary shall consult with other Federal agencies, as determined to be necessary by the Secretary, to ensure the efficient administration of the claims process.

(h) ELECTION OF REMEDY.—

(1) IN GENERAL.—An injured person may elect to seek compensation from the United States for one or more injuries resulting from a loan modification made pursuant to this subtitle by—

(A) submitting a claim under this section;

(B) filing a claim or bringing a civil action under chapter 171 of title 28, United States Code; or

(C) bringing an authorized civil action under any other provision of law.

(2) EFFECT OF ELECTION.—An election by an injured person to seek compensation in any

manner described in paragraph (1) shall be final and conclusive on the claimant with respect to all injuries resulting from a loan modification made pursuant to this subtitle that are suffered by the claimant.

(3) ARBITRATION.—

(A) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall establish by regulation procedures under which a dispute regarding a claim submitted under this section may be settled by arbitration.

(B) ARBITRATION AS REMEDY.—On establishment of arbitration procedures under subparagraph (A), an injured person that submits a disputed claim under this section may elect to settle the claim through arbitration.

(C) BINDING EFFECT.—An election by an injured person to settle a claim through arbitration under this paragraph shall—

(i) be binding; and

(ii) preclude any exercise by the injured person of the right to judicial review of a claim described in subsection (i).

(i) JUDICIAL REVIEW.—

(1) IN GENERAL.—Any claimant aggrieved by a final decision of the Secretary under this section may, not later than 60 days after the date on which the decision is issued, bring a civil action in the United States District Court for the District of Columbia, to modify or set aside the decision, in whole or in part.

(2) RECORD.—The court shall hear a civil action under paragraph (1) on the record made before the Secretary.

(3) STANDARD.—The decision of the Secretary incorporating the findings of the Secretary shall be upheld if the decision is supported by substantial evidence on the record considered as a whole.

(j) ATTORNEY’S AND AGENT’S FEES.—

(1) IN GENERAL.—No attorney or agent, acting alone or in combination with any other attorney or agent, shall charge, demand, receive, or collect, for services rendered in connection with a claim submitted under this section, fees in excess of 10 percent of the amount of any payment on the claim.

(2) VIOLATION.—An attorney or agent who violates paragraph (1) shall be fined not more than \$10,000.

(k) APPLICABILITY OF DEBT COLLECTION REQUIREMENTS.—Section 3716 of title 31, United States Code, shall not apply to any payment under this section.

(l) REPORT.—Not later than 1 year after the date of promulgation of regulations under subsection (f), and annually thereafter, the Secretary shall submit to Congress a report that describes the claims submitted under this section during the year preceding the date of submission of the report, including, for each claim—

(1) the amount claimed;

(2) a brief description of the nature of the claim; and

(3) the status or disposition of the claim, including the amount of any payment under this section.

(m) GAO AUDIT.—The Comptroller General of the United States shall conduct an annual audit on the payment of all claims made under this section and shall report to the Congress on the results of this audit beginning not later than the expiration of the 1-year period beginning on the date of the enactment of this Act.

(n) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the payment of claims in accordance with this section up to \$1,700,000,000, to remain available until expended.

SEC. 1014. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this subtitle.

SEC. 1015. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

Subtitle C—Credit for Certain Home Purchases

SEC. 1021. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

“SEC. 25E. CREDIT FOR CERTAIN HOME PURCHASES.

“(a) ALLOWANCE OF CREDIT.—

“(1) IN GENERAL.—In the case of an individual who is a purchaser of a qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

“(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed \$15,000.

“(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

“(b) LIMITATIONS.—

“(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

“(A) after December 31, 2008, and

“(B) before January 1, 2010.

“(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

“(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

“(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

“(3) ONE-TIME ONLY.—

“(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual’s spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

“(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

“(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section, the term ‘qualified principal residence’ means a single-family residence that is purchased to be the principal residence of the purchaser.

“(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

“(e) SPECIAL RULES.—

“(1) JOINT PURCHASE.—

“(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting ‘\$7,500’ for ‘\$15,000’ in subsection (a)(1).

“(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of

the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed \$15,000.

“(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

“(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

“(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

“(1) IN GENERAL.—In the event that a taxpayer—

“(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

“(B) fails to occupy such residence as the taxpayer’s principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

“(2) EXCEPTIONS.—

“(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer’s death.

“(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

“(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

“(i) paragraph (1) shall not apply to such transfer, and

“(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

“(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

“(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

“(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

“(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

“(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

“Sec. 25E. Credit for certain home purchases.”.

(c) SUNSET OF CURRENT FIRST-TIME HOME-BUYER CREDIT.—

(1) IN GENERAL.—Subsection (h) of section 36 is amended by striking “July 1, 2009” and inserting “the date of the enactment of the Fix Housing First Act”.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 is amended by striking “July 1, 2009” and inserting “the date of the enactment of the Fix Housing First Act”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

## TITLE II—MIDDLE CLASS TAX RELIEF

### SEC. 2001. 10 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 5 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(A) is amended by inserting “(5 percent in the case of any taxable year beginning in 2009 or 2010)” after “10 percent”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

### SEC. 2002. 15 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 10 PERCENT FOR 2009 AND 2010.

(a) IN GENERAL.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) REDUCTION IN 15 PERCENT RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010, ‘10 percent’ shall be substituted for ‘15 percent’ in the tables under subsections (a), (b), (c), (d), and (e). The preceding sentence shall be applied after application of paragraph (1).”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

## TITLE III—BUSINESS TAX RELIEF

### Subtitle A—Temporary Investment Incentives

#### SEC. 3001. SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

(a) EXTENSION OF SPECIAL ALLOWANCE.—

(1) IN GENERAL.—Paragraph (2) of section 168(k) is amended—

(A) by striking “January 1, 2010” and inserting “January 1, 2011”, and

(B) by striking “January 1, 2009” each place it appears and inserting “January 1, 2010”.

(2) CONFORMING AMENDMENTS.—

(A) The heading for subsection (k) of section 168 is amended by striking “JANUARY 1, 2009” and inserting “JANUARY 1, 2010”.

(B) The heading for clause (ii) of section 168(k)(2)(B) is amended by striking “PRE-JANUARY 1, 2009” and inserting “PRE-JANUARY 1, 2010”.

(C) Subparagraph (B) of section 168(l)(5) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(D) Subparagraph (C) of section 168(n)(2) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(E) Subparagraph (B) of section 1400N(d)(3) is amended by striking “January 1, 2009” and inserting “January 1, 2010”.

(3) TECHNICAL AMENDMENT.—Subparagraph (D) of section 168(k)(4) is amended—

(A) by striking “and” at the end of clause (i),

(B) by redesignating clause (ii) as clause (iii), and

(C) by inserting after clause (i) the following new clause:

“(ii) ‘April 1, 2008’ shall be substituted for ‘January 1, 2008’ in subparagraph (A)(iii)(I) thereof, and”.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

(2) TECHNICAL AMENDMENT.—The amendments made by subsection (a)(3) shall apply to taxable years ending after March 31, 2008.

### SEC. 3002. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) is amended—

(1) by striking “2008” and inserting “2008, or 2009”, and

(2) by striking “2008” in the heading thereof and inserting “2008, AND 2009”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

### Subtitle B—5-Year Carryback of Operating Losses

#### SEC. 3101. 5-YEAR CARRYBACK OF OPERATING LOSSES.

(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

“(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSSES.—

“(i) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

“(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for ‘2’,

“(II) subparagraph (E)(ii) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for ‘2’, and

“(III) subparagraph (F) shall not apply.

“(ii) APPLICABLE 2008 OR 2009 NET OPERATING LOSS.—For purposes of this subparagraph, the term ‘applicable 2008 or 2009 net operating loss’ means—

“(I) the taxpayer’s net operating loss for any taxable year ending in 2008 or 2009, or

“(II) if the taxpayer elects to have this subclause apply in lieu of subclause (I), the taxpayer’s net operating loss for any taxable year beginning in 2008 or 2009.

“(iii) ELECTION.—Any election under this subparagraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer’s return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

“(iv) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting ‘ending during 2001 or 2002 or beginning during 2008 or 2009’ for ‘ending during 2001, 2002, 2008, or 2009’.”.

(b) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

“(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001, 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or”.

(c) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subsection (b) of section 810 is amended by adding at the end the following new paragraph:

“(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

“(A) IN GENERAL.—In the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected

the application of this paragraph, paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting '5' or '4' for '3'.

“(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS.—For purposes of this paragraph, the term ‘applicable 2008 or 2009 loss from operations’ means—

“(i) the taxpayer’s loss from operations for any taxable year ending in 2008 or 2009, or

“(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer’s loss from operations for any taxable year beginning in 2008 or 2009.

“(C) ELECTION.—Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer’s return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

“(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who elects to have subparagraph (B)(ii) apply, section 56(d)(1)(A)(ii) shall be applied by substituting ‘ending during 2001 or 2002 or beginning during 2008 or 2009’ for ‘ending during 2001, 2002, 2008, or 2009’.

(d) CONFORMING AMENDMENT.—Section 172 is amended by striking subsection (k) and by redesignating subsection (l) as subsection (k).

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to net operating losses arising in taxable years ending after December 31, 2007.

(2) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—The amendment made by subsection (b) shall apply to taxable years ending after 1997.

(3) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—The amendment made by subsection (d) shall apply to losses from operations arising in taxable years ending after December 31, 2007.

(4) TRANSITIONAL RULE.—In the case of a net operating loss (or, in the case of a life insurance company, a loss from operations) for a taxable year ending before the date of the enactment of this Act—

(A) any election made under section 172(b)(3) or 810(b)(3) of the Internal Revenue Code of 1986 with respect to such loss may (notwithstanding such section) be revoked before the applicable date,

(B) any election made under section 172(k) or 810(b)(4) of such Code with respect to such loss shall (notwithstanding such section) be treated as timely made if made before the applicable date, and

(C) any application under section 6411(a) of such Code with respect to such loss shall be treated as timely filed if filed before the applicable date.

For purposes of this paragraph, the term ‘applicable date’ means the date which is 60 days after the date of the enactment of this Act.

#### SEC. 3102. EXCEPTION FOR TARP RECIPIENTS.

The amendments made by this part shall not apply to—

(1) any taxpayer if—

(A) the Federal Government acquires, at any time, an equity interest in the taxpayer pursuant to the Emergency Economic Stabilization Act of 2008, or

(B) the Federal Government acquires, at any time, any warrant (or other right) to acquire any equity interest with respect to the taxpayer pursuant to such Act,

(2) the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, and

(3) any taxpayer which at any time in 2008 or 2009 is a member of the same affiliated

group (as defined in section 1504 of the Internal Revenue Code of 1986, determined without regard to subsection (b) thereof) as a taxpayer described in paragraph (1) or (2).

#### Subtitle C—Incentives for New Jobs

##### SEC. 3201. INCENTIVES TO HIRE UNEMPLOYED VETERANS.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

“(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS HIRED IN 2009 OR 2010.—

“(A) IN GENERAL.—Any unemployed veteran who begins work for the employer during 2009 or 2010 shall be treated as a member of a targeted group for purposes of this subpart.

“(B) UNEMPLOYED VETERAN.—For purposes of this paragraph, the term ‘unemployed veteran’ means any veteran (as defined in paragraph (3)(B)), determined without regard to clause (ii) thereof who is certified by the designated local agency as—

“(i) having been discharged or released from active duty in the Armed Forces during 2008, 2009, or 2010, and

“(ii) being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after December 31, 2008.

#### Subtitle D—Cancellation of Indebtedness

##### SEC. 3301. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

“(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REPURCHASE OF A DEBT INSTRUMENT.—

“(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the repurchase of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 5-taxable-year period beginning with—

“(A) in the case of a repurchase occurring in 2009, the fifth taxable year following the taxable year in which the repurchase occurs, and

“(B) in the case of a repurchase occurring in 2010, the fourth taxable year following the taxable year in which the repurchase occurs.

“(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

“(A) IN GENERAL.—If, as part of a repurchase to which paragraph (1) applies, any debt instrument is issued for the debt instrument being repurchased and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

“(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

“(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the repurchase of the debt instrument is includible under paragraph (1), and

“(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being repurchased, and

“(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed

as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the debt instrument being repurchased, the deductions shall be disallowed in the order in which the original issue discount is accrued.

“(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to repurchase a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being repurchased. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to repurchase the outstanding instrument.

“(3) DEBT INSTRUMENT.—For purposes of this subsection, the term ‘debt instrument’ means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

“(4) REPURCHASE.—For purposes of this subsection, the term ‘repurchase’ means, with respect to any debt instrument, any acquisition of the debt instrument by—

“(A) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

“(B) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument. For purposes of subparagraph (B), the determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4). For purposes of this paragraph, the term ‘acquisition’ shall include any acquisition for cash, the exchange of a debt instrument for a debt instrument, the exchange of a debt instrument for corporate stock or partnership interest, as a contribution of the debt instrument to capital, and any significant modification of the debt instrument within the meaning of section 1001.

“(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

“(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

“(B) ELECTION.—

“(i) IN GENERAL.—An issuer of a debt instrument shall make the election under this subsection with respect to any debt instrument by clearly identifying such debt instrument on the issuer’s records as an instrument to which the election applies before the close of the day on which the repurchase of the debt instrument occurs (or such other time as the Secretary may prescribe). Such election, once made, is irrevocable.

“(ii) PASS THROUGH ENTITIES.—In the case of a partnership, S corporation, or other pass through entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

“(C) COORDINATION WITH EXCLUSIONS FOR TITLE 11 OR INSOLVENCY.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraph (A) or (B) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

“(D) ACCELERATION OF DEFERRED ITEMS.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or

similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 case, the day before the petition is filed).

“(6) **AUTHORITY TO PRESCRIBE REGULATIONS.**—The Secretary may prescribe such rules and regulations as may be necessary or appropriate for purposes of applying this subsection.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

#### Subtitle E—Qualified Small Business Stock

##### SEC. 3401. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESS STOCK.

(a) **TEMPORARY INCREASE IN EXCLUSION.**—Section 1202(a) (relating to exclusion) is amended by adding at the end the following new paragraph:

“(3) **SPECIAL RULE FOR STOCK ACQUIRED BEFORE 2011.**—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’, and

“(B) paragraph (2) shall not apply.”.

(b) **INCREASE IN LIMITATION.**—

(1) **IN GENERAL.**—Subparagraph (A) of section 1202(b)(1) is amended by striking “\$10,000,000” and inserting “\$15,000,000”.

(2) **MARRIED INDIVIDUALS.**—Subparagraph (A) of section 1202(b)(3) is amended by striking “paragraph (1)(A) shall be applied by substituting ‘\$5,000,000’ for ‘\$10,000,000’” and inserting “the amount under paragraph (1)(A) shall be half of the amount otherwise in effect”.

(c) **MODIFICATION OF DEFINITION OF QUALIFIED SMALL BUSINESS.**—Section 1202(d)(1) is amended by striking “\$50,000,000” each place it appears and inserting “\$75,000,000”.

(d) **INFLATION ADJUSTMENTS.**—Section 1202 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

“(k) **INFLATION ADJUSTMENT.**—

“(1) **IN GENERAL.**—In the case of any taxable year beginning after 2009, the \$15,000,000 amount in subsection (b)(1)(A), the \$75,000,000 amount in subsection (d)(1)(A), and the \$75,000,000 amount in subsection (d)(1)(B) shall each be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost of living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(2) **ROUNDING.**—If any amount as adjusted under paragraph (1) is not a multiple of \$1,000,000 such amount shall be rounded to the next lowest multiple of \$1,000,000.”.

(e) **NONAPPLICATION OF MINIMUM TAX.**—Section 57(a)(7) is amended by inserting “(other than by reason of subsection (a)(3) thereof)” after “section 1202”.

(f) **EFFECTIVE DATES.**—

(1) **EXCLUSION; QUALIFIED SMALL BUSINESS; MINIMUM TAX.**—The amendments made by subsections (a), (c), and (d) shall apply to stock acquired after the date of the enactment of this Act.

(2) **LIMITATION; INFLATION ADJUSTMENT.**—The amendments made by subsections (b) and (d) shall apply to taxable years ending after the date of the enactment of this Act.

#### Subtitle F—S Corporations

##### SEC. 3501. TEMPORARY REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) **IN GENERAL.**—Paragraph (7) of section 1374(d) (relating to definitions and special rules) is amended to read as follows:

“(7) **RECOGNITION PERIOD.**—

“(A) **IN GENERAL.**—The term ‘recognition period’ means the 10-year period beginning with the 1st day of the 1st taxable year for which the corporation was an S corporation.

“(B) **SPECIAL RULE FOR 2009 AND 2010.**—In the case of any taxable year beginning in 2009 or 2010, no tax shall be imposed on the net unrecognized built-in gain of an S corporation if the 7th taxable year in the recognition period preceded such taxable year. The preceding sentence shall be applied separately with respect to any asset to which paragraph (8) applies.

“(C) **SPECIAL RULE FOR DISTRIBUTIONS TO SHAREHOLDERS.**—For purposes of applying this section to any amount includible in income by reason of distributions to shareholders pursuant to section 593(e)—

“(i) subparagraph (A) shall be applied without regard to the phrase ‘10-year’, and

“(ii) subparagraph (B) shall not apply.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

#### Subtitle G—Broadband Incentives

##### SEC. 3601. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) **IN GENERAL.**—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit) is amended by inserting after section 48C the following new section:

##### “SEC. 48C. BROADBAND INTERNET ACCESS CREDIT.

“(a) **GENERAL RULE.**—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.

“(b) **CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.**—For purposes of this section—

“(1) **CURRENT GENERATION BROADBAND CREDIT.**—The current generation broadband credit for any taxable year is equal to 10 percent (20 percent in the case of qualified subscribers which are unserved subscribers) of the qualified broadband expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) **NEXT GENERATION BROADBAND CREDIT.**—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) **WHEN EXPENDITURES TAKEN INTO ACCOUNT.**—For purposes of this section—

“(1) **IN GENERAL.**—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) **LIMITATION.**—

“(A) **IN GENERAL.**—Qualified broadband expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service, after December 31, 2008, and before January 1, 2011.

“(B) **SALE-LEASEBACKS.**—For purposes of subparagraph (A), if property—

“(i) is originally placed in service after December 31, 2008, by any person, and

“(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service, such property shall be treated as originally placed in service not earlier than the date on which such property is used under the lease-back referred to in clause (ii).

“(d) **SPECIAL ALLOCATION RULES FOR CURRENT GENERATION BROADBAND SERVICES.**—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

“(1) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas and the unserved areas which the equipment is capable of serving with current generation broadband services, and

“(2) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(e) **DEFINITIONS.**—For purposes of this section—

“(1) **ANTENNA.**—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) **CABLE OPERATOR.**—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) **COMMERCIAL MOBILE SERVICE CARRIER.**—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) **CURRENT GENERATION BROADBAND SERVICE.**—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 5,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (at least 3,000,000 bits per second to the subscriber and at least 768,000 bits per second from the subscriber in the case of service through radio transmission of energy).

“(5) **MULTIPLEXING OR DEMULTIPLEXING.**—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) **NEXT GENERATION BROADBAND SERVICE.**—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 100,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 20,000,000 bits per second from the subscriber (or its equivalent as so measured).

“(7) **NONRESIDENTIAL SUBSCRIBER.**—The term ‘nonresidential subscriber’ means any person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) **OPEN VIDEO SYSTEM OPERATOR.**—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) **OTHER WIRELESS CARRIER.**—The term ‘other wireless carrier’ means any person

(other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment any—

“(A) cable operator,

“(B) commercial mobile service carrier,

“(C) open video system operator,

“(D) satellite carrier,

“(E) telecommunications carrier, or

“(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

“(A) such a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by 1 or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) QUALIFIED EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified equipment’ means property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier or broadband-over-powerline operator,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/re-

ceive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptations, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber’s premises.

“(14) QUALIFIED BROADBAND EXPENDITURE.—

“(A) IN GENERAL.—The term ‘qualified broadband expenditure’ means any amount—

“(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

“(ii) incurred after December 31, 2008, and before January 1, 2011.

“(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

“(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

“(15) QUALIFIED SUBSCRIBER.—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

“(ii) any residential subscriber residing in a dwelling located in a rural area, an underserved area, or an unserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

“(ii) any residential subscriber.

“(16) RESIDENTIAL SUBSCRIBER.—The term ‘residential subscriber’ means any individual who purchases broadband services which are delivered to such individual’s dwelling.

“(17) RURAL AREA.—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(18) RURAL SUBSCRIBER.—The term ‘rural subscriber’ means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(19) SATELLITE CARRIER.—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

“(20) SATURATED MARKET.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

“(B) such services can be utilized—

“(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

“(21) SUBSCRIBER.—The term ‘subscriber’ means any person who purchases current generation broadband services or next generation broadband services.

“(22) TELECOMMUNICATIONS CARRIER.—The term ‘telecommunications carrier’ has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

“(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

“(B) does not include any commercial mobile service carrier.

“(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term ‘total potential subscriber population’ means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

“(24) UNDERSERVED AREA.—The term ‘underserved area’ means any census tract which is located in—

“(A) an empowerment zone or enterprise community designated under section 1391,

“(B) the District of Columbia Enterprise Zone established under section 1400,

“(C) a renewal community designated under section 1400E, or

“(D) a low-income community designated under section 45D.

“(25) UNDERSERVED SUBSCRIBER.—The term ‘underserved subscriber’ means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

“(26) UNSERVED AREA.—The term ‘unserved area’ means any census tract in which no current generation broadband services are provided, as certified by the State in which such tract is located not later than September 30, 2009.

“(27) UNSERVED SUBSCRIBER.—The term ‘unserved subscriber’ means any residential subscriber residing in a dwelling located in

an unserved area or nonresidential subscriber maintaining a permanent place of business located in an unserved area.”.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit) is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by adding at the end the following:

“(5) the broadband Internet access credit.”

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, or”, and by adding at the end the following new clause:

“(v) from the sale of property subject to a lease described in section 48C(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified broadband expenditures which would be determined under section 48C for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.”.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (iii), by striking the period at the end of clause (iv) and inserting “, and”, and by adding after clause (iv) the following new clause:

“(v) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48C.”.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 48B the following:

“Sec. 48C. Broadband internet access credit”.

(e) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (17), (23), (24), and (26) of section 48C(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(20) of such section 48C—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts submitted and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(C) AUTHORITY TO DISREGARD FALSE SUBMISSIONS.—In addition to imposing any other applicable penalties, the Secretary of the Treasury shall have the discretion to disregard any form described in subparagraph

(A)(i) on which a provider knowingly submitted false information.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any credit or portion thereof allowed under section 48C of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48C of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48C of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48C of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48C of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

**Subtitle H—Clarification of Regulations Related to Limitations on Certain Built-in Losses Following an Ownership Change**

**SEC. 3701. CLARIFICATION OF REGULATIONS RELATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.**

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Secretary of the Treasury under section 382(m) of the Internal Revenue Code of 1986 does not authorize the Secretary to provide exemptions or special rules that are restricted to particular industries or classes of taxpayers.

**SA 354.** Mr. DODD proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

**TITLE VI—EXECUTIVE COMPENSATION OVERSIGHT**

**SEC. 6001. DEFINITIONS.**

For purposes of this title, the following definitions shall apply:

(1) SENIOR EXECUTIVE OFFICER.—The term “senior executive officer” means an individual who is 1 of the top 5 most highly paid executives of a public company, whose compensation is required to be disclosed pursuant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and non-public company counterparts.

(2) GOLDEN PARACHUTE PAYMENT.—The term “golden parachute payment” means

any payment to a senior executive officer for departure from a company for any reason, except for payments for services performed or benefits accrued.

(3) TARP.—The term “TARP” means the Troubled Asset Relief Program established under the Emergency Economic Stabilization Act of 2008 (Public Law 110-343, 12 U.S.C. 5201 et seq.).

(4) TARP RECIPIENT.—The term “TARP recipient” means any entity that has received or will receive financial assistance under the financial assistance provided under the TARP.

(5) SECRETARY.—The term “Secretary” means the Secretary of the Treasury.

(6) COMMISSION.—The term “Commission” means the Securities and Exchange Commission.

**SEC. 6002. EXECUTIVE COMPENSATION AND CORPORATE GOVERNANCE.**

(a) IN GENERAL.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to—

(1) the standards established by the Secretary under this title; and

(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

(b) STANDARDS REQUIRED.—The Secretary shall require each TARP recipient to meet appropriate standards for executive compensation and corporate governance.

(c) SPECIFIC REQUIREMENTS.—The standards established under subsection (b) shall include—

(1) limits on compensation that exclude incentives for senior executive officers of the TARP recipient to take unnecessary and excessive risks that threaten the value of such recipient during the period that any obligation arising from TARP assistance is outstanding;

(2) a provision for the recovery by such TARP recipient of any bonus, retention award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inaccurate;

(3) a prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period that any obligation arising from TARP assistance is outstanding;

(4) a prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period that the obligation is outstanding to at least the 25 most highly-compensated employees, or such higher number as the Secretary may determine is in the public interest with respect to any TARP recipient;

(5) a prohibition on any compensation plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its employees; and

(6) a requirement for the establishment of a Board Compensation Committee that meets the requirements of section 6003.

(d) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial officer (or the equivalents thereof) of each TARP recipient shall provide a written certification of compliance by the TARP recipient with the requirements of this title—

(1) in the case of a TARP recipient, the securities of which are publicly traded, to the Securities and Exchange Commission, together with annual filings required under the securities laws; and

(2) in the case of a TARP recipient that is not a publicly traded company, to the Secretary.

**SEC. 6003. BOARD COMPENSATION COMMITTEE.**

(a) ESTABLISHMENT OF BOARD REQUIRED.—Each TARP recipient shall establish a Board Compensation Committee, comprised entirely of independent directors, for the purpose of reviewing employee compensation plans.

(b) MEETINGS.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

**SEC. 6004. LIMITATION ON LUXURY EXPENDITURES.**

(a) POLICY REQUIRED.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on—

- (1) entertainment or events;
- (2) office and facility renovations;
- (3) aviation or other transportation services; or
- (4) other activities or events that are not reasonable expenditures for conferences, staff development, reasonable performance incentives, or other similar measures conducted in the normal course of the business operations of the TARP recipient.

**SEC. 6005. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.**

(a) ANNUAL SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient during the period in which any obligation arising from financial assistance provided under the TARP remains outstanding shall permit a separate shareholder vote to approve the compensation of executives, as disclosed pursuant to the compensation disclosure rules of the Commission (which disclosure shall include the compensation discussion and analysis, the compensation tables, and any related material).

(b) NONBINDING VOTE.—A shareholder vote described in subsection (a) shall not be binding on the board of directors of a TARP recipient, and may not be construed as overruling a decision by such board, nor to create or imply any additional fiduciary duty by such board, nor shall such vote be construed to restrict or limit the ability of shareholders to make proposals for inclusion in proxy materials related to executive compensation.

(c) DEADLINE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall issue any final rules and regulations required by this section.

**SEC. 6006. REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.**

(a) IN GENERAL.—The Secretary shall review bonuses, retention awards, and other compensation paid to employees of each entity receiving TARP assistance before the date of enactment of this Act to determine whether any such payments were excessive, inconsistent with the purposes of this Act or the TARP, or otherwise contrary to the public interest.

(b) NEGOTIATIONS FOR REIMBURSEMENT.—If the Secretary makes a determination described in subsection (a), the Secretary shall seek to negotiate with the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

**SA 355.** Ms. CANTWELL (for herself and Mrs. MURRAY) submitted an

amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 86, line 3, strike “a new subparagraph (E)” and insert “the following”.

On page 86, line 23, strike the closing quotation marks and the following period.

On page 86, between lines 23 and 24, insert the following:

“(F) OPEN PROTOCOLS AND STANDARDS.—As a condition of receiving funding under this subsection, the Secretary shall require that demonstration projects use open protocols and standards, to the extent available and appropriate.”.

On page 87, between lines 18 and 19, insert the following:

“(2) require as a condition of receiving a grant under this section that grant recipients use open protocols and standards, to the extent available and appropriate;”.

On page 87, line 19, strike “(2)” and insert “(3)”.

On page 88, line 1, strike “(3)” and insert “(4)”.

On page 88, line 4, strike “(4)” and insert “(5)”.

On page 88, line 7, strike “(5)” and insert “(6)”.

**SA 356.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 5, insert “, of which not less than 5 percent shall be used to provide those services to Indian tribes” before the period at the end.

**SA 357.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike lines 5 through 9 and insert the following:

Bay-Delta Restoration Act (Public Law 108–361; 118 Stat. 1681): *Provided further*, That not less than \$300,000,000 of the funds provided under this heading shall be used for congressionally authorized tribal and nontribal rural water projects, of which not less than \$60,000,000 shall be used primarily for water intake and treatment facilities for those projects: *Provided further*,

**SA 358.** Mr. UDALL of New Mexico submitted an amendment intended to

be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, line 17, strike “may” and insert “shall”.

**SA 359.** Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 485, strike lines 23 through 26, and insert the following:

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

**SA 360.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

**SEC. —. AVIATION PROGRAMS.**

(a) SHORT TITLE.—This section may be cited as the “Federal Aviation Administration Extension Act of 2009”.

(b) EXTENSION OF AVIATION PROGRAMS FOR FY 2009.—

(1) EXTENSION OF AVIATION TAXES.—The Internal Revenue Code of 1986 is amended by striking “March 31, 2009” and inserting “September 30, 2009” each place it appears in each of the following sections:

(A) Section 4081(d)(2)(B).

(B) Section 4261(j)(1)(A)(ii).

(C) Section 4271(d)(1)(A)(ii).

(2) EXTENSION OF EXPENDITURE AUTHORITY.—

(A) Such Code is amended by striking “April 1, 2009” each place it appears in each of the following sections:

(i) Section 9502(d)(1).

(ii) Section 9502(e)(2).

(B) Paragraph (1) of section 9502(d) of such Code is amended by inserting “or the Federal Aviation Administration Extension Act of 2009” before the semicolon at the end of subparagraph (A).

(3) EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.—

(A) Paragraph (6) of section 48103 of such title is amended to read as follows:

“(6) \$3,900,000,000 for fiscal year 2009.”.

(B) Section 47104(c) of such title is amended by striking “March 31, 2009,” and inserting “September 30, 2009.”.

## (4) EXTENSION OF EXPIRING AUTHORITIES.—

(A) Title 49, United States Code, is amended by striking the date specified in each of the following sections and inserting “September 30, 2009”:

- (i) Section 40117(1)(7).
- (ii) Section 44303(b).
- (iii) Section 47107(s)(3).
- (iv) Section 47141(f).
- (v) Section 49108.

(B) Section 44302(f)(1) of such title is amended—

- (i) by striking “March 31, 2009” and inserting “September 30, 2009”; and
- (ii) by striking “May 31, 2009” and inserting “December 31, 2009”.

(C) Section 47115(j) of such title is amended by striking “2008, and the portion of fiscal year 2009 ending before April 1, 2009,” and inserting “2009.”

(D) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking “before April 1, 2009.”

(E) Section 186(d) of such Act (117 Stat. 2518) is amended by striking “2008, and for the portion of fiscal year 2009 ending before April 1, 2009,” and inserting “2009.”

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

**SA 361.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION  
NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance-Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipment to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, \$550,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(1)(6) of title 49, United States Code, to make such grants or agreements: and *Provided further*, That, with respect to any incentives for equipment, the Federal share of the costs shall be no more than 50 percent.

**SA 362.** Mr. REID (for Mr. KENNEDY (for himself, and Mr. SANDERS)) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 541, after line 20, insert the following:

**SEC. ——. QUALIFIED COMMUNITY HEALTH CENTER BONDS.**

(a) QUALIFIED COMMUNITY HEALTH CENTER BONDS TREATED AS STATE AND LOCAL BONDS.—

(1) IN GENERAL.—Section 150 is amended by adding at the end the following new subsection:

“(f) QUALIFIED COMMUNITY HEALTH CENTER BOND.—For purposes of this part and section 103—

“(1) TREATMENT AS STATE OR LOCAL BOND.—A qualified community health center bond shall be treated as a State or local bond.

“(2) QUALIFIED COMMUNITY HEALTH CENTER BOND DEFINED.—The term ‘qualified community health center bond’ means a bond issued as part of an issue by a qualified community health issuer 95 percent or more of the net proceeds of which are to be used by a qualified community health organization to finance capital expenditures with respect to a qualified community health facility.

“(3) QUALIFIED COMMUNITY HEALTH ORGANIZATION DEFINED.—A qualified community health organization is an organization which—

“(A) is described in section 501(c)(3) and exempt from tax under section 501(a),

“(B) is incorporated in a State in which at least one qualified community health facility owned by such organization is located, and

“(C) constitutes a health center within the meaning of section 330 of the Public Health Service Act.

“(4) QUALIFIED COMMUNITY HEALTH ISSUER DEFINED.—The term ‘qualified community health issuer’ means an entity—

“(A) which is established and owned exclusively by the National Association of Community Health Centers,

“(B) which is disregarded under section 7701 as an entity separate from the National Association of Community Health Centers, and

“(C) one of the primary purposes of which, as set forth in the documents relating to its formation, is to issue qualified community health center bonds.

“(5) QUALIFIED COMMUNITY HEALTH FACILITY DEFINED.—The term ‘qualified community health facility’ means property owned and used by a qualified community health organization to provide health care services to all residents who request the provision of health care services the operation of which is subject to sections 330 and 330A of the Public Health Service Act.

“(6) TREATMENT OF ISSUER AS OTHER THAN TAXABLE MORTGAGE POOL.—Neither the National Association of Community Health Centers, nor a qualified community health issuer, nor any portion thereof shall be treated as a taxable mortgage pool under section 7701(i) with respect to any issue of qualified community health center bonds.”

(2) COORDINATION WITH PUBLIC APPROVAL REQUIREMENT.—Subsection (f) of section 147 is amended by adding at the end the following new paragraph:

“(5) SPECIAL RULES FOR QUALIFIED COMMUNITY HEALTH CENTER BONDS.—In the case of a qualified community health center bond, any governmental unit in which the qualified community health facility financed by the qualified community health center bonds is located may be treated for purposes of paragraph (2) as the governmental unit on behalf of which such qualified community health center bonds are issued.”

(3) NO FEDERAL GUARANTEE.—Subparagraph (A) of section 149(b)(3) is amended by striking “or” at the end of clause (iii), by striking the period at the end of clause (iv) and in-

serting “, or” and by adding at the end the following new clause:

“(v) any guarantee of a qualified community health center bond for a qualified community health facility which is made under title XVI of the Public Health Service Act (or a renewal or extension of a guarantee so made).”

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

(b) LOANS AND LOAN GUARANTEES UNDER THE PUBLIC HEALTH SERVICE ACT.—

(1) AUTHORITY FOR LOANS AND LOAN GUARANTEES.—Section 1601 of the Public Health Service Act (42 U.S.C. 300q) is amended—

(A) in subsection (a)(2), by adding at the end the following:

“(C) In addition to authorizing loan guarantees, the Secretary may—

“(i) guarantee tax exempt bonds for the purpose of financing a project of a health center that receives funding under section 330 located in or serving an area determined by the Secretary to be a medically underserved area or serving a special medically underserved population as defined in such section 330 (referred to in this section as a ‘health center project’), and

“(ii) use of such authorized guarantees for health center projects in conjunction with any credits allowed under the Internal Revenue Code of 1986, for such health center project.”;

(B) in subsection (b)—

(i) by striking “The principal amount of” and inserting “(1) Subject to paragraph (2), the principal amount of”; and

(ii) by adding at the end the following:

“(2) Notwithstanding paragraph (1), a guarantee of a loan or tax exempt bond issued for the purpose of financing a health center project, as defined in subsection (a)(2)(C), shall cover up to 100 per centum of the principal amount and interest due on such guaranteed loan or tax exempt bond.”;

(C) by redesignating subsection (d) as subsection (e);

(D) by inserting after subsection (c) the following:

“(d) No State (including any State or local government authority with the power to tax) receiving funds under a Federal health care program (as defined under section 1128B(f) of the Social Security Act), may impose a tax with respect to interest earned on bonds issued under this section.”

(2) GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q-2) is amended—

(A) in subsection (a)(2)—

(i) by redesignating subparagraph (D) as subparagraph (H);

(ii) in subparagraph (B), by striking “subparagraph (D)” and inserting “subparagraph (H)”; and

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

“(D) The Secretary shall approve, not later than 30 calendar days of receipt, an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601q(a)(2)(C)), that is eligible for such guarantee, provided that the health center has certified, to the best of its knowledge, and consistent with its annual audit and such application, that the health center has satisfied or will comply with each of the following criteria:

“(i) The health center has for at least two out of last three fiscal years (on the basis of accrual accounting) received more in revenue (including the amount of Federal funds in any section 330 grants made in each year to the health center and all other revenue of

any kind received by the health center in each year) than the expenses of the health center in each year.

“(ii) The health center will contribute at least 20 per centum equity to the project in the form of cash contributions (from cash reserves, grants or capital campaign proceeds), equity derived as a result of tax credits (which may be structured as debt during the tax credit compliance period) or other forms of equity-like contributions.

“(iii)(I) As measured at the fiscal year end of its most recent fiscal year and on a current year-to-date basis, the health center’s days cash on hand, including Federal grant funds available for drawdown, must have been greater than 30 days.

“(II) In this clause, ‘days cash on hand’ shall be calculated on an accrual accounting basis according to the following formula: The sum of unrestricted cash and investments divided by total operating expenses minus depreciation divided by 360.

“(iv)(I) The health center’s debt service coverage ratio on a projected basis will not be less than 1.10X in any year.

“(II) In this clause, ‘debt service coverage ratio’ shall be calculated as the sum of net assets plus interest expense plus depreciation expense divided by the sum of debt service and capitalized interest payments due during the period.

“(v)(I) The health center has reasonably projected a leverage ratio (as measured after the first full year of the new/improved facility’s operation) less than 3.0X.

“(II) In this clause, ‘leverage ratio’ shall be calculated as total liabilities less new markets tax credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

“(E)(i) Not later than 30 calendar days after the receipt of a health center’s application and certification under subparagraph (D), the Secretary shall send a letter to the health center notifying it that the application has been approved, unless within such 30-day period the Secretary—

“(I) notifies the health center in writing as to why the Secretary reasonably believes any or all of the foregoing criteria are not met; and

“(II) provides the health center the opportunity to submit comments within 30 calendar days of receipt of such notice.

“(ii) Not later than 30 calendar days from the date of receipt of such comments, the Secretary shall provide a final decision in writing regarding the comments submitted by the applicant, including sufficient justification for the Secretary’s decision.

“(F) The Secretary may approve an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601(a)(2)(C)) that is eligible for such guarantee and which deviates from the criteria set forth in clauses (i) through (v) of subparagraph (D), provided that the Secretary determines that such deviation is not material or that the health center has provided sufficient explanation or justification for such deviation.

“(G)(i) Upon approval of a loan or tax exempt bond guarantee for a health center project eligible for such guarantee, the Secretary shall charge such health center a closing fee of 50 basis points, which will be put into a reserve fund to cover direct administrative costs of the program and to fund a loan loss reserve to support the guarantee program. Thereafter, the Secretary shall charge those health centers with loans or tax exempt bonds guaranteed through the program an annual fee of 50 basis points, calculated based on the principal amount outstanding on the guaranteed loan or tax exempt bond.

“(ii) All closing and annual fee proceeds shall be invested and maintained in an interest-bearing reserve account until such time as the reserve account reaches 5 per centum of the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

“(iii) If at any time the Secretary determines that, based on a lack of actual losses resulting from default, the amount of proceeds held in the reserve account is excessive, the Secretary may reduce the per centum to be maintained in such reserve account, calculated based on the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

“(iv) Subject to a determination under clause (iii) of this subparagraph to reduce the per centum maintained in the reserve account, any overages in the reserve account that are attributable to the collection of fee proceeds shall be rebated annually on a pro rata basis to those health centers with loans or tax exempt bonds guaranteed through the program and that are not in default.”;

(B) in subsection (d)—

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

(ii) by redesignating the matter following paragraph (1)(F) as paragraph (2)(A); and

(iii) by inserting after paragraph (2)(A), as so redesignated, the following:

“(B) In addition to the amounts authorized under subparagraph (A), there are authorized such amounts to support guarantees of loans or tax exempt bonds issued for the purpose of financing a health center project, which shall be added to any amounts derived from the fees required to be charged under subsection (a)(2)(G) and placed in the same interest-bearing reserve account established by subsection (a)(2)(G).”.

(c) APPLICATION DAVIS-BACON.—The provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) shall apply to any construction projects carried out using amounts made available under the amendments made by this section.

**SA 363.** Mrs. BOXER proposed an amendment to amendment SA 98 proposed by Mr. INOUE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

At the appropriate place insert the following.

#### FINDINGS

The Senate finds that:

According to leading national and state organizations, there are many more NEPA compliant, ready-to-go activities, than are funded in this bill, and if there is an action or funds made available for an action that triggers NEPA, and that activity could cause harm to public health, and that harm has not been evaluated under NEPA, the project would not meet the requirements of NEPA and should not be funded.

#### SECTION

Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, must-either come into compliance with NEPA or be replaced by other eligible activities.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 5, 2009 at 11 a.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on Advancing Indian Health.

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

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. INOUE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 4, 2009 at 3 p.m., to conduct a committee hearing on modernizing the U.S. financial regulatory system.

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

#### PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent the following Finance Committee fellows and interns be allowed floor privileges during consideration of the American Recovery and Reinvestment Act: Lauren Bishop, Dan Gutschenritter, Marissa Reeves.

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

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Terri Postma and Rachel Miller, members of my staff, be granted the privilege of the floor during the debate of H.R. 1.

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

#### CONGRATULATING THE PITTSBURGH STEELERS ON WINNING SUPER BOWL XLIII

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 27, submitted earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 27) congratulating the Pittsburgh Steelers on winning Super Bowl XLIII.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid on the table, and any statement be printed in the RECORD.

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

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 27

Whereas on February 1, 2009, the Pittsburgh Steelers defeated the Arizona Cardinals to win Super Bowl XLIII;

Whereas the Steelers' 27-23 victory over the Cardinals was the Steelers' sixth Super Bowl win, the most Super Bowl wins in National Football League (NFL) history;

Whereas the Rooney family has exhibited a strong commitment to the Steelers organization, has led the Steelers to win 6 Super Bowl titles, and has created a legacy of dedication to, and integrity in, the NFL;

Whereas Coach Mike Tomlin is to be congratulated for being the youngest coach in the NFL to win a Super Bowl, in only his second season as the head coach of the Steelers;

Whereas "Steeler Nation", which encompasses fans from all over the world, is to be honored for proudly waving "Terrible Towels" in support of the Pittsburgh Steelers;

Whereas the Pittsburgh Steelers are an iconic symbol for hardworking Pittsburghers, exhibiting the same strong work ethic and ability to fight to the bitter end to achieve success as Pittsburghers;

Whereas the leadership of Steelers quarterback Ben Roethlisberger led the team to wins in the final plays of games throughout the season, and especially during the last 2 minutes and 30 seconds of Super Bowl XLIII;

Whereas Steelers wide receiver Santonio Holmes was named the Most Valuable Player in Super Bowl XLIII for his 6-yard touchdown reception with 35 seconds remaining, which is being called one of the most historic plays in Super Bowl history;

Whereas Steelers linebacker James Harrison, NFL Defensive Player of the Year, intercepted Kurt Warner at the goal line and returned the ball for a 100-yard touchdown, which has been recorded as the longest play in Super Bowl history;

Whereas the Steelers defense, under the leadership of 50-year NFL veteran and Steelers defensive coordinator Dick LeBeau, ranked number 1 in defense in the NFL throughout the 2008 season and carried the Pittsburgh Steelers to a winning season and a Super Bowl victory;

Whereas the Pittsburgh Steelers faced one of the toughest schedules during the 2008 NFL season and persevered to a winning season and a Super Bowl victory; and

Whereas approximately 400,000 Steelers fans packed the streets of Pittsburgh on February 3, 2009 to honor the Steelers in a parade along Grant Street and the Boulevard of the Allies: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates—

(A) the Pittsburgh Steelers for winning Super Bowl XLIII;

(B) the Rooney family and the Steelers coaching and support staff, whose commitment to the Steelers organization has sustained this proud organization and allowed the team to reach its sixth Super Bowl victory;

(C) all Steelers fans, from around the world, whose enthusiasm for the team earns them recognition as one of the most loyal fan-bases in all sports; and

(D) the Arizona Cardinals on an outstanding season; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Steelers Chairman, Dan Rooney;

(B) Steelers President, Art Rooney II; and

(C) Steelers Head Coach Mike Tomlin.

AMENDING THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 383, that was introduced earlier today.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 383) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

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

The bill (S. 383) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 383

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Special Inspector General for the Troubled Asset Relief Program Act of 2009".

**SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.**

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subsection (c), by adding at the end the following:

"(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

"(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125."; and

(2) in subsection (d)—

(A) in paragraph (2), by striking "subsection (c)(1)" and inserting "subsection (c)(1) and (4)"; and

(B) by adding at the end the following:

"(3) The Office of the Special Inspector General for the Troubled Asset Relief Program shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General."

**SEC. 3. PERSONNEL AUTHORITIES.**

Section 121(e) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in paragraph (1)—

(A) by inserting "(A)" after "(1)"; and

(B) by adding at the end the following:

"(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

"(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

"(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009;

"(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

"(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (k)."; and

(2) by adding at the end the following:

"(5)(A) Except as provided under subparagraph (B), if an annuitant receiving an annuity from the Civil Service Retirement and Disability Fund becomes employed in a position within the Office of the Special Inspector General for the Troubled Asset Relief Program, his annuity shall continue. An annuitant so reemployed shall not be considered an employee for purposes of chapter 83 or 84.

"(B) Subparagraph (A) shall apply to—

"(i) not more than 25 employees at any time as designated by the Special Inspector General; and

"(ii) pay periods beginning after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009."

**SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.**

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (i), (j), and (k), respectively; and

(2) by inserting after subsection (e) the following:

"(f) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—The Secretary shall—

"(1) take action to address deficiencies identified by a report or investigation of the Special Inspector General or other auditor engaged by the TARP; or

"(2) certify to appropriate committees of Congress that no action is necessary or appropriate.

"(g) COOPERATION AND COORDINATION WITH OTHER ENTITIES.—In carrying out the duties, responsibilities, and authorities of the Special Inspector General under this section, the Special Inspector General shall work with each of the following entities, with a view toward avoiding duplication of effort and ensuring comprehensive oversight of the Troubled Asset Relief Program through effective cooperation and coordination:

"(1) The Inspector General of the Department of Treasury.

"(2) The Inspector General of the Federal Deposit Insurance Corporation.

"(3) The Inspector General of the Securities and Exchange Commission.

"(4) The Inspector General of the Federal Reserve Board.

"(5) The Inspector General of the Federal Housing Finance Board.

"(6) The Inspector General of any other entity as appropriate.

"(h) COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—The Special Inspector General shall be a member of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for the Troubled Asset Relief Program."

**SEC. 5. REPORTING REQUIREMENTS.**

Section 121(i) of the Emergency Economic Stabilization Act of 2008 (division A of Public

Law 110-343), as redesignated by this Act, is amended—

(1) in paragraph (1), by striking the first sentence and inserting “Not later than 60 days after the confirmation of the Special Inspector General, and not later than 30 days following the end of each fiscal quarter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during that fiscal quarter.”;

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(3) by inserting after paragraph (1) the following:

“(2) Not later than September 1, 2009, the Special Inspector General shall submit a report to Congress assessing use of any funds, to the extent practical, received by a financial institution under the TARP and make the report available to the public, including posting the report on the home page of the website of the Special Inspector General within 24 hours after the submission of the report.”; and

(4) by adding at the end the following:

“(5) Except as provided under paragraph (3), all reports submitted under this subsection shall be available to the public.”.

**SEC. 6. FUNDING OF THE OFFICE OF THE SPECIAL INSPECTOR GENERAL.**

Section 121(j)(1) of the Emergency Economic Stabilization Act of 2008 (division A of

Public Law 110-343), as redesignated by this Act, is amended by inserting before the period at the end the following: “, not later than 7 days after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2009”.

**SEC. 7. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.**

The Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction shall be a members of the Council of the Inspectors General on Integrity and Efficiency established under section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) until the date of termination of the Office of the Special Inspector General for Iraq Reconstruction and the Office of the Special Inspector General for Afghanistan Reconstruction, respectively.

**ORDERS FOR THURSDAY,  
FEBRUARY 5, 2009**

Mrs. BOXER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. Thursday, February 5; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and that the Senate resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act.

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

**PROGRAM**

Mrs. BOXER. Mr. President, Senators should expect rollcall votes throughout the day as we work to complete action on this important economic recovery legislation.

**ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW**

Mrs. BOXER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:10 p.m., adjourned until Thursday, February 5, 2009, at 9:30 a.m.

## EXTENSIONS OF REMARKS

### THE 2009 CONGRESS-BUNDESTAG/ BUNDES-RAT EXCHANGE

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Ms. PELOSI. Madam Speaker, since 1983, the U.S. Congress and the German Bundestag and Bundesrat have conducted an annual exchange program for staff members from both countries. The program gives professional staff the opportunity to observe and learn about each other's political institutions and interact on issues of mutual interest.

A staff delegation from the U.S. Congress will be selected to visit Germany from May 22 to May 31 of this year. During this ten day exchange, the delegation will attend meetings with Bundestag/Bundesrat Members, Bundestag and Bundesrat party staff members, and representatives of numerous political, business, academic, and media agencies. Participants also will be hosted by a Bundestag Member during a district visit.

A comparable delegation of German staff members will visit the United States for ten days July 11–19 of this year. They will attend similar meetings here in Washington and visit the districts of Members of Congress. The U.S. delegation is expected to facilitate these meetings.

The Congress-Bundestag/Bundesrat Exchange is highly regarded in Germany and the United States, and is one of several exchange programs sponsored by public and private institutions in the United States and Germany to foster better understanding of the politics and policies of both countries. This exchange is funded by the U.S. Department of State's Bureau of Educational and Cultural Affairs.

The U.S. delegation should consist of experienced and accomplished Hill staff who can contribute to the success of the exchange on both sides of the Atlantic. The Bundestag reciprocates by sending senior staff professionals to the United States.

Applicants should have a demonstrable interest in events in Europe. Applicants need not be working in the field of foreign affairs, although such a background can be helpful. The composite U.S. delegation should exhibit a range of expertise in issues of mutual concern to the United States and Germany such as, but not limited to, trade, security, the environment, economic development, health care, and other social policy issues. This year's delegation should be familiar with transatlantic relations within the context of recent world events.

In addition, U.S. participants are expected to help plan and implement the program for the Bundestag/Bundesrat staff members when they visit the United States. Participants are expected to assist in planning topical meetings in Washington, and are encouraged to host one or two staffers in their Member's district in July, or to arrange for such a visit to another Member's district.

Participants are selected by a committee composed of personnel from the Bureau of Educational and Cultural Affairs of the Department of State and past participants of the exchange.

Members of the House and Senate who would like a member of their staff to apply for participation in this year's program should direct them to submit a resume and cover letter in which they state their qualifications, the contributions they can make to a successful program and some assurances of their ability to participate during the time stated.

Applications may be sent to the Office of Interparliamentary Affairs, HB–28, the Capitol, by 5 p.m. on Friday, March 20, 2009.

### A PROCLAMATION HONORING W.E. QUICKSALL AND ASSOCIATES, INC., FOR REACHING THEIR 50TH YEAR ANNIVERSARY

#### HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mr. SPACE. Madam Speaker:

Whereas, W.E. Quicksall and Associates, formed in 1959, has provided quality service to private entities, local, state and federal government; and

Whereas, W.E. Quicksall and Associates has provided countless miles of municipal streets and state highways, bridges, water treatment and distribution lines; and

Whereas, for 50 years W.E. Quicksall and Associates has been dedicated to customer satisfaction and public safety; and be it

*Resolved*, that along with friends and clientele of W.E. Quicksall and the residents of the 18th Congressional District, I congratulate W.E. Quicksall and Associates, Inc. on their 50 year anniversary. We recognize the service provided by W.E. Quicksall to the New Philadelphia area, and commend them on building such an outstanding professional relationship with the city of New Philadelphia.

### HONORING SEAN PATRICK KEENAN

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Patrick Keenan a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop participating in many scout activities. Over the many years Sean has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Patrick Keenan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### BILL NANGLE

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I rise today to honor one of Northwest Indiana's most devoted citizens, Bill Nangle, Executive Editor of The Times. I have known Mr. Nangle for many years and can attest to a life dedicated to maintaining the integrity of the press and improving the governance of all those he serves. Not only is Bill a distinguished journalist, but he has used the power of his pen to be a force for progress and change in the community. Last week, the Hoosier State Press Association recognized Bill for his commitment to the pursuit of open government by presenting him with its Distinguished Service Award.

Throughout his illustrious career, which spans five decades, Bill has taken his role in the Fourth Estate seriously, leading the charge for openness and transparency in government. For example, in 1989, he pushed state legislators and then-Governor Evan Bayh to enact a state law reversing a court decision that closed county coroner records to the public.

And in 1998, Bill assembled Indiana's seven largest newspapers to collaborate on "The State of Secrecy," an investigation of government sunshine and First Amendment rights in which investigative journalists went undercover as ordinary citizens to try to access records in each of the state's 92 counties that are lawfully open to the public. The flagrant legal violations that they uncovered prompted action from then-Governor Frank O'Bannon and spurred similar projects on openness and transparency in 32 other states. For his efforts, Bill Nangle was awarded the Sagamore of the Wabash, the state's highest honor at the time.

Bill has also exercised his commitment to open, effective government locally. In 2005, he joined me in a consortium of local civic and business leaders to create Northwest Indiana's Good Government Initiative. He was a driving force behind that effort to study government efficiency across the many levels of our local government, including my office, and to implement solutions that improve government services while cutting costs. The Good Government Initiative became the model for the statewide Kernan-Shepard Report on Indiana government, which is the basis for government reform initiatives currently underway in the State

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House in Indianapolis and throughout the state.

Last year, Bill and his colleagues at The Times took the lead on establishing the One Region: One Vision concept with the goal of uniting local leaders to advance all of Northwest Indiana as one community. In the past, Northwest Indiana has been plagued by a limiting provincialism that has inhibited our area's growth and potential. Under the One Region: One Vision concept, Bill and his colleagues have already brought local leaders together from across the area to start collaborating on projects that will make Northwest Indiana a better place for everybody to live.

Finally, any praise for Bill would be incomplete without mention of his business instincts and acumen. With the print media industry struggling nationwide, and with the economic downturn exacerbating the industry's problems, The Times continues to thrive under Bill's direction. Last March, Editor and Publisher Magazine bestowed upon The Times the distinction of fastest growing English-language daily newspaper in the United States. By the most recent published reports, that growth has continued.

Madam Speaker, I ask that you and my colleagues join me in honoring Bill Nangle, who has worked tirelessly to maintain a vibrant and free press and has used his influence to positively enhance the lives of the people he serves. Bill is an unparalleled leader who deserves our recognition.

#### INTRODUCTION OF THE RIGHT TO LIFE ACT

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. HUNTER. Madam Speaker, as the father of three, I feel it is my duty to fight for the rights of our most innocent—the unborn. That is why, today, it is my honor to introduce the Right to Life Act. This bill accomplishes the simple, yet important goal, of protecting all unborn children from the moment of conception.

While it is the fundamental and primary duty of the federal government to protect and defend the rights of all its citizens, America's unborn have continually been harmed by Congress's inaction to establish their constitutional right to life. Due to both the United States Supreme Court's decision in the 1973 landmark case of *Roe v. Wade* and Congress's failure to establish personhood thereafter, over 1.3 million babies have had their life taken from them prematurely. Since abortions became legal in 1973, over 40 million babies have had their life unjustly taken from them, an entire generation of who will never experience the joys and promise of being an American.

It is now time for Congress to stop this tragedy and recognize the life in every unborn child. Congress needs to effectively overturn *Roe v. Wade* by enforcing four important provisions in the Constitution: (1) The due process clause (Sec. 1) of the Fourteenth Amendment, which prohibits states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment, which gives Congress the power to enforce, by appropriate legislation, the provisions of this amendment; (3) The due proc-

ess clause of the Fifth Amendment, which concurrently prohibits the federal government from depriving any person of life; and (4) Article 1, Section 8, which gives Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

The Supreme Court, in refusing to determine when human life begins and therefore finding nothing to indicate that the unborn are persons protected by the Fourteenth Amendment, has left to Congress the responsibility of protecting the unprotected. The Court conceded that, "If the suggestion of personhood is established, the appellants' case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment."

Throughout my military service, I took great pride in knowing that I was protecting all Americans. From those who have lived many years, to those just conceived. I do not believe my responsibility to protect the lives of Americans ended when I returned home from Iraq and Afghanistan. I view service in this great House as an opportunity to continue protecting those who need protecting. I ask Members of this House to listen closely to their conscience and pass this legislation so that every unborn child will be legally recognized and afforded the same protection all other Americans enjoy.

For those who have supported this legislation in the past, I wanted to bring your attention to a new provision holding women harmless if they do proceed with an abortion. It is important to recognize that the purpose of this bill is to protect the life of the unborn child, not put women in jail. Unfortunately, some supporters of this legislation have been accused of sponsoring legislation that incarcerates women for utilizing contraception. As a result, I wanted nothing to detract from our purpose of protecting the unborn. While I hope that this does not reduce the enormity of their action, I will not allow such an important issue to become sidetracked by those who wish to change the debate.

Technically, the Right to Life Act establishes and recognizes the personhood of an unborn child at the moment of conception. The reality is it does so much more. It gives the unborn the chance to experience life, to realize their hopes and dreams, to make a difference. I hope my colleagues will support me in this important effort.

#### AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SPEECH OF

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 28, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes:

Mr. HARE. Mr. Chair, I rise today in strong opposition to the amendment submitted by my colleague from Arizona, Mr. FLAKE.

The amendment would slash funding for an essential service to the American people, Am-

trak. Amtrak is the main provider of all intercity passenger rail service in the United States and it is a key component of the American economy.

Amtrak is a safe, energy efficient transportation alternative that moves thousands of people and tons of cargo every day. It also employs thousands of Americans across the country. What started as a proposal for a minimum of \$5 billion in funding has already been reduced to \$1.1 billion in the base bill. Further cuts are unacceptable; they would prevent the development of intercity passenger rail in communities such as the Quad Cities in my home state of Illinois. We are fighting to re-establish the Quad Cities to Chicago route which would help commuters with their work-day travel and make the Quad Cities more desirable for new businesses and economic development. Additionally, the Quad Cities is the only community of its size in the entire country that does not have a four-year institution of higher education. Amtrak service would expedite plans already underway to establish the tech and engineering branch of Western Illinois University in Moline, which is why I offered an amendment to add \$500 million for capital assistance for intercity passenger rail service.

In addition to the benefits Amtrak provides my own community, it also impacts the entire nation. For every \$1 billion invested in transportation infrastructure, over 40,000 jobs are created and \$6.2 billion in economic activity is generated. Federal funding for Amtrak and passenger rail would boost the economy and create jobs all across America.

It is time to invest in America's future. I urge my colleagues to vote no on this amendment and to preserve the transportation and energy future of America's cities.

#### DEATH IN CUSTODY REPORTING ACT OF 2009

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H.R. 738 "Deaths in Custody Reporting Act of 2009."

The purpose of this bill is to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies. I urge my colleagues to support this legislation.

Each year a small number of people die suddenly while restrained. Most of these deaths are associated with individuals who were restrained while being taken into custody during a violent police encounter. Other cases of sudden restraint death involve individuals in detention or residential treatment programs who were restrained during violent encounters while also under the influence of psychiatric medications.

Madam Speaker, no one is certain how many restraint related sudden deaths occur each year. Identifying the exact cause of death is the biggest problem. The number of estimated deaths is in question but may range between 50 and 125 per year. Some estimates are higher. Sudden death after individuals were taken into police custody has been

reported for several decades; however this piece of legislation provides the first uniform national reporting for all deaths in law enforcement and correctional custody. H.R. 738 will now make it possible to ascertain the percentage of deaths by suicides and homicides, or from natural causes, which will result in a significant improvement in the oversight of prisoner treatment. With the detailed statistical data, policy makers, both state and federal, can make informed policy judgments about the treatment of prisoners leading to great success in lowering the prisoner death rate. In fact, since the focus on deaths in custody emerged in the mid-1980's, the latest BJS report, dated August 2005, shows a 64 percent decline in suicides and a 93 percent decline in the homicide rate.

Madam Speaker, between 2001 and 2004, state prison authorities nationwide reported a total of 12,129 state prisoner deaths to the Deaths in Custody Reporting Program (DCRP). Total number of deaths excludes 258 State prison executions during 2001–2004. Nearly 9 in 10 of these deaths (89 percent) were attributed to medical conditions. Less than 1 in 10 were the result of suicide (6 percent) and homicide (2 percent), while alcohol/drug intoxication and accidental injury accounted for another 1 percent each. A definitive cause could not be determined for 1 percent of these deaths.

The Deaths in Custody Reporting Act requires that states receiving federal funding report quarterly to the Attorney General, in methods prescribed by the Attorney General, the circumstances surrounding the death of any person in custody of a state prison or local jail, which includes any person in the process of arrest, en route to incarceration, incarceration in any state facility (municipal jail, county jail, prison, juvenile facility or any other State or local correctional facility).

In 1983, the State of Texas Legislature passed laws requiring the reporting of all custodial deaths in Texas. The data was to involve deaths that occur in the process of arrest, as well as those deaths that occurred while confined in a jail or any correctional facility. This information was reported to the State Attorney General's Office, and Prosecutor Assistance/Special Investigation Division. The reports were aimed to be vital pieces to investigations and for open records requests. The failure to report a death to the proper authorities would result in a misdemeanor offense.

Madam Speaker, this legislation provides for detailed statistical data, that allows for policy makers, both state and federal, to make informed policy judgments about the treatment of prisoners leading to great success in lowering the prisoner death rate. I urge my colleagues to support this bill.

HONORING ANDY M. BROCK

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Andy M. Brock a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of Amer-

ica, Troop 280, and in earning the most prestigious award of Eagle Scout.

Andy has been very active with his troop, participating in many scout activities. Over the many years Andy has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Andy M. Brock for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE SERVICE OF ROY  
G. SMITH, ARKANSAS STATE  
DIRECTOR FOR USDA RURAL DE-  
VELOPMENT

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. BOOZMAN. Madam Speaker, I rise today to honor Arkansas' USDA Rural Development Director, Roy G. Smith for his outstanding efforts to improve the quality of life for all rural Americans.

Roy has been a lifelong champion for rural communities; both as a farmer and as an advocate, joining the Farmers Home Administration, a predecessor to today's USDA Rural Development 40 years ago. Under his guidance countless Arkansans have benefitted from millions of dollars in projects to make their lives better.

We are blessed to have had Roy at helm for the past three and a half years and I am blessed to have him as a friend. I have enjoyed the Rural Development Tours where he showcased just some of the latest funded projects. I have been to many check presentations with Roy and I will remember his encouragement of getting civic leaders to sign the check "to get enough signatures to make the check float."

Roy has done a tremendous job of meeting the needs of rural Arkansans. His leadership will be missed but his influence will be felt for years to come.

THE INTRODUCTION OF THE  
AMERICAN RENEWABLE ENERGY  
ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MARKEY. Madam Speaker, today I am introducing the "American Renewable Energy Act" to create a national renewable electricity standard that will revitalize our economy by creating hundreds of thousands of green jobs, save consumers billions of dollars on their energy bills and reduce our Nation's global warming pollution by dramatically increasing our use of clean, renewable power. In the 110th Congress, the House repeatedly passed a national renewable electricity standard in overwhelming, bipartisan votes requiring that 15 percent of our electricity come from renewable energy sources like wind, solar and biomass and efficiency gains by 2020. The Amer-

ican Renewable Energy Act that I am introducing today would build upon that legislation and follows President Obama's goal that we generate 25 percent of our electricity from renewables by the year 2025.

Electric power generation is responsible for roughly 40 percent of U.S. carbon dioxide emissions—the most prevalent of the heat-trapping gases causing global warming. Right now, the combustion of fossil fuels like coal, oil, and natural gas currently produce more than 70 percent of U.S. electricity. However, the way that we generate electricity is already beginning to change dramatically.

In 2007, we installed 5,244 megawatts of new wind generation, which accounted for 35 percent of all new generation that came online, second only to natural gas. And in 2008, the United States installed more than 8,300 megawatts of new wind capacity—over 40 percent of all new generation that was brought online. That newly installed capacity in 2008 led to the creation of more than 35,000 jobs in the wind industry over the last year.

Much of that renewable generation is the result of states across the country that are putting policies in place to incentivize renewable generation. Already, 27 States and the District of Columbia have adopted renewable electricity standards at the State level. Adopting a national renewable electricity standard will further unleash our technological innovation and allow for the development of renewable resources all across the country.

Every region of the country has renewable resources waiting to be tapped. For instance, the Southeast is home to nearly a third of the biomass feedstock potential in the entire country. Special power plants can burn biomass exclusively and existing coal plants can co-fire biomass in their fuel stream without costly equipment upgrades, replacing 15 percent or more of fossil fuel needs with renewable fuel. Customer-sited solar photovoltaic cells would also earn triple credits under the legislation that I am introducing today, making the target much easier to achieve in places like Florida and Georgia where the solar photovoltaic resource is estimated to be 83–85 percent of the best solar resources in the world.

Adopting a national renewable electricity standard can reinvigorate our economy and our manufacturing sectors by creating an entire new cadre of green-collar jobs. Each wind turbine requires 220 to nearly 400 tons of steel to produce and workers to produce it. From the revamped Maytag plant that is now producing wind turbines in Iowa to the former Ohio manufacturing plant that President Obama visited on his way to Washington, alternative energy can revitalize our declining manufacturing centers all across our country. Adopting a 25 percent renewable electricity standard will create more than 350,000 green jobs by 2020—allowing the people who most need work to do the work that most needs to be done in order to address the climate crisis.

Moreover, adopting a renewable electricity standard will save consumers money by reducing their energy bills. Adopting a national standard of 25 percent will save consumers more than \$49 billion over the next decade in lower energy bills, while channeling more than \$70 billion in new investment into renewable technologies.

The American people overwhelming support a national renewable electricity standard. According to a December poll conducted by the

Washington Post and ABC News, 84 percent of Americans support requiring utilities to increase their use of wind, solar and other renewable sources of power.

President Obama understands the importance of increasing our use of renewable energy to unleash a clean energy revolution that will get our economy moving again. The States all across the country that have already put similar policies in place understand the need for action. The overwhelming majority of the American people understand it. Now it is time for the Congress to take action to unleash the clean energy revolution by adopting a national renewable electricity standard.

LILLY LEDBETTER FAIR PAY ACT  
OF 2009

SPEECH OF

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 27, 2009*

Ms. NORTON. Mr. Speaker, in my earlier remarks on the Lilly Ledbetter Fair Pay Act of 2009, I highlighted the first-rate work of AFSCME Council 26, affiliated with the American Federation of State, County & Municipal Employees (AFSCME), AFL-CIO, in a sex discrimination lawsuit brought by female custodians against the Architect of the Capitol, which is another way of saying the Congress of the United States of America. The women custodians were being paid one dollar less than their male co-workers. I referred to the female custodians' lawsuit in my remarks because without AFSCME's representation, this discrimination right here in Congress might never have been uncovered, just as Lilly Ledbetter did not discover the equal pay violations until after she retired.

The women's Equal Pay Act lawsuit was historic as well because it was the first class-action under the Congressional Accountability Act that holds Congress to the same employment laws as our constituents. The class was expertly represented by lawyers Barbara Kraft and Sarah Starrett. By getting the women class certified, AFSCME and its lawyers were able to exert maximum leverage and, therefore, negotiate a just settlement with the Architect of the Capitol. The case underscores the importance of undoing the Supreme Court's Ledbetter decision and restoring the long-standing interpretation of the Equal Pay Act. The Congress, the body representing the people, had been systematically and shamefully discriminating against its own workers.

I had been a strong supporter of these women since they first filed their lawsuit. As a former chair of the Equal Employment Opportunity Commission, who had responsibility for enforcing the Equal Pay Act, I felt at the time that it was my obligation to bring the female custodians' case to the attention of other Members, and I spoke on the floor about the case in March 2000. I joined AFSCME and the women at a press conference on Equal Pay Day on May 10, 2000, to push for equal pay for these women as well as all other women in the workforce. After the women settled with the government, I was delighted when I was invited to help hand-deliver their settlement checks.

The Ledbetter decision undermined the ability of unions like AFSCME to uncover and pro-

tect workers from discrimination, and I was proud to cite the work of AFSCME, Barbara Kraft, Sarah Starrett and the women custodians of the U.S. Congress as the best evidence of the need for the Lilly Ledbetter Fair Pay Act of 2009.

PERSONAL EXPLANATION

**HON. JOSEPH CROWLEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. CROWLEY. Madam Speaker, on February 3, 2009, I was absent for three rollcall votes. If I had been here, I would have voted: "Yes" on rollcall vote 47. "Yes" on rollcall vote 48. "Yes" on rollcall vote 49.

TRIBUTE TO TRINITY EPISCOPAL  
CHURCH

**HON. JOHN SHIMKUS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to an important community institution in Mt. Vernon, Illinois.

Trinity Episcopal Church this month celebrated its 100th anniversary. Since the first service was held at 1100 Harrison Street in Mt. Vernon on January 3, 1909, thousands of people have visited Trinity Episcopal to share a worship service with their neighbors. Generations of families in Mt. Vernon and Jefferson County have been welcomed into the congregation at Trinity Episcopal.

Today, Trinity Episcopal is an important part of the spiritual fabric of the community and also serves as a good neighbor to families in need throughout the area. Through a century of the congregation's generosity, many have found a helping hand, warm embrace, and comfort in times of despair.

I want to congratulate Father Gene Tucker of Trinity Episcopal, all members of the congregation, and the extended Trinity Episcopal family on 100 years of service and thank them for the important role they play in our community.

HONORING THOMAS LEE KNOPP

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Thomas Lee Knopp of Platte City, Missouri. Thomas is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Thomas has been very active with his troop, participating in many scout activities. Over the many years Thomas has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Thomas Lee Knopp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO MS. MYRA MORGAN

**HON. GEOFF DAVIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. DAVIS of Kentucky. Madam Speaker, I rise today to congratulate one of my constituents, Ms. Myra Morgan of Sparta, Kentucky. On December 9, 2008, Ms. Morgan was awarded the Milken Family Foundation National Educator Award for excellence in education.

Ms. Morgan was notified of her win by Former Kentucky Commissioner of Education Jon Draud, who made the announcement during a surprise assembly at Gallatin County Lower Elementary School. Ms. Morgan has been a teacher at the elementary school for twelve years and is currently the department chair and team leader for the school's kindergarten team. She was one of eighty national winners of the 2009 Milken Educator Award and the only winner from Kentucky.

In May, Ms. Morgan will attend the Milken Family Foundation National Education Conference in California, where she will receive a \$25,000 reward. The Milken Family Foundation was established in 1985, and the first awards were given in 1987. Since 1993, forty-nine Kentuckians have won the award.

Ms. Morgan has inspired countless children, and has been an exceptional leader in the communities of Gallatin County. We are all extremely proud that Ms. Morgan has received the recognition she deserves.

Madam Speaker, I ask you to join me in commending Ms. Myra Morgan for her outstanding service to Kentucky's youth.

TRIBUTE TO MARTHA FLORES

**HON. MARIO DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today to acknowledge the work and accomplishments of a distinguished radio journalist and community activist, Martha Flores. Mrs. Flores fled Cuba 50 years ago, on January 17, 1959, and immediately started advocating for her country's freedom as a member of the first anti-Castro organization in exile "La Rosa Blanca". She has since lived and worked in Miami, Florida and is also celebrating her 50th anniversary in journalism.

Mrs. Flores began her radio career as the host of a program on WMIE, the only station at the time that broadcast some programs in Spanish. Throughout the years, she has hosted radio shows on La Fabulosa, Ocean Radio, and WRHC Cadena Azul and for the past 18 years, has produced and hosted a nightly Spanish radio program, "La Noche y Usted" on WAQI Radio Mambi.

Mrs. Flores embodies the American dream and is testament of what can be accomplished

through hard work and dedication. She worked several jobs at once and broke through language and culture barriers to become one of the most listened to radio personalities in Miami. She continues to be an advocate for the cause of a free Cuba. She is also dedicated to working on behalf of the community's children and elderly and is active in animal rights issues. Mrs. Flores has done all of this and much more while also being a loving mother to her son Jose Acosta and wife to her husband Rosendo Soriano.

I recognize my friend Martha Flores for her legacy of hard work, professionalism and service to our community and ask that you join me in expressing our sincere congratulations as she celebrates these important 50 years.

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#### CAMPUS SAFETY ACT OF 2009

SPEECH OF

#### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 748, the "Center to Advance, Monitor, and Preserve University Security Safety Act of 2009" or "CAMPUS". I would like to thank my colleague Congressman BOBBY SCOTT for introducing this important legislation, as well as the Chairman of the Committee on the Judiciary, Congressman JOHN CONYERS. I urge my colleagues to support this legislation.

Importantly, H.R. 748 would establish a national center for campus public safety and employ a collaborative effort with local state and federal officials to fight violence on university campuses. This center would train agencies to better deal with emergency situations that occur on university campuses, helping to eliminate unpreparedness at the universities.

The future of our country sits in our classrooms everyday along with those that train them. It is our job as members of Congress to ensure that these future leaders and all those involved in molding them will be taught in a classroom or lecture hall.

H.R. 748 is a bill that takes a great step in ensuring that the potential that is harbored in our classrooms everyday is protected. The events that occurred at Virginia Tech and Northern Illinois University are disastrous examples of why we need more concentrated protection efforts implemented by the Federal government. The Virginia Tech shooting resulted in the slaying of over 30 members of the Virginia Tech family and many others were wounded. The shooting that occurred on the campus of Northern Illinois University on February 14, 2008 also killed and injured several individuals on the campus. Unfortunately, because these events were the first of their kind for the schools, they were not fully knowledgeable on how to respond. In my home state of Texas, the University of Texas at Austin in 1966 was struck by fear when a sniper from atop the university's bell tower struck and killed 16 people and wounded 31. The large gap in time between these events shows the length of inaction by the Congress in establishing a national center to protect the young minds in our Universities.

With the creation of a National Center for Protection of facilities of higher education, our

country can finally begin to use the knowledge gained by officials in all states in conjunction with the Attorney General, the Secretary of Homeland Security, and the Secretary of Education in a collaborative effort to reduce violence in all higher education facilities across the country.

The CAMPUS Safety Act will create a National Center of Campus Public Safety, which will be administered through the Department of Justice. The Center will train campus public safety agencies, encourage research to strengthen college safety and security, and serve as a clearinghouse for the dissemination of relevant campus public safety information. By having this information, institutions of higher education will be able to easily obtain the best information available on ways to keep campuses safe and secure and how to respond in the event of a campus emergency.

The events that have taken place on the campuses of Virginia Tech, Northern Illinois, and Texas Universities shows that campus violence is not regional nor is it specific to one state and we should not be either of these things when fighting against it. That is why we must act as the front line in that battle against campus violence by passing this legislation and developing a National Center for Campus Public Safety. I urge my colleagues to support this legislation.

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#### CONGRATULATING THE EFFORTS OF U.S. ATTORNEY ROBERT C. BALFE III

#### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. BOOZMAN. Madam Speaker, I rise today to honor U.S. Attorney Robert C. Balfe III for his commitment and service to the citizens of this country.

Bob has done a tremendous job at the helm of the Western District of Arkansas, working to bring justice to criminals and initiating programs to make our streets safer.

One of Bob's top priorities has been targeting crimes against children. Indictments of child sexual predators increased by 800% in the Western District of Arkansas in part due to the creation of Project Safe Childhood Task Force which is dedicated to the identification and apprehension of online child sexual predators.

The list of Bob's accomplishments is lengthy, from the successful implementation of an Immigration Crimes Task Force to a Financial Crimes Task Force and an anti-gang initiative. You don't have to look far to see how the citizens of the Western District of Arkansas have benefited from Bob's leadership and vision.

I thank him for a job well done and I thank his wife Jennifer and his young sons, Ryan and Luke for the sacrifices they have made to allow Bob to serve the people of Arkansas.

#### HONORING JOHNATHON SCOTT KNOPP

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Johnathon Scott Knopp of Platte City, Missouri. Johnathon is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Johnathon has been very active with his troop, participating in many scout activities. Over the many years Johnathon has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Johnathon Scott Knopp for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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#### KIDS AND KUBS LOSE PAUL GOOD, THEIR FRIEND AND LEADER

#### HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. YOUNG of Florida. Madam Speaker, with the beginning of February, Florida prepares for Major League Baseball's spring training practices and games. For Kids and Kubs, St. Petersburg, Florida's Three-Quarter Century Softball League, the season is already halfway over.

This year though, the Kids and Kubs take the field without their President and inspirational leader. Paul B. Good died November 16th at the age of 98. He was the longest-serving President in the club's history.

For those who have never seen a Kids and Kubs game, this is no exhibition game. These are players 75-years-old and up who play competitive softball and they play to win.

Paul Good joined the league when he turned 75 and played through the past three decades. A smile and fierce competitive spirit were just as much a part of his uniform as his red, white and blue cap and his crisp white shirt and pants.

Following my remarks, I will include for the benefit of my colleagues an article by Ron Matus of The St. Petersburg Times about Paul Good entitled "Age Never Slowed This Athlete." It is a fitting tribute to this man who was more than a ball player. He was the best friend of his son Jerry who delighted in their trips together up until their last months.

Madam Speaker, St. Petersburg lost a legend when we lost Paul Good last November. But Paul would be the first to tell his teammates to play on in his absence and that is what they do from November through April at North Shore Park. Join me in tipping a ball cap to Paul as we thank him for his service to the Kids and Kubs, the pride with which he took to the ball field, for his friendship with his teammates, and for his devotion to his family, his son, his four grandchildren, and his three great grandchildren.

[From the St. Petersburg Times, Nov. 22, 2008]

AGE NEVER SLOWED THIS ATHLETE, LOVE FOR SENIOR SOFTBALL AND KUBS AND KUBS WAS INTENSE

(By Ron Matus)

When he was 85, Paul B. Good told his son: Let's go see the Rockies.

His son was secretly petrified. Mr. Good had had a pacemaker for 20 years.

"So I run off and take a CPR course," said the son, Jerry Good, now 68. "I figure we're going to be out in the boonies and I'm going to have problems."

But, no problems. Only a grand time. And what a son thought might be a last hurrah with Dad turned out to be the first of 10 annual adventures.

In St. Petersburg, Mr. Good was a driving force behind Kids and Kubs, the Harlem Globetrotters of senior softball. He was the longest-serving president in club history. And he may be best remembered for taking his aging, ageless team to Midwestern locales where visions of Florida still include old coots on ballfields, swinging for the fences.

To hear Jerry Good tell it, Mr. Good hit a home run as a father, too.

"We were terrific friends," Jerry Good said.

Mr. Good died Nov. 16. He was 98.

Stocky and strong, Mr. Good was a talented athlete. He played semipro basketball before becoming a stockbroker, and until joining Kids and Kubs at age 75 was still shooting his age in golf.

His reflexes were cat-quick, honed by years of tapping out Morse code in the brokerage business. A few years ago, four generations of Goods tested themselves with a gizmo that measured reaction time. Great-Grandpa, in his mid 90s, still proved the fastest.

Off the field, Mr. Good was easygoing, said Kids and Kubs vice president Clarence Faucett. But when he stepped between the white lines, "it was a different ball game." One photo shows a man in his 80s, bat on shoulder, staring toward the pitcher's mound. The caption says, "Throw the damn ball!"

Mr. Good the softball guy was so intense, he recruited players for tournament games.

Mr. Good the father was best man at his son's wedding. The pair played golf together for years. Their road trips took them to Utah, New Mexico, the Smokies in Tennessee.

Mr. Good's own father worked him hard clearing land in New Port Richey. They didn't talk much, didn't play much. Mr. Good told his son, "I was going to be different for you."

As a kid, Jerry Good recalled, he and Dad played catch every day. As soon as Mr. Good got home from work, they would get the mitts and hit the yard.

Dad never said, "I'm too tired."

HONORING THE LIFE AND TALENTS OF MR. ANDREW N. WYETH

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SESTAK. Madam Speaker, I rise to foremost honor the memory of an exceptional individual, Mr. Andrew N. Wyeth, America's most famous artist. Mr. Wyeth was truly the "Painter of the People."

Andrew Newell Wyeth was born on July 12, 1917 in the Chadds Ford, PA home of his par-

ents, world-renowned illustrator, N.C. Wyeth and his wife, Carolyn Bockius Wyeth. He died 91 years later in his home barely a mile away. Theirs was a creative family with roots that can trace back to Nicholas Wyeth who emigrated from England to Cambridge, Massachusetts. Sisters Henriette Wyeth Hurd and Carolyn Wyeth were also painters; sister Ann Wyeth McCoy became a composer; and brother Nathaniel was an engineer with numerous patents credited to him. Wyeth's own sons, Jamie and Nicholas, are a very well known artist and art dealer respectively.

Mr. Wyeth produced a wealth of poignant and iconic paintings in a style and personality that spoke to the imagination and emotions of their viewers. Deeply personal in subject, his art focused on the landscapes and people of his rural surroundings that meant the most to him shedding light on the small communities in which he lived. He spent his lifetime walking and exploring the rural roads and fields of Chadds Ford, PA and the coastlines of Cushings, Maine. He painted these images repeatedly, each time expressing both his love of nature and his awe of its power.

Mr. Wyeth continued to paint up until the months preceding his death. Though he preferred solitude in the countryside, Mr. Wyeth was honored numerous times throughout his life—both nationally and internationally. He was the first painter to ever receive the Presidential Medal of Freedom in 1963 and in 1970, the first living artist to have an exhibition at the White House. In 1977, he was the second American artist ever elected to the French, Académie des Beaux-Arts and became the first living American artist elected to Britain's Royal Academy in 1980. On November 9, 1988, Wyeth received the Congressional Gold Medal, the highest civilian honor bestowed by the United States legislature. Most recently, he was presented with the National Medal of Arts in 2007.

Admirers were drawn to his iconic works created with extraordinary perception, not just for their obvious beauty but also because they contained strong emotional currents and symbolic subjects coupled with an underlying abstraction. A 2006 retrospective of his works that ran for almost 16 weeks at the Philadelphia Museum of Art drew the highest-ever attendance at the museum for a living artist. Though we never met, I am thankful to Mr. Wyeth for sharing his deeply personal works with us and for highlighting a beautiful town in the 7th Congressional District. I am certain that his legacy will be preserved as one of America's most prolific artists through a timeless collection which will always evoke a sense of nostalgia for and connection with our common past.

Madam Speaker, I ask that this chamber pause to remember Andrew N. Wyeth, and to thank his wife, Betsy, and sons, Jamie and Nicholas, for sharing their father and his extraordinary talent with us.

A PROCLAMATION HONORING EAGLE SCOUT JAMES N. MAGRO FOR BEING NAMED THE FIRST DISTINGUISHED EAGLE SCOUT FROM THE UPPER OHIO VALLEY ON DECEMBER 4, 2008

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SPACE. Madam Speaker:

Whereas, the Distinguished Eagle Award is one of the highest and most respected in Scouting; and

Whereas, previous recipients include President Gerald Ford and Secretary of Defense Robert Gates; and

Whereas, Mr. Magro was recognized for his professional accomplishments with Consol Energy as well as his community service with a number of organizations; and

Whereas, Mr. Magro surely exemplifies the Scout oath of doing one's best in every aspect of his daily life; now, therefore, be it

*Resolved*, that along with his friends, family, the Boy Scouts of America and the residents of the 18th Congressional District, I congratulate Jim Magro on being awarded the Distinguished Eagle Award. We recognize the tremendous resource he has been for the Scouts of St. Clairsville and commend the example he has provided for generations of Scouts to come.

REGION X

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. REICHERT. Madam Speaker, I rise today in recognition of five outstanding individuals who served the citizens of Region X, encompassing the states of Alaska, Washington, Oregon and Idaho. These individuals served with the true "heart of a servant" at the Federal agencies to which they were appointed. Each of them served the people of the greater Northwest admirably and leave a superb legacy of service.

The citizens of Region X were represented at the Department of Labor, DOL, by W. Walter Liang, the Department of Education, DOE, by Donna Foxley, the Department of Health and Human Services, HHS, by James Whitfield, the United States Department of Agriculture for Rural Development, USDA—RD, by Jon DeVaney, and the Department of Housing and Urban Development, HUD, by John Meyers.

Mr. Liang has spent his entire career serving the American people. Prior to being named the Region X representative at DOL, Mr. Liang served as a congressional appointee, a gubernatorial appointee in California and a Presidential appointee at the Small Business Administration. Liang, who served in Vietnam with the U.S. Army, has received various awards for his work in public service and community involvement throughout his wonderful career. Mr. Liang's counterpart at the DOE, Ms. Foxley, joined the Department in April of 2002 immediately helping to implement the No Child Left Behind Act. Ms. Foxley, a native of

Washington State, taught physically and mentally challenged adults at the Christian Day Camp prior to joining the Department and also served as the civilian advisor for the Washington State Patrol's Explorer Program.

Mr. Whitfield was appointed as HHS Region X representative in July of 2005 and focused much of his time on Medicare prescription drug coverage, information technology issues and health disparities within the American Indian and Alaskan Native communities. Previously, he was the senior officer for community relations for the Washington Health Foundation in Seattle, a nonprofit dedicated to improving the health of Washington communities. Additionally, Mr. Whitfield is the President of CityClub—an organization committed to civil engagement and non-partisan civil discourse.

Mr. DeVaney joined USDA–RD as the director in Washington State in 2005. Mr. DeVaney was responsible for providing assistance and delivering over 40 loan and grant programs supporting the development of public utilities and infrastructure, affordable housing and job creation in rural areas. Before joining USDA, Mr. DeVaney served as an aide to my colleague from Washington, Congressman DOC HASTINGS and was also a Director of Legislative and Regulatory Affairs for the Northwest Horticultural Council.

Mr. Meyers joined HUD as the Region X Director in 2001 after a prolific career in State and Federal government and politics at all levels. He served during the Reagan administration at HUD, served as the executive director of both the California and Washington State Republican parties and worked alongside my predecessor, former Congresswoman Jennifer Dunn.

As the five dedicated individuals mentioned above transition out of the leadership positions they held at their respective federal agencies, I wish them all the best and offer one final 'thank you' for their exemplary service.

#### HONORING THE SERVICE OF POPE COUNTY SHERIFF JAY WINTERS

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. BOOZMAN. Madam Speaker, today I rise to honor the Pope County, Arkansas Sheriff Jay Winters for his dedication, commitment and selflessness he has shown on the job and in the community.

Sheriff Winters has served his community admirably, first for the U.S. Army then as a officer for the Russellville Police Department, then as the Deputy Sheriff of Pope County and for the last 18 years, as Sheriff.

His influence is felt throughout the community, volunteering with the Russellville Chamber of Commerce, Kiwanis Club, the Arkansas River Valley Boys and Girls Club and as an active member of the First Assembly of God Church in Russellville where he serves as a Deacon and a Sunday School teacher.

I have had the privilege to work with Jay on many different projects, most recently in an effort to help with recovery efforts from a tornado in Atkins.

Now after more than two and a half decades in law enforcement Jay is retiring. He'll

be able to spend his time focusing on his family, his wife Sheena, daughter Amber Morgan and her husband Ryan, son J.J. and the light of his eye, his granddaughter Kyleigh.

I appreciate his friendship and example. I am honored to have had the opportunity to have worked with such a great man, and thank him for his service.

#### INTRODUCTION OF THE 9/11 HEALTH AND COMPENSATION ACT OF 2009

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mrs. MALONEY. Madam Speaker, today, I am pleased to introduce the "James Zadroga 9/11 Health and Compensation Act of 2009," along with my good friends Mr. NADLER, Mr. KING of New York, Mr. MCMAHON and others who have worked so tirelessly in this effort. This legislation would provide medical care and compensation for those who are sick with World Trade Center (WTC) illnesses, including first responders who came to New York from every state and nearly all Congressional districts in the nation.

Specifically, the bill would establish a federal health and compensation program for WTC responders and community members. Building on the existing programs at WTC Centers of Excellence, the program would provide ongoing medical care for WTC-related health conditions to approximately 15,000 additional WTC responders and 15,000 additional WTC community members, for a total of 55,000 responders and 17,500 community members.

The bill would also reopen the Victim Compensation Fund (VCF) to provide compensation for those sickened by 9/11 exposure and to address the over 10,000 pending lawsuits brought by sick 9/11 responders. Additionally it would limit the liability in litigation for New York City and the WTC contractors to the amounts available under the Captive Insurance Fund and their existing liability limits and insurance.

Finally, the legislation would require a matching contribution from the City of New York for the health program.

More than seven years after the 2001 attacks on the World Trade Center, we must not forget the heroes who served the nation in our time of need. I encourage my colleagues to join me in support of the James Zadroga 9/11 Health and Compensation Act.

#### TRIBUTE TO CATHERINE OLSON

### HON. JAMES A. HIMES

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. HIMES. Madam Speaker, I rise today to honor the musical accomplishments of Catherine Olson, an eighth-grade student at the Christian Heritage School in Trumbull, Connecticut.

Each academic year, the National Music Certificate Program awards State Achievement Certificates to students with exemplary per-

formance records for music. Of this year's 100,000 participants, only 700 students earned this recognition.

Catherine Olson has been named a recipient of this award for the 2007–2008 academic year and will be playing at Carnegie Hall on February 8, 2009.

I applaud Catherine's efforts. Her accomplishments are a fine example to the young people of our nation to continue in their effort and determination to achieve success in their field. I wish her good luck in her performance on February 8th and congratulate her on her impressive achievements thus far.

#### HONORING H. THOMAS KORNEGAY FOR HIS SERVICE TO THE PORT OF HOUSTON AUTHORITY

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GENE GREEN of Texas. Madam Speaker, H. Thomas Kornegay's influence will be forever respected and admired as he retires as executive director from the Port of Houston Authority (PHA) after 37-years of service.

The Port of Houston is made up of the PHA and the numerous private industrial facilities that line the Houston Ship Channel. The Port ranks first in the U.S. in foreign waterborne tonnage and second in overall total tonnage. Along with the Houston Ship Channel, the PHA aids with navigational safety which has been influential in making Houston a center for international trade, moving over 200 million tons of cargo in 2006.

Kornegay played an essential role in developing both the Barbours Cut Terminal as well as the Bayport Terminal, each accredited in setting the path for continued economic development within the Houston-Metropolitan region. Along with the development of the two container terminals, Kornegay participated heavily in completing the deepening and widening of the Houston Ship Channel, a \$700 million project which benefited Houston and Texas' overall economy and environment. In the aftermath of Hurricane Ike, Kornegay also managed the PHA's operational recovery with minimal repercussions to PHA's assets. As a result of Kornegay's guidance, the PHA posted a ninth consecutive year of growth, a record year in the handling of cargo and containers, and all-time records in importing and exporting steel.

Kornegay's leadership roles have been astounding, including serving as chairman of the board of the American Association of Port Authorities and chairman of the U.S. Delegation of AAPA, an organization that represents more than 140 public port authorities in North America, Latin America, Canada, and the Caribbean. Kornegay was also president of the International Association of Ports and Harbors from 2005–2007, which has affiliated ports that handle more than 60 percent of the world's seaborne trade in metric tons.

Kornegay has been named "Maritime Person of the Year" by the Greater Houston Port Bureau, as well as "Engineer of the Year" by local Houston engineers. Kornegay has also received the Russell H. Pery Award by the Texas Department of Transportation.

H. Thomas Kornegay was first selected as PHA's executive director in April 1992 after working with the Port Authority staff since April 1972. Kornegay will retire after 17 years from his position as PHA's executive director, but his contributions will forever impact the success of the Port of Houston.

HONORING THE LIFE OF  
FLETCHER L. GIBSON

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. HASTINGS of Florida. Madam Speaker, I rise today to honor the life of Fletcher L. Gibson. Mr. Gibson was born on May 1, 1942 in Marianna, Florida. In 1973, he married his perfect companion, Alonzetta. Over the next 35 years, their great love produced two sons, Brandon and Jason. Together, they established a reputation for honoring God and the power of knowledge. They exemplified the value of caring and giving back to the community.

Fletcher graduated Florida A&M University in 1963 with a Bachelor's degree in pharmacy. As a pharmacist, he was committed to providing superior service, a kind word, and a warm smile to each of his customers. They were as much his friends as anybody else who he was close with. Throughout his career he served as a mentor for young pharmacy students by providing them internships and clinical training.

Fletcher Gibson was a man of great faith and excellent character, a person known for his many good works and his love for family and friends. He always displayed a selfless compassion and a desire to help those around him. An extraordinary man of few words, Fletcher taught lessons of love, giving, and kindness by the example he set and the life he lived. He was a very good friend to me and countless other people. Fletcher Gibson was loved by all who knew him and he will be dearly missed.

NATIONAL BOMBING PREVENTION  
ACT OF 2009

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 549, the National Bombing Prevention Act, introduced by my distinguished colleague from New York, Representative KING. This important legislation establishes the Office of Bombing Prevention within the Protective Security Coordination Division of the Office of Infrastructure Protection of the Department.

This legislation is a bi-partisan bill, whose lead sponsor is the Ranking Member of the Committee on Homeland Security, Representative KING and is also cosponsored by Chairman THOMPSON. The function of the Office of Bombing Prevention already exists in the Department, and this bill establishes it in statute. The Office is responsible for coordinating the

Government efforts to deter, detect, prevent, protect against, and respond to terrorist explosive attacks in the United States. As we all know, the most likely terrorist threat to our nation's critical infrastructure and transportation modes is from explosives. Moreover, although our nation's security experts have been working assiduously on preventing large-scale terror attacks since the terror attacks that hurt our nation, we must also be vigilant when it comes to improvised and smaller attacks.

Mr. Speaker, we need to ensure that the Office of Bombing Prevention has the protection of being established by the force of law, so the Department can more readily meet the threats to our nation. This legislation requires the Secretary to develop and periodically update a national strategy to prevent and prepare for terrorist explosive attacks in the United States which is due 90 days after the date of enactment. The Secretary is further required to report to Congress regarding the national strategy. This strategy is also called for by Homeland Security Presidential Directive—19, Combating Terrorist Use of Explosives in the United States, issued by President Bush in February of 2007. This legislation also authorizes the Office to support technology transfer efforts as well as research into explosives detection and mitigation.

I did, however, have one reservation with regards to this legislation, regarding canine procurement, which is why I introduced an amendment, which was addressed by the bill in Sections 4 and 5. Dogs are used to detect illicit and illegal substances every day. They are used to: detect illegal narcotics; find money that is being smuggled out of the country; and locate explosives that may be concealed in cargo, within vehicles, on aircraft, in luggage and on passengers.

There is no doubt that every day, the actions of these dogs and their handlers significantly contribute toward deterring threats and protecting our nation from terrorists. While the contributions of our canine forces are priceless, they are not without cost. We must place a price on what we are willing to pay for untrained dogs.

The Department of Homeland Security's Inspector General has found that from April 2006 through June 2007, Customs and Border Protection spent \$1.46 million on purchasing 322 untrained dogs—that is about \$4500 per dog. Most of these dogs are purchased in Europe and brought to America. These are not fully trained animals. They are puppies that will be trained to provide valuable service. I think most people would find \$4500 for an untrained dog an exorbitant amount.

However, I cannot deem this amount out of bounds because the Department of Defense pays \$3500 for each untrained dog. The Secret Service pays an average of \$4500 for each untrained dog. Therefore, the price paid by CBP is within the acceptable range of current practice. However, I think that if we are to be good stewards of the American tax dollar, we must change the current practice. When one considers that domestic breeders offer the same kinds of dogs for \$500–\$2000, we cannot justify what I can only call a puppy tariff.

I am proud to support this legislation, which bring our great nation closer to its goal of securing the homeland, and I encourage my colleagues to support this important legislation.

HONORING BENJAMIN WARREN  
BRESLOW

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Warren Breslow of Platte City, Missouri. Benjamin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many scout activities. Over the many years Benjamin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Benjamin Warren Breslow for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE PERFORMANCE RIGHTS ACT OF 2009

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. CONYERS. Madam Speaker, today I join my colleagues in both the House and the Senate in introducing the Performance Rights Act of 2009, legislation that takes a first step at ensuring that all radio platforms are treated in a similar manner and that those who perform music are paid for their work. I am joined by Representatives ISSA, BERMAN, BLACKBURN, PETERSON (MN), HODES, WEINER, WASSERMAN SCHULTZ, COHEN, NADLER, SHERMAN, WEXLER, JOHNSON (GA), SCHIFF, SHADEGG, JACKSON-LEE, LINDA SÁNCHEZ, HARMAN and WAXMAN.

This narrowly tailored bill amends a glaring inequity in America's copyright law—the provision in Section 114 that exempts over-the-air broadcasters from paying those who perform the music that we listen to on AM and FM radio. The purpose of the bill is to take a necessary step towards platform parity so that any service that plays music pays those who create and own the recordings—just as satellite, cable and internet radio stations currently do.

Fairness mandates that all those in the creative chain—from the artist, musicians and others who bring the recording to life—get compensated for the way they enrich our lives. The U.S. is the only developed country in the world that does not require privately owned over-the-air radio stations to compensate the performers who create the music that broadcasters use to attract the audiences that generate their ad revenues. Because of music, radio is able to profit, and so refusing to compensate those who create the music is unfair and ultimately harmful to everyone—including the broadcasters. Furthermore, the law requires all other platforms in the U.S. (including satellite and Internet radio) to compensate the copyright owner, so broadcast radio should not receive a free pass.

This legislation's narrow scope addresses some of the concerns that have been raised about the bill. First, it repeals the current broadcaster exemption—but it does NOT apply to bars, restaurants and other venues, and it does not expand copyright protection in any other way. Second, it provides an accommodation of protection for small and non-commercial broadcasters by setting a low flat annual fee with no negotiation, litigation or arbitration expenses. As a result, nearly 77 percent of existing broadcasting stations in this country—including college stations and public broadcasters—will pay only a nominal flat fee, rather than having to pay a percentage of their revenues as royalties. Third, the bill does NOT harm or adversely affect the revenues rightfully paid to songwriters and other existing copyright owners. It simply extends copyright protection to artists, musicians and the sound recording labels.

This bill is a starting point, not a final product, and I plan to continue to work with interested parties to ensure that the bill is fair to everyone. I promise to continue working on issues affecting the songwriters, public radio, webcasters, and others who will be critical to the process of moving this bill forward. And as always, I hope the broadcasters will decide to engage on this issue so that we can end up with a mutually agreeable final product.

I hope that with introduction of a companion bill in the Senate, Congress will act quickly to level the playing field between technologies and ensure rightful compensation to performers.

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#### DENOUNCING ANTI-SEMITISM IN TURKEY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. PALLONE. Madam Speaker, for many years, Turkey and Israel have shared a strong relationship diplomatically, militarily, and culturally. This affiliation has been showcased as an example that a secular, western leaning Muslim country can be an ally to Israel.

While many in the West have placed Turkey on a do-no wrong pedestal despite years of discriminating against the country's ethnic Christians, this past January revealed growing anti-Semitism in Turkey from top officials to protesters in the streets.

Israel's Gaza offensive was launched in response to the hundreds of rockets that the terrorist organization Hamas fired at Israel's cities over the past year. Instead of defending Israel's actions of self defense, Turkey chose not to stand by their ally.

What came next was a wave of anti-Semitism that swept across Turkey. Propaganda posters were plastered and graffiti sprayed on Istanbul's walls calling for death to Israel. Even Jewish owned shops in Turkey have been targeted. These actions against the Jewish people cannot be minimized, and the West cannot stand for it.

On January 4th, thousands of protesters gathered in Istanbul's streets chanting, "Death to Israel, we are all Palestinians." One day later, Turkish Prime Minister Recep Tayyip Erdogan said in regards to Israel's actions in Gaza, "Allah will sooner or later punish those who transgress the rights of innocents."

The events that transpired during last week's Davos World Economic Forum further distanced Turkey from Israel. While Israeli President Shimon Peres spoke frankly about his nation's "aim for peace, not war," Prime Minister Erdogan refuted President Peres' comments and chided the audience for applauding his remarks. After being cut short by the moderator, the Prime Minister walked off the stage.

As protesters hurl eggs outside the Israeli Consulate in Istanbul, Prime Minister Erdogan is on record questioning if it is appropriate for Israel to have a U.N. seat. Erdogan has also steered his diplomatic team to meet with Iran, Syria, and Sudan to discuss ending the conflict in Gaza, while Jordan, Egypt, and Saudi Arabia were gathering in Kuwait. Instead of discussing the issue with other moderate Muslim nations, Turkish leaders chose to meet with hardliner Iran and the Genocide wielding Sudanese government.

I am deeply concerned by this shift away from the West and the out right anti-Semitism that is rippling through Turkey's streets. For a nation that prides itself on its friendship with the Jews, these actions are a step backwards and have the potential to harm ties between the two nations, and harm Turkey's relationship with the West.

All of these moves from Ankara may just be pandering to the nationalistic, anti-Israel, anti-minority voters of Turkey, but regardless of Prime Minister Erdogan intentions, the results are dangerous and engender hate. What's more is that they move Turkey away from its secular, moderate stance as a bridge between the West and other Muslim nations.

For years I have asked that Turkey end its constant discrimination against Christian minorities, specifically Armenians and Greeks. Now with anti-Semitism spreading through the country, I call on Turkey's leadership to take concrete steps towards ending this destructive intolerance against minorities. Only these efforts will help to reestablish normal ties with Israel.

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#### TRIBUTE ON THE OCCASION OF MAJOR GERALD THOMAS' RETIREMENT FROM THE UNITED STATES MARINE CORPS

**HON. KENDRICK B. MEEK**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MEEK of Florida. Madam Speaker, today I recognize and pay tribute to MAJ Gerald A. Thomas, U.S. Marine Corps, on the occasion of his retirement from active duty. Major Thomas has served our great Nation for more than 21 years, earning many decorations, among them the Bronze Star with Combat "V", I, and many other members of this chamber, have had the pleasure of working with him over the past 3 years that he has served as part of Headquarters U.S. Marine Corps Office of Legislative Affairs and as the Deputy Director of the U.S.M.C. Liaison Office in the U.S. House of Representatives.

Major Thomas distinguished himself through exceptional meritorious service while serving as the Deputy Director. Every day he served in direct support of not only the Marine Corps Office of Legislative Affairs but in direct sup-

port of every member of Congress, every Marine and every American. His keen abilities in organization, interpersonal relationships, and communication were extremely critical to the successful accomplishment of the Marine Corps Office of Legislative Affairs' mission. His achievements and ability to get the job done have been understated but always effective and noteworthy. While serving in the Liaison office, Major Thomas was able to develop and execute legislative strategy for the United States Marine Corps that was instrumental in creating a fiscal and policy landscape conducive to training and equipping the Nation's most elite fighting force, ensuring their success on the battlefield. He routinely turned broad guidance into action which energized the Office of Legislative Affairs and members of Congress alike. His actions allowed the Marine Corps to engage members of Congress and their staffs, directly facilitating the increased emphasis on improving Congressional relationships—a cornerstone of CMC's strategic vision.

The Marine Corps House of Representatives Liaison Office that Major Thomas leaves behind is functional and responsive, highly integrated, and favors a proactive legislative strategy. While leading the House Liaison Office through the extraordinary challenges associated with Operation Enduring Freedom, Operation Iraqi Freedom and the ongoing Global War on Terror, he concurrently ensured that a myriad of daily Congressional communications, taskings and events were executed flawlessly. The leadership and direction that Major Thomas provided was instrumental to the Marine Corps' tremendous success during a period of extraordinarily high operational tempo and unprecedented Congressional interest in Marine Corps activities. During Major Thomas' two years as the Deputy Director, he accomplished the full spectrum of the Marine Corps' legislative mission.

Members and staffers alike respected and trusted Major Thomas' straightforward and dependable assistance. He exemplified the candor and knowledge that we have come to expect from the Marine Corps and he played a key role in maintaining superb relationships between the Marine Corps and the House of Representatives.

Throughout his tour, Major Thomas effectively responded to several thousand congressional inquiries, many of which gained national level attention. He demonstrated a unique ability to translate the language of the House of Representatives to the language of the Marine Corps and vice versa, enabling him to provide us with a clear sense of what the Marine Corps could accomplish. Because of the Major, Members of Congress were able to establish lasting professional relationships with senior members of the Marine Corps that didn't exist prior to his arrival. During his time on Capitol Hill, Major Thomas successfully planned, coordinated and escorted over 50 international and domestic Congressional and Staff Delegations. His detailed coordination with foreign government officials, U.S. State Department, and senior military officials ensured that each delegation was conducted professionally. His attention to detail and anticipation of requirements allowed Representatives to focus on fact-finding and gleaning new insights that informed critical decisions to support the people of the United States. With more than 15 delegations to Central Command Major Thomas assisted in educating

Members of Congress on the successes and challenges facing our service men and women that could only be gained from first-hand observation and face-to-face interaction. Due to his professionalism, dedication and keen knowledge, Major Thomas became the most sought after military escort for delegations traveling into Central Command. The time he has spent supporting Members of the House has been truly noteworthy. He has made lasting contributions to the House of Representatives.

Major Thomas has also made a lasting contribution in the sustainment of today's readiness and the shape of tomorrow's Marine Corps. Maj Thomas' distinguished service has left a mark of true excellence that will last long after he has departed the Office of Legislative Affairs. The Marine Corps will miss him, but Major Thomas leaves a tremendous legacy for others to follow and emulate. I wish Major Gerald Thomas congratulations and all best wishes as he enters this new chapter of his life.

During his 21 years of service, Maj Thomas has served as:

Communications Marine—Marine Corps Base Camp Lejeune;  
 Student—Marine Corps Education Program—University of Arizona;  
 Platoon Commander—Echo Company, 2nd Battalion, 6th Marines;  
 Platoon Commander—Weapons Platoon, Echo Co, 2nd Battalion, 6th Marines;  
 Executive Officer—Echo Co, 2nd Battalion, 6th Marines;  
 Staff Platoon Commander—The Basic School;  
 Executive Officer—Alpha, Charlie, & Echo Companies;  
 The Basic School Instructor—Infantry Officer Course;  
 Student—Infantry Officers Captain's Career Course;  
 Company Commander—Lima Co, 3rd Battalion, 2nd Marines;  
 Congressional Fellow—Office of Rep. Sanford Bishop;  
 Joint Action Officer—Plans, Policies, and Operations Department, HQMC;  
 Deputy Director—Marine Corps House Liaison Office.

HONORING KORTNEY STEVEN  
GUTIERREZ

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kortney Steven Gutierrez of Platte City, Missouri. Kortney is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Kortney has been very active with his troop, participating in many scout activities. Over the many years Kortney has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kortney Steven Gutierrez

for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE SAVE  
AMERICAN ENERGY ACT

**HON. EDWARD J. MARKEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MARKEY. Madam Speaker, today I am introducing the "Save American Energy Act" to obtain the significant benefits of cost-effective, environmentally friendly, energy efficiency resources. These energy efficiency standards will not only lead to lower global warming emissions but will also create jobs, reduce the need for new power plants, and save consumers money. As President Obama clearly articulated, energy efficiency is the cleanest, cheapest, fastest source of energy. The legislation that I am introducing today follows President Obama's stated goal of reducing electricity demand 15 percent by 2020 by creating an energy efficiency resource standard, EERS.

Reducing electricity consumption 15 percent by 2020 will save consumers \$130 billion over the next 20 years and reduce carbon dioxide emissions by more than 5 billion tons through 2030. The Save American Energy Act sets minimum levels of electricity and natural gas savings to be achieved through utility programs, building codes, appliance standards, and other efficiency measures. This legislation will initially create a modest savings requirement of 1 percent for electricity and three-quarters of a percent for natural gas and gradually build to a 15 percent cumulative requirement for electricity and ten percent for natural gas in 2020.

The benefits of energy efficiency standards are clear and far-reaching. First, energy efficiency standards will dramatically reduce the global warming emissions that are creating the climate crisis. Energy efficiency is the easiest and quickest way that we as a Nation can take action to reduce emissions. These energy efficiency savings would reduce carbon dioxide emissions by approximately 260 million metric tons per year by 2020—the equivalent of the annual emissions from 43 million automobiles.

Second, energy efficiency standards will create jobs and can help revitalize our economy. The Save American Energy Act will lead to the creation of 260,000 new green-collar jobs. These jobs will be everything from retrofitting buildings to weatherizing homes. At a time when the American economy lost nearly 2 million jobs in the last 4 months of 2008, according to the Department of Labor, passing an energy efficiency standard can help send people back to work doing the work that most needs to be done.

Third, energy efficiency standards will decrease peak electricity demand. Savings from efficiency can be done far more cheaply than bringing new generation online. New generation from conventional resources costs somewhere between \$0.073 and \$0.145 per kilowatt hour compared to \$0.03 per kilowatt hour from energy efficiency savings. The Save American Energy Act will reduce peak elec-

tricity demand by about 90,000 megawatts in 2020. This reduction would eliminate the need to build 300 medium-sized new power plants.

Fourth, The Save American Energy Act will result in billions of dollars in consumer savings on their energy bills. This bill allows for numerous cost-effective efficiency savings in every area of the economy. The legislation that I am introducing today requires utilities to obtain energy efficiency savings that are available at a lower cost than traditional energy supply options.

Many States around the country have already implemented successful efficiency standards. Vermont and California are two of the States leading the way and 15 States and the District of Columbia have put in place policies promoting energy efficiency. The Save American Energy Act would set a federal efficiency standard but allows States with programs that meet or exceed that standard to administer the program directly, fostering policy innovation and adaptation to local circumstances.

The Save American Energy Act will take advantage of the cost-effective, available energy efficiency opportunities that can be quickly put in place. Adopting a national energy efficiency standard will allow us to reduce carbon emissions, create new green jobs, and reduce the need to build power plants: all while benefiting customers. The time to act is now.

AMERICAN RECOVERY AND  
REINVESTMENT ACT OF 2009

SPEECH OF

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 27, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes:

Ms. NORTON. Mr. Chair, I rise today to applaud a particular section of the stimulus package that will have a profound impact on the citizens of the District of Columbia. The hundreds of millions of dollars in AIDS/HIV testing and prevention contained in the legislation before us will assist an amazing organization in the District called the Whitman Walker Clinic. When it is time to award these funds, I strongly urge the Secretary of HHS and the Director of the CDC to look favorably upon the Clinic's application.

The District of Columbia is facing an HIV/AIDS epidemic of untold proportions. It is estimated that 1 in 20 citizens of the District now have HIV or AIDS. This is one of the highest incidences in the Country if not the highest compared to other major metropolitan areas.

The Whitman-Walker Clinic (WWC), a comprehensive primary care clinic with centers of excellence in HIV/AIDS care and Lesbian, Gay, Bisexual and Transgender (LGBT) health care, has been providing healthcare and supportive services to residents of the District of Columbia for 30 years. WWC is one of the largest nongovernmental HIV/AIDS medical and service organizations in the metropolitan

Washington area. The Clinic provides a full spectrum of medical and support services to patients residing in the District of Columbia metropolitan area through its two District of Columbia sites: Elizabeth Taylor Medical Center (ETMC) and Max Robinson Center (MRC).

The overall aim of WWC HIV/AIDS services is to improve health outcomes of persons living with HIV/AIDS (PLWHA) by providing clients with comprehensive and coordinated primary medical care; dental care; HIV/AIDS specialty care; medical adherence case management; mental health and addictions counseling and treatment; HIV education, prevention, and testing; support groups; nutrition counseling; legal services; and day treatment programs. The Clinic offers a comprehensive continuum of HIV/AIDS-related medical, behavioral health, and social services through our "one-stop-shop" approach to service delivery where all client services are available and integrated at a single location at each of our sites. The WWC "one-stop shop" approach combined with a newly implemented Electronic Health Record (EHR) enhances and ensures coordinated treatment, continuity of care, confidentiality, and elimination of duplication of effort and/or services. The co-location also allows better and more efficient access to services for clients.

Among the many recent accomplishments of the Clinic are the four key new services which advance care for HIV patients: (1) the addition of an electronic health record (EHR) system; (2) the establishment of the Medical Adherence Case Management Department; (3) implementing the Public Benefits Department; (4) and implementing a new visit type: the "Rapid HIV" visit.

(1). The Electronic Health Record: WWC implemented an electronic health record system, "eClinicalWorks," in order to achieve significant clinical and operational efficiencies that are needed to support a high quality client/physician encounter. WWC EHR allows for a complete multidisciplinary approach to health care. All clients of WWC are established in our electronic health record (EHR) system in order to track progress in an organized and efficient manner. This allows physicians, mental health practitioners, nurse case managers, and other providers to coordinate the care of that client, exchange information, and communicate with each other in an efficient and trackable manner. When we receive information from an outside health service, that information is scanned into the patient's Clinic-based EHR. Similarly, when we send out information to an external provider, a note is made in the EHR as to the nature of the communication.

(2). Medical Adherence Case Management Department: The Medical Adherence unit consists of Medical Adherence Case Managers and Medical Adherence Care Coordinators. The Medical Adherence Case Managers, all of whom are RNs, provide the following: barriers to care assessment, care planning, disease process education, medication/treatment management support, 24-hour support via pager and pillbox initiation. The Medical Adherence Care Coordinators provide support by addressing clients who no-show as well as: prescription refill reports and followup, home visits, accompaniment to medical appointments, social services as they relate to barriers to care (like emergency financial assistance clinics, housing clinics, access to food and transportation) and other elements as they relate to

life skills for managing a healthy lifestyle. This unit provides an immediate point of care for our new clients, establishing the relationship from the minute they walk in the door, or receive an HIV positive test result. WWC recognizes that for many of our clients, access to food and transportation can be a huge barrier to maintaining their medical care. Each staff person in Medical Adherence will be trained in accessing resources available to assist clients in these areas. The Medical Adherence Department also employs two full-time referral coordinators who assist patients in securing specialty and subspecialty appointments. For HIV-positive patients, the Medical Adherence staff members, in conjunction with our physician providers, pay close attention to identifying those patients at risk of failing their treatment regimens.

(3). Public Benefits Department: As of October 1, 2008, all WWC clients receive eligibility screening for public and private insurance through our recently established Public Benefits department. This screening and support service ensures that clients are able to identify and apply for public insurance programs for which they qualify. By thoroughly assisting clients in securing insurance, it also ensures that Ryan White funds remain the payor of last resort. Public Benefits Coordinators meet with all new HIV clients soon after they test positive at the Clinic or seek care at the Clinic as a new patient with previously diagnosed HIV. Potential patients will be asked to bring in proof of residency and income. Public Benefits Coordinators then assist potential patients in determining for what insurance programs they are eligible and provide assistance in applying for benefits. Public Benefits Coordinators, most of whom are bilingual (English/Spanish), work closely with medical providers and the Medical Adherence Case Management department to help clients overcome barriers such as a medication they cannot afford, lack of insurance, denial of a service by their public insurance, all to ensure easy access to the services that they need. They guide clients through every step of the process necessary to eliminating barriers to care related to payor source. Most of the D.C. patients seen by WWC are ultimately deemed eligible for payor programs such as Medicaid and DC Alliance.

(4). The "Rapid HIV Visit": The development of a "Rapid HIV" appointment type has allowed the Clinic to retain new HIV clients in care. Through this system, all new HIV clients are seen by the Medical Adherence Nurse Case Management team as well as by their primary medical provider on the same day they test positive in one of our facilities or seek care at WWC for their previously diagnosed HIV. Medical Adherence Nurse Case Managers triage all new HIV clients and initiate their care at WWC. WWC reserves several "Rapid HIV" visits with providers for new HIV clients each day. Therefore, new HIV patients are almost always able to meet with a provider the same day they test positive or present to the Clinic as a new HIV patient. Medical Adherence Case Managers provide post-testing counseling and "HIV 101" education to help patients understand their new diagnosis and navigate their treatment options. For new patients, providers take a full history, screen for mental health and/or substance abuse issues, order HIV and other labs, and assess immunization and tuberculosis status. Patients will also be given the opportunity to

meet with the Public Benefits Coordinators on that same day as well.

The Clinic offers expanded hours to accommodate clients who need services outside of the traditional work day. ETMC hours are Monday through Thursday from 8 am to 8 pm and Friday from 8 am to 5 pm. MRC hours are Monday and Tuesday from 8 am to 8 pm and Wednesday, Thursday, and Friday from 8 am to 5 pm. In addition to extended site hours, the Clinic provides an afterhours on-call nursing line pager with physician back-up for medical clients who may be experiencing a non-emergency problem or need medical advice.

WWC clinics are well situated, geographically, to provide services to underserved communities, including Blacks, recent immigrants, Latino/as, and men who have sex with men (MSM). Services at both sites are fully handicapped accessible and conveniently located on the Metro and bus lines. ETMC is located in Ward 2 near the U-street corridor, serves an area of the city concentrated with Latinos, African Americans, MSM, and where a significant number of people live below the poverty line. MRC is located in Ward 8, serves residents of Wards 6, 7, and 8, and residents east of the Anacostia River. Located in one of the city's poorest neighborhoods, MRC is well positioned to outreach and serve residents in Southeast, D.C., which is the area currently hardest hit by the AIDS epidemic. WWC's MRC location facilitates access to difficult to reach populations, such as IDUs, women with children, and sex workers.

The funding that is made available in this legislation will help give the necessary tools to the staff and volunteers of the Whitman-Walker Clinic. I am told that the Clinic has major renovation and infrastructure needs as well. Funding awarded by the Secretary of HHS and the Director of the CDC will go a long way to help identify and treat HIV/AIDS in the Nation's capital. Again, I am thankful that this money is contained in this package and I respectfully urge a favorable ruling on the Whitman-Walker's application for funding.

#### PERSONAL EXPLANATION

#### HON. J. GRESHAM BARRETT

OF SOUTH CAROLINA  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 4, 2009*

Mr. BARRETT of South Carolina. Madam Speaker, unfortunately I missed recorded votes on the House floor on Tuesday February 3, 2009. Had I been present, I would have voted "yea" on rollcall vote #47 (Motion to Suspend the Rules and Agree to H. Res. 82), "yea" on rollcall vote #48 (Motion to Suspend the Rules and Agree to H. Res. 103), "yea" on rollcall vote #49 (Motion to Suspend the Rules and Agree to H.R. 559)

#### TRIBUTE TO JOHN PATTI

#### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND  
IN THE HOUSE OF REPRESENTATIVES  
*Wednesday, February 4, 2009*

Mr. RUPPERSBERGER. Madam Speaker, I rise today to honor a veteran Baltimore journalist who has reached a very special milestone. John Patti is celebrating 25 years of service at WBAL Radio.

From anchoring WBAL's coverage from the Vatican when Archbishop William Keeler was elevated to the College of Cardinals to Cooperstown, New York where Chuck Thompson and Earl Weaver were inducted into the Hall of Fame to local election coverage in Maryland, John's professionalism, talent, and dedication to reporting the news are second to none.

In fact, John Patti has spent the past 37 years broadcasting in Baltimore. John's speciality has always been feature reporting. During his career, John earned nine prestigious Edward R. Murrow Awards presented by the Radio-Television News Directors Association. In 2000, John captured the coveted Best of Show Award in the prestigious New York Festival in 2000 for his investigative journalism. As a sports reporter, John won the Eclipse Award, given out by the thoroughbred racing industry for excellence in reporting.

I am pleased to report John is home grown Baltimore. He graduated from Mount Saint Joseph High School in 1973 and received his Bachelor's Degree from Towson State University in 1977. He and his wife Stephanie live with their three sons in Howard County.

John Patti began at WBAL in February, 1984. . . and he is still there reporting the news 25 years later. For that, he deserves our congratulations.

HONORING CHARLES MAXWELL  
CASSIDY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Charles Maxwell Cassidy of Platte City, Missouri. Charles is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in many scout activities. Over the many years Charles has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Charles Maxwell Cassidy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

A PROCLAMATION HONORING THE  
CENTENNIAL ANNIVERSARY OF  
THE ST. JOSEPH CATHOLIC  
CHURCH OF FAIRPOINT, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SPACE. Madam Speaker:

Whereas, in 1905, a Congregation was organized that consisted of twenty-five families celebrating Mass in private homes for three years; and

Whereas, in 1908 families gathered \$800 dollars to erect a church building before formally establishing St. Joseph Catholic Church in 1909; and

Whereas, in September of 1950 His Excellency the Bishop John King Mussio of the Steubenville Diocese dedicated the newly renovated church and rectory; and

Whereas, St. Joseph Church continues to serve an active and vibrant congregation and continues to better Fairpoint by its presence; now, therefore, be it

*Resolved*, that along with the friends and congregation of St. Joseph Church and the residents of the 18th Congressional District, I congratulate St. Joseph Catholic Church on reaching their 100 year anniversary. We recognize the steadfast service provided by the Church, and commend the congregation for its continued life.

HONORING PENNSYLVANIA STATE  
POLICE CHAPLAIN GROVER  
DEVULT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. PITTS. Madam Speaker, I stand today to honor Pennsylvania State Police Chaplain Grover DeVault. Grover has spent his entire adult life ministering to the spiritual and emotional needs of those around him.

Early in his professional life, Grover served as a chaplain in the United States Army, including time spent in Vietnam. In this capacity, Grover provided guidance and counseling not only to members of his military unit, but the people of Vietnam as well, whose lives were upended by war in their homeland. It is my understanding that Chaplain DeVault was wounded as a direct result of enemy action during his active duty service. The event occurred on February 27, 1969, while he was stationed in Da Nang, Vietnam. For this, I recommended him for a Purple Heart.

He retired from the Army as a Lieutenant Colonel, but his ministry did not end there. Grover has remained very much involved in ministering to our troops and veterans in various capacities. His work on their behalf is no longer a duty, but a commitment that he has made because of his personal belief in the importance of ministering to the spiritual needs of those who serve our nation.

One of the ways he continues to serve our troops is as a missionary, along with his wife Nancy, with Cadence International. Cadence is an evangelical mission agency dedicated to reaching the military communities of the United States and the world with the Good News of Jesus Christ.

In addition to his work with our troops, he actually established the chaplaincy program within the Pennsylvania State Police force and has provided chaplain services to the Troop J Lancaster Barracks of the State Police for many years. It was in this capacity that he provided a desperately needed service as a counselor to the emergency personnel who responded to the tragedy at the Amish school in Nickel Mines, Pennsylvania in 2006.

Grover is a man of great integrity who has dedicated his life to serving the spiritual needs of the men and women who serve our nation.

I am pleased to honor him here in the House of Representatives, and I thank him for the important work he has done in spreading the Gospel to a community that is so important to our nation.

TRIBUTE TO THE WEST ROWAN  
HIGH SCHOOL FALCONS FOOT-  
BALL TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. COBLE. Madam Speaker, great sports teams become known for doing everything well, but at least one thing better than everyone else. Championships are earned by those teams that can adapt during a title run. That's exactly what happened to a high school football team in our congressional district that was known for an explosive offense, but won a state championship by having its defense rise to the occasion. On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate the football team of West Rowan High School for winning the North Carolina 3A state championship. The Falcons soared to new heights with the first football championship in the school's history.

The championship was not won with an explosive offense for which West Rowan is known, but by a spectacular display of defense that forced six turnovers. The team was led by Head Coach Scott Young who was able to pull the squad together and make them believe they were capable of anything. As a result, the Falcons finished the season with an impressive 15-1 record that was capped with a dominating 35-7 win over West Craven High School.

The championship season was a team effort led by seniors AJ Little, Brantley Horton, Nate Dulin, Austin Greenwood, Tim Flanagan, Jeremy Melchor, Kameron Finchum, Jonathan Hill, Matt Bishop, Marquise Allison, Matt Turchin, Josh Safrit, Marco Gupton, Dylan Andrews, Brett Graham, Ricky Moore, Kenderic Dunlap, Joseph Kerley, Garrett Teeter, Daniel Spainhour, Dustin Davis, and Casey Reavis, juniors Kevin Parks, Jr., Maxx Gore, Ershawn Wilder, Jon Crucitti, Quan Cowan, Coleman Phifer, Desmond Shaver, Chris Smith, Jairahmai Robinson, John Jancic, Tim Pangburn, Rodney Cline, Mackel Gaither, Altariq Abraham, Eli Goodson, and Josh Poe, sophomores Trey Mashore, Nolan Phillips, BJ Sherrill, Aakeem Minter, Dominique Noble, Eric Cowan, Patrick Hampton, Tyler Mullis, Emmanuel Gbunblee, Charles Holloway, Armando Trujillo, Justin Teeter, Xavier Still, Tim Jancic, Davon Quarles, Kendall Hosch, and freshmen Christian Hedrick, Jarvis Morgan, Louis Kraft, and Troy Culbertson.

Also assisting the team during this outstanding 15-1 season were assistant coaches Ed Bowles, Butch Browning, Jeff Chapman, Joel Crotts, Tim Dixon, Ralph Ellis, David Hunt, Lee Linville, Joe Nixon, Kevin Parks, Sr., Stevie Williams, and Durwood Bynum, athletic trainer Amber DeDomingo, video coordinator Alan Champion, and ball boys Bryant Young, Marcus Cory, Jr., and Owen White.

Again, on behalf of the Sixth District, we would like to congratulate Principal Jamie Durant, Athletic Director Todd Bell, Head Coach

Scott Young, and everyone affiliated with the West Rowan Falcons for proving the old football adage that great defenses win championships. Congratulations to West Rowan on a spectacular season and for winning the North Carolina 3A state championship.

NATIONAL STALKING AWARENESS  
MONTH

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, today we will vote on an important piece of legislation that discusses a problem that persists in communities across our country. This bill will show that this problem will not go away with wishful thinking and good intentions. Something must be done to prevent stalking now. We can not afford to wait. I encourage all of my colleagues to support this resolution, do their part to make America aware of stalking, and do their utmost to prevent it's occurrence.

Every day, millions of woman and men have their lives disrupted by a stalker. While every state and DC has passed laws that make this act illegal, stalking still happens far too often. We must do everything we can to tell those being stalked that they are not alone and we will help them. We must do everything we can to tell those terrorizing their fellow man or woman with stalking that you will be caught and prosecuted.

Madam Speaker, stalking has multiple ways it can impact it's victims. Stalkers do not just harass and annoy their targets, they also cause real financial and psychological harm. 26% of stalking victims have lost time working because of their stalkers while a full 7% have been so frightened, they have not returned to work at all. Almost 30% have sought counseling because of the stalking. Overall, the prevalence of insomnia, anxiety, social dysfunction and severe depression is much higher among stalking victims.

These victims feel helpless and will do anything to control their lives again. The number of victims who drastically change their lives to get away from these individuals is staggering. Through no fault of their own, the victims often reach out to law enforcement early requesting restraining orders to prevent contact with their tormenters. These attempts rarely work and result in about 3 out of every 4 restraining orders being violated. Victims have gone so far as to move from their homes to prevent the stalker from being able to antagonize them. One in seven victims has moved in order to maintain their ability to live their life or as normally as possible.

In one out of five cases, the stalker will approach his target with a weapon to threaten or harm them. The worst is that in cases where a woman is murdered by an ex-intimate partner, nearly 90% of them were stalked prior to the homicide. This can not be allowed to go on any more. We have the means and the ability to prevent these attacks.

While technology has aided law enforcement in the ability to target stalkers it has also

been used by the stalker to target and contact victims. One in four victims have reported being stalked online. Every day women are stalked and not enough of them are reporting it. Less than half report it to law enforcement officers and only 7% contact victims groups. As the famous author Michele Archer said, "It is important that people know that stalking is a crime and that they can do something about it." This advice can help save a lot of lives.

The biggest misconception about stalking is that it only happens to women. While women are the majority of the targets, they are by no means the only gender that is stalked. Men and women are both targeted and attacked. This legislation will help bring attention to this problem that's underreported, undereducated on and overlooked far too often.

All of us, as members of Congress, want to help, and so often we disagree on how to accomplish that laudable goal. For once we can agree on a problem and can help provide a solution. Today we have that chance to make an impact upon the people who live in daily fear. We can say to them today they are not alone, we are on their side and we will do anything we can to fight for them. We can also say that stalker's days are numbered.

Madam Speaker, I urge that my colleagues to support this resolution.

PRESIDENT OBAMA AND DR.  
MARTIN LUTHER KING COUNTY

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. REICHERT. Madam Speaker, today I rise in celebration of the inauguration of President Barack Obama and in honor of the dream of Reverend Dr. Martin Luther King, Jr. In August of 1963, Dr. King shared dream with the world, "that one day this nation will rise up and live out the true meaning of its creed: 'We hold these truths to be self-evident, that all men are created equal.'" To so many, this inauguration symbolized the realization of this dream.

As the Representative of the Eighth District, I'm proud to stand before you today to recognize the importance of President Obama's place in history, and the fulfillment of the dream of Dr. King. The majority of the Eighth Congressional District of Washington is within the boundaries of King County, and in 1986, King County renamed itself in honor of Dr. King, "a man whose contributions are well-documented and celebrated by millions throughout this nation and the world, and embody the attributes for which the citizens of King County can be proud, and claim as their own."

The inauguration of President Barack Obama represented a monumental step forward in fulfilling Dr. King's vision for America. It was also a moment to celebrate our nation's freedom and cherish our democracy as we witnessed the peaceful transition of leadership between two individuals elected by a free people.

In the words of President Obama's inauguration speech: ". . . we gather because we

have chosen hope over fear, unity of purpose over conflict and discord." Just 16 days ago President Obama shared these words with the nation as he took to the oath to become the 44th President of our great nation. He shared these words, I believe, to inspire a nation facing great challenges and opportunities ahead.

I am so proud to know that, as I serve in the U.S. House of Representatives, I am serving in Washington, DC with a man in the White House who is the absolute embodiment of the beautiful words Dr. King spoke. With that in mind, I requested an American flag to be flown over the Capitol on Inauguration Day to present the flag to King County Executive Ron Sims and the entirety of the County Council, in remembrance of this historic day as the nation moves forward and looks to a future filled with hope and lives on in the American spirit.

AMERICAN RECOVERY AND  
REINVESTMENT ACT OF 2009

SPEECH OF

**HON. PHIL HARE**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, January 27, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes:

Mr. HARE. Mr. Chair, I rise in strong support of H.R. 1, the American Recovery and Reinvestment Act of 2009.

One week ago, President Obama called for bold and swift action to address the worst economic crisis since the Great Depression. Millions of jobs have been lost, homes have been foreclosed, and families have been stretched to the limit. We must act now.

I join my colleagues to give the American people hope that better days are ahead. The American Recovery and Reinvestment Act is a downpayment on the investment of our future. It is the first vital step in an intensive effort to reinvigorate our economy by focusing on JOBS, JOBS, JOBS.

This bill will save and create three to four million jobs by immediately putting people to work rebuilding our neglected roads and bridges. Further, the legislation confronts our 21st Century energy challenges by combating climate change and creating good-paying green jobs that cannot be outsourced. The bill also provides funding for education to ensure that every American has the ability to compete with any foreign worker in the new global economy.

Additionally, the measure provides relief for those who lost their jobs and will help struggling families make ends meet while the economy recovers. In fact, if we do not pass this legislation the unemployment rate is expected to explode to staggering 12 percent.

This legislation must pass if we are to overcome the economic crisis. I urge my colleagues to vote yes on the American Recovery and Reinvestment Act.

HONORING THE SERVICE OF  
STATE EXECUTIVE DIRECTOR OF  
FARM SERVICE AGENCY, DOTSON  
COLLINS

**HON. JOHN BOOZMAN**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. BOOZMAN. Madam Speaker, I rise today to honor Arkansas Executive Director of Farm Service Agency, Dotson Collins, for his commitment to this country.

Dotson has led a life of service, first in the U.S. Armed Forces. He studied agriculture under the GI Bill and he used that knowledge and understanding to become a leader in the field.

Dotson first served as USDA State Executive Director under President Ronald Reagan and President George H.W. Bush. In 2006, under President George W. Bush he was anxious to do it again.

Dotson devoted his life to helping Arkansas. The list of positions he has held is impressive, from Labor Commissioner and Director of the Commodity Food Stamp Division, to Policy Advisor of Agriculture, Veterans and Military Affairs, Environment and Rural Development.

In roles that would leave the rest of us tired, Dotson found time to serve as President of the Christian Union Council, a position he has held for the last 20 years and he's looking at ways he can continue to help Arkansans.

I appreciate the leadership Dotson has shown and most of all I appreciate his friendship.

THE IMPORTANCE OF THE STEEL  
INDUSTRY

**HON. ZACHARY T. SPACE**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SPACE. Madam Speaker, there is perhaps no industry that better encompasses the American spirit than the steel industry. Spanning for generations, the steel industry has offered the benefit of employment to millions of Americans, producing material that would serve as the backbone of America.

Earlier today, a number of my colleagues joined me for a hearing entitled the "State of the Steel Industry." At the hearing, industry executives joined with labor unions to discuss the future of American steel production.

The present economic recession, coupled with the dubious trade and economic policies of competing nations abroad, makes the future of the industry of grave concern. In my district alone, hundreds of Ohioans depend on the industry for gainful employment. These jobs are good jobs. Given the present state of the economy in Ohio, we cannot afford to lose these jobs.

I am proud to be a Member of the Congressional Steel Caucus, and proud to have the opportunity to work on behalf of the millions of Americans whose employment depends on the production of American steel. I look forward to working with all of my colleagues who share my passion for this issue to ensure that the American steel industry can thrive.

There is no question that American steel can compete with any industry in the world on

a level playing field. Congress must make that field even.

HONORING KEVIN CORWIN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kevin Corwin of Gallatin, Missouri. Kevin is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 67, and earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Corwin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN MEMORY OF KEN RUFENER

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GALLEGLY. Madam Speaker, I rise in memory of my friend, Ken Rufener, who passed away Saturday after a fulfilling 89 years.

Ken Rufener was the epitome of service. He served as a United States Air Force statistical officer in the Far Eastern theater during World War II, and subsequently made the Air Force his first career. Before retiring 26 years later, Ken was assigned to the Pentagon before being loaned to the Rand Corporation in Southern California.

After the Air Force, Ken moved his wife, Doris, and their two children to Westlake Village and he went to work as a cost analyst for the Hughes Aircraft company for the next 15 years.

His new home became the beneficiary of Ken's energy, sense of service and sense of community. He helped bring youth baseball to Westlake Village, serving as first vice president and coach of the Westlake Athletic Association. He is credited with keeping the Westlake Golf Course from becoming an industrial park. Ken also served as president of the First Neighborhood Homeowners Association.

In 1987, Ken was elected to the Westlake City Council for his first of two 4-year terms and served as mayor for 2 years. After retiring from the council, Ken was elected in 1997 to a 4-year term on the Las Virgenes District Water Board.

Ken was a member of the Military Order of the World Wars and the Retired Officers Association of America.

Among the awards Ken received for his service were the Patrick Henry Patriotism Award, Westlake Village Citizen of the Year,

and the Conejo Valley/Las Virgenes Civitas award for service to the Conejo Valley.

Ken and Doris's daughter, Karen, died about 10 years ago.

Madam Speaker, I know my colleagues will join my wife, Janice, and me in offering condolences to Ken's wife of 62 years, Doris, their son, David, and all their family and friends, and in celebrating Ken's life of service to his country, his community and his family.

Godspeed, Ken.

CONDEMNING THE ATTACK ON  
THE TIFERET ISRAEL SYNA-  
GOGUE IN CARACAS, VENEZUELA

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today to express my profound concern and indignation regarding the recent attack on the Tiferet Israel Sephardic synagogue in Caracas, Venezuela.

The attack, which occurred just days after International Holocaust Remembrance Day, on the Jewish Sabbath, was reminiscent of Kristallnacht.

For five hours, violent anti-Semites profaned and vandalized a Sephardic synagogue in capital city Caracas, leaving behind graffiti with words of hatred.

But the violence didn't stop there. Sacred torah scrolls were hurled about recklessly and damaged. The synagogue's guard was held at gunpoint and was found on the floor of the building by synagogue members on Saturday morning.

Let me be clear. This brazen attack on the Venezuelan Jewish community did not occur in a vacuum.

It was the direct result of the Venezuelan government's leaders, officials, media commentators and others, who have fostered an atmosphere of intimidation against the Jewish community.

During the Gaza crisis, anti-Semitic and anti-Israel statements were made by the Venezuelan President, the foreign minister, interior minister, the president of the national assembly, a number of congress members, and governors across the country.

In the most recent example of his blatantly anti-Semitic public comments, President Hugo Chavez said "the Israelis criticize Hitler but have done something worse," and also asked "Don't Jews repudiate the Holocaust? This is precisely what we're witnessing."

Hateful, fear-mongering comments like these were condemned by our own Department of State, in a 2008 report where they listed "drawing comparisons of contemporary Israeli policy to that of the Nazis" as an example of anti-Semitism.

President Chavez "condemned" Friday's attack on Tiferet Israel as briefly as possible, making no mention of plans to ensure the safety and security of the Jewish community in his country. He did, however, take a considerable amount of time to throw mud at his opponents, accusing them of staging the synagogue assault. This is unacceptable.

In November 2008, President Chavez signed a statement along with the presidents of Argentina and Brazil condemning religious

intolerance, and "in particular anti-Semitism and anti-Islamism."

In the strongest of terms I urge the government of Venezuela to live up to this statement, and end the incessant bullying and harassment of the Jews of Venezuela.

HONORING AMBASSADOR JOE M.  
RODGERS

**HON. MARSHA BLACKBURN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mrs. BLACKBURN. Madam Speaker, I rise today to celebrate the extraordinary life of Ambassador Joe Rodgers, who passed away on Monday at the age of 75. He exemplified the values of dedication, hard work and perseverance; and he committed himself to serving others. This is the inheritance he leaves his family and all those who knew him.

Although a native of Alabama, he built many of the iconic buildings that define his adopted hometown of Nashville. From the Schermerhorn Symphony Center to the Wildhorse Saloon to the Country Music Hall of Fame and Museum, many of the most well-known and well-loved buildings in Middle Tennessee will stand as a permanent memorial to Joe Rodgers. He was an enormous force in the construction industry, building a series of companies that built hotels, hospitals, university buildings and countless other structures around the country and around the world.

Not content to rest on his success in business, Joe Rodgers engaged in public life through his support of candidates who shared his belief in fiscal conservatism. He would eventually become National Finance Chairman for both the Republican National Committee and the re-election effort of President Reagan. In 1985, President Reagan named him the U.S. Ambassador to France. His exemplary service was rewarded with the rank of Grand Officer of the Legion of Honor presented by French President Mitterand. He also served on both the Foreign Intelligence Advisory Board and the U.S. Trade Representative's Foreign Advisory Committee.

At home in Nashville he was involved with countless civic, charitable and religious groups such as the Boy Scouts of America, the Chamber of Commerce, the Fellowship of Christian Athletes and Vanderbilt University.

Indeed it is difficult to find another person who has had so much impact on so many different aspects of our community. He will be missed and our sympathy is with his loving family.

Madam Speaker, I ask my colleagues to join me in appreciation of a life well lived.

**NATIONAL TEEN DATING VIOLENCE AWARENESS AND PREVENTION WEEK**

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Madam Speaker, we must pass House Resolution 103

and bring awareness to an often overlooked yet extremely dangerous issue.

As a parent, I know the dangers my children faced when they were growing up. I often lost sleep worrying that something would happen to one of my kids that was beyond my control. It was part of the reason I decided to run for Congress.

Today, more than ever, we need to make people aware of the dangers our children face, we never did. Children have such broad access to information that it ages them in ways still not fully understood.

They look at their favorite movie or TV stars and want to emulate them. They research adult topics on the Internet and share information through cell phones and facebook with their friends. They feel because they know things they view as adult, they are adults. Parents do not discuss regularly enough drug use, domestic violence or sex with their children.

This legislation will set aside a week to help foster discussion between the parent and the child, which is the number one way to prevent the awful outcomes which have become far too common on our daily news. This resolution will also bring attention to this matter and would let Americans know that this issue is serious.

The statistics are staggering: one out of every eleven adolescents have reported they have been the victim of a physical abuse. Of the teenagers who are in "serious relationships" one in five have reported being abused in some way. Our children are trying to be like us and in the process they are growing up far too fast. The scariest statistic is, of children who are between the age of 11 and 12, the youngest of our teens, has been or knows someone who has been abused. This is a true travesty.

We can no longer sit by and reminisce about the golden age of child rearing. Children can not be left alone and can expect to turn out like we did. As Chair of the Congressional Children's Caucus, I have worked tirelessly to ensure all America's children can lead safe and productive lives. We must ensure they get the right start.

This resolution will not only prevent our children from living through a terrible ordeal, but it will also help curtail future attacks. Evidence exists showing the severity of domestic violence among a couple is far greater if there is a pattern of abuse from early on in the abuser's life. We have a duty to protect our children and we have a duty to protect our fellow citizens and assure the right to live in peace.

Proclaiming this week National Teen Dating Violence Awareness and Prevention Week will show how serious this issue is and continue the discussion which has already begun in many homes. This resolution will also expand the discussion to many homes in the district I represent as well as the rest of the country. We must pass this resolution today and send a clear message to our fellow citizens that this issue will not go away.

Madam Speaker, I urge its immediate passage so we can begin to solve a problem that's gone unchecked far too long. We can make a difference in these and future young adults. The time to act is now.

**MIDDLE CLASS INVESTOR RELIEF ACT**

**HON. MARK STEVEN KIRK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. KIRK. Madam Speaker, in the past year, shareholders in American companies have seen the value of their holdings drop by 30 percent. Congress is taking action to stimulate our economy, and reviewing options to strengthen oversight of the capital markets that keep our economy going.

We must not forget the small investor. Middle class families have watched their nest eggs shrink and their home values drop. Their shaken confidence impacts consumer spending and the future growth of our nation's economy. Some middle class Americans nearing retirement may need to work additional years to earn back their stock losses.

With continuing economic uncertainty, we must bring relief to middle class families while boosting investor confidence in an uncertain stock market. Today, I am introducing the Middle Class Investor Relief Act, increasing the maximum annual capital loss a taxpayer can take from \$3,000 to \$20,000.

Current tax law is asymmetrical with regard to taxing capital gains and writing off capital losses. Long-term gains are taxed at 15 percent while capital loss write-offs are capped at \$3,000 per year. An individual who lost more than \$3,000 in the stock market could take years to rebuild his or her holdings. The Middle Class Investor Relief Act will correct the asymmetry of current tax law and help middle class Americans recover losses and rebuild their portfolios.

**2008 REALTOR ACHIEVEMENT AWARD: MICHELE BRENNAN**

**HON. DAVID G. REICHERT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. REICHERT. Madam Speaker, I rise in recognition of a wonderful American, a devoted professional, volunteer and personal friend. Michele Brennan, a constituent, was recently honored by the Seattle-King County Association of Realtors with "The Realtor Achievement Award" for an extraordinary body of work improving both the association and real estate industry overall.

Michele, a dedicated wife and mother of two children, has worked in the real estate industry for 25 years. She ensures that my office is aware of the issues important for Realtors, the families they serve, and my constituents in the Eighth District of Washington.

Apart from her professional duties in the real estate industry, Michele is a selfless leader dedicated to the betterment of her community. A long-serving volunteer in the Auburn, Washington School District, Michele has also served as president of the Kent, Washington Swim and Tennis Club and as a member of the Windermere Foundation Board, where she worked hard on behalf of needy families and children. It is difficult to fully explain Michele's dedicated community involvement because, either as a leader or "behind-the-scenes" organizer, Michele is interested not in earning praise, but only in making a positive impact.

The mission of the Seattle-King County Association of Realtors is to enhance the ability and opportunity of members to operate their businesses successfully and ethically through a strict code of ethics. As a professional member, Michele Brennan could not fulfill that mission more appropriately in her own life, her community and, of course, her profession. I wish her the very best in the future, thank her for her sincere commitment to her community, and congratulate her on receiving such a prestigious award.

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HONORING CARL MERRIGAN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Carl Merrigan a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 47, and in earning the most prestigious award of Eagle Scout.

Carl has been very active with his troop, participating in many scout activities. Over the many years Carl has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Carl Merrigan for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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THE INTRODUCTION OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2009

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. ABERCROMBIE. Madam Speaker, I rise today to introduce the Native Hawaiian Government Reorganization Act of 2009, a bill to affirm and formalize the long political relationship between Native Hawaiians and the United States. This measure clarifies that political bond and provides a process for Native Hawaiians to form their own governing body and participate in a government-to-government relationship with the United States. This is a companion measure to legislation being introduced by Senator DANIEL AKAKA in the Senate this evening.

The United States recognized the sovereignty of the Kingdom of Hawaii more than 175 years ago, accorded the Kingdom full diplomatic recognition and entered into treaties and conventions in 1826, 1842, 1849, 1875 and 1887, all ratified by Congress. The United States has declared in law a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians.

P.L. 103-150, the Apology Resolution, extended an apology to the Native people of Hawaii on behalf of the United States for our country's role in the overthrow of the Kingdom of Hawaii in 1893. The Apology Resolution also expressed the commitment of Congress

and the President to acknowledge the ramifications of the overthrow, and to support reconciliation efforts between the United States and Native Hawaiians.

This relationship was explicitly affirmed in the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land for homesteading by Native Hawaiians. Legislative history clearly shows that Congress based this action and subsequent legislation on the constitutional precedent in programs enacted to benefit Native Americans. In fact, since Hawaii's admission into the Union fifty years ago, Congress has legislated on behalf of Native Hawaiians, including them as Native Americans in numerous statutes.

The legislation I am introducing today is important not only to Native Hawaiians, but to everyone in Hawaii. It provides a process to address many longstanding issues facing Hawaii's indigenous peoples and the State of Hawaii. In addressing these matters, we have begun a process of healing, a process of reconciliation not only between the United States and the Native people of Hawaii, but within the State of Hawaii.

The essence of Hawaii lies not in the allure of its islands, but in the beauty of its people. The State of Hawaii has recognized the need to preserve the culture, tradition, language and heritage of its indigenous peoples. This measure gives form to the U.S. government's responsibilities in that same effort.

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THE "MULTI MODAL TRANSPORT BENEFIT AND TECHNICAL CORRECTIONS ACT"

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. BLUMENAUER. Madam Speaker, today I am introducing the "Multi-Modal Transport Benefit and Technical Corrections Act," a bill that encourages flexibility for employees and employers hoping to take advantage of the bike commuter tax benefit created in last year's financial rescue package. The bill also makes small technical changes to the program.

This legislation amends the Internal Revenue Code of 1986 to allow employees to receive transportation fringe benefits for the same month both in the form of transit passes and reimbursements of qualified bicycle commuting expenses. It offers smarter, more flexible benefits without imposing additional costs on employers or taxpayers, as the multi-modal benefits fall under existing caps for transit.

Allowing individuals to choose how to commute to work, and providing parity to those who choose alternative methods of transportation, simply makes sense. Bike commuters—who burn calories instead of gasoline, emit fewer fossil fuels and have a much smaller impact on our roads and transport systems than most other commuters—should at the very least have the same access to fringe benefits that their car driving colleagues enjoy. The "Multi-Modal Transport Benefit and Technical Corrections Act" will level the playing field for bike commuters and ensure smooth application of the bike commuter tax benefit for employers.

I am proud to introduce this bill today and urge my colleagues to support it.

RECOGNIZING WILLIAM J. POST WHO IS RETIRING FROM HIS POSITION AS PRESIDENT AND CEO OF PINNACLE WEST CAPITAL CORPORATION

**HON. HARRY E. MITCHELL**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MITCHELL. Madam Speaker, I rise today to congratulate William J. Post, who is retiring from his position as Chairman and CEO of Pinnacle West Capital Corporation after 38 years of extraordinary service to the company. Since the beginning of his time at Pinnacle West in 1973, Bill's strong work ethic and ambition have earned him great respect, and have inspired others within the company.

During his time at Pinnacle West Bill's leadership contributed to many important company milestones, including navigating a state push to deregulate utilities and then reshuffling when that effort was pulled back. Bill accomplished this without bankruptcy, new ownership, or any kind of employee reorganization. His efforts have made a significant and lasting impact on the company.

Bill is well-known for his leadership abilities not only within the Pinnacle West Corporation, but in his community as well. Most notably, he contributed to the creation of the Greater Phoenix Business Leadership Coalition, which is comprised of regional businesses working toward stabilizing the economy. Bill is also involved in the United Methodist Outreach Ministry, Translational Genomics Research Institute, Blue Cross Blue Shield, and Arizona State University.

On a personal note, like me, Bill is an alumnus of Tempe High School, where I also taught. I know the residents of our hometown share my pride in seeing a fellow Tempe Buffalo make such profound contributions to the community.

Madam Speaker, please join me in recognizing Bill Post's contributions to Pinnacle West Capital Corporation and his surrounding community, and wishing him well in his retirement.

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BLACK HISTORY MONTH

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. VISCLOSKY. Madam Speaker, It is with great respect and sincere admiration that I rise to celebrate Black History Month and its 2009 theme—The Quest for Black Citizenship in the Americas. Throughout its history, the struggle for racial equality has been and continues to be one of the greatest testaments of America's progress.

The theme for this year's Black History Month, The Quest for Black Citizenship in the Americas, is a reminder that in striving for a greater society, we must examine the past. No group has contributed more to reflecting on the past in order to create a better future than the National Association for the Advancement of Colored People (NAACP). As the NAACP celebrates a remarkable milestone, its 100th anniversary, we take this time to remember

the outstanding contributions of so many proud and courageous individuals: black, white, men, women, young and old. These men and women have given hope in the bleakest of times and allowed us, as a society, to make strides toward equality once considered impossible.

Recognizing that emancipation was only the beginning of the fight for true equality, the NAACP was founded with the ideals of creating and preserving equal citizenship for all men and women throughout America. Knowing that there is still work to be done, it is the vision of the NAACP that, one day, all individuals will have equal rights and the United States will see an end to racial hatred and discrimination. As the first page of the NAACP Constitution indicates, the principal goals of the organization are: to ensure political, educational, social, and economic equality, to eliminate racial prejudice in America, to remove racial barriers through the democratic process, to secure civil rights, to inform the public and seek the elimination of racial discrimination, and to educate individuals about their constitutional rights.

In the First Congressional District, I am proud to serve as the representative for three branches of the National Association for the Advancement of Colored People. At this time, I would like to pay special tribute to these three groups, which have played such a critical role, locally, in the fight for racial equality and in improving Northwest Indiana for all residents. These three outstanding representatives of the First Congressional District include the East Chicago Branch, led by President Philip Hinton, the Gary Branch, led by President Karen Pulliam, and the Hammond Branch, led by President Mary Aaron.

It is the efforts of organizations like these that allow us to reflect on what makes the United States of America so special. Nowhere else in the world do you find such an integrated society. While the United States is made up of people from so many different racial, religious, social, and ideological backgrounds, it is the efforts of the many brave citizens who have fought and continue to struggle for equality that have made America what it is.

Madam Speaker, I ask that you and my distinguished colleagues join me in remembering the many brave men and women who have led the struggle for equality among all Americans, and I ask that you join me in honoring the work and tireless dedication of the members of organizations, such as the NAACP, who continue their selfless work today. Through the efforts of these honorable individuals and organizations, we are reminded of how far we have come as a nation, while realizing that there is still progress to be made.

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## REDUCING OVER-CLASSIFICATION ACT OF 2009

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, February 3, 2009*

Ms. JACKSON-LEE of Texas. Mr. Speaker,

I rise in strong support of H.R. 553, The Reduce Over-Classification Act of 2009. This measure will allow the expansion of information that the Department of Homeland Security shares with state and local governments. The bill also will require "portion marking" which refers to the identification of paragraphs in a document that are classified, but allows the unclassified portions to be viewed.

The measure requires the department to develop the policies, procedures and programs to prevent the over-classification of information relating to weapons of mass destruction, terrorism, homeland security or other matters within the scope of the information-sharing environment that must be disseminated in order to prevent and respond to acts of terrorism.

The practical, day-to-day processes will be done in coordination with the National Archives and Records Administration but in reality it will require full-fledged cooperation from the Department of Homeland Security and the very able staff that make up its workforce.

This legislation requires all finished intelligence products to be prepared in the standard unclassified format, provided that an unclassified product would serve to benefit state and local governments.

Mr. Speaker, I am also pleased to see that the bill directs the Homeland Security Department, in coordination with the NARA, to require annual training for employees and contractors with classification authority who are responsible for analysis, dissemination, preparation, production, receiving, publishing, or otherwise communicating written classified information. This training would include information on the department's policy for preparing all finished intelligence products in a standard unclassified format, as well as information on the proper use of classification markings, including portion markings. Training would also cover the consequences of over-classification and other improper uses of classification.

Under the bill, the training would serve as a prerequisite, once completed successfully, for obtaining classification authority and renewing that authority on an annual basis, and it would count as a positive factor for employment, evaluation, and promotion.

Mr. Speaker, this legislation also requires that DHS create standard and unclassified formats for the department's finished intelligence products. This bill is designed to ensure citizen and government access to unclassified information but I believe it strikes the right balance between calculated information flow and the protection of national security.

I am pleased Mr. Speaker that Section 210 of this bill allows employees to challenge classification decisions made by department employees or contractors and be rewarded if the classification markings are removed or downgraded.

And my colleagues and I are well aware that no piece of legislation is completed without measures designed to ensure compliance, and that's why it is critical to the ultimate success of this bill that a series of penal provisions were included to reinforce the legislation.

H.R. 553 is about preventing over-classification. My hope is that the legislation will serve as a proper deterrent and move us away from the hoarding of non-classified information that characterized the previous administration.

Open and accessible government is a hallmark of democracy. Citizens shouldn't live in fear of their government. It is OUR government.

I strongly urge my colleagues to support this measure.

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HONORING TYLER WADE KUEHN

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Wade Kuehn of Platte City, Missouri. Tyler is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 351, and earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many scout activities. Over the many years Tyler has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Wade Kuehn for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

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IN SUPPORT OF LEGISLATION TO  
PREVENT VIOLENCE

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mrs. MALONEY. Madam Speaker, I rise today in support of H.R. 748, the "Campus Safety Act of 2009," H. Res. 82, which establishes January 2009 as National Stalking Awareness Month, and H. Res. 103, which supports the goals and ideals of National Teen Dating Violence Awareness and Prevention Week. These bills will help to combat violence, disseminate safety information, and raise awareness about these critical issues.

All Americans should feel safe in their communities, their workplaces, their schools, and their homes. Everyone, but particularly children and teens, should have access to the necessary resources to recognize a violent or abusive relationship and to get out safely. I believe that it is particularly important in this day of instant communication that we educate young people about the unintended consequences of sharing too much information on the Internet or via a cell phone. While these are valuable tools to communicate in the 21st century, they can also pose new and sometimes unexpected dangers.

We all must be aware of the warning signs of violent relationships whether they are affecting our friends, our neighbors, or our children. The bills before us today show that we will not tolerate the violence, abuse, and sexual assault that pervade our society. I urge my colleagues to support these important bills.

INTRODUCTION OF THE CORAL REEF CONSERVATION ACT REAUTHORIZATION AND ENHANCEMENT AMENDMENTS OF 2009

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Ms. BORDALLO. Madam Speaker, today I have reintroduced a bill to amend and reauthorize the Coral Reef Conservation Act of 2000. In the 110th Congress, I joined my colleague, Congressman ENI FALEOMAVAEGA of American Samoa, in introducing H.R. 1205, the "Coral Reef Conservation Amendments Act of 2007", which the House of Representatives passed by voice vote on October 22, 2007. The bill I have introduced today, with Congressman FALEOMAVAEGA and 15 other colleagues, strengthens H.R. 1205 without changing its original intent.

Conservation of coral reef ecosystems is essential to protect public health, promote environmental sustainability, and ensure long-term economic progress for the jurisdictions we represent in Congress. The sovereign waters of the United States off the coast of Guam, and in the Pacific region as a whole, contain a majority of the shallow-water coral reefs in the United States, as well as some of the world's greatest coral reef biodiversity. These reefs, and reefs around the world, protect us from storm waves, provide habitat and shelter for fisheries, provide food and recreation for our residents, and are the basis for marine tourism industries.

Today, however, various pressures on the world's reefs threaten to destroy them and the numerous ecosystem services that they provide. Unless the United States acts in conjunction with the global community to support focused, prolonged action on coral reef education, research, and management, the condition of our coral reefs will continue to degrade.

Since its enactment in 2000, the Coral Reef Conservation Act has stimulated a greater commitment to protect, conserve, and restore coral reef resources within jurisdictional waters of the United States. As a result, we now have a much better grasp of the condition of our coral reefs, and more focused management capability than at any time in our history. The Coral Reef Conservation Act Reauthorization and Enhancement Amendments of 2009 would further strengthen the original legislation by establishing a new community-based planning grants program, by promoting international cooperation, and by recognizing the important contributions of the U.S. Department of the Interior in coral reef management and conservation efforts.

This bill would also codify the United States Coral Reef Task Force established in 1998 by President Clinton through Executive Order 13089. The work of the Task Force and its mission to coordinate the efforts of the United States in promoting conservation and the sustainable use of coral reefs internationally is vital to our interests. Since 1998, the Task Force has acted to facilitate and support better management and conservation of coral reef resources at the local level. Many beneficial efforts, such as the development and implementation of local action strategies to address threats to our reefs, are underway thanks to the work of the Task Force and its member agencies.

I look forward to working with my colleagues on both sides of the aisle to advance this legislation to enhance our capacity for the conservation and restoration of healthy and diverse coral reef ecosystems, our "Rainforests of the Sea".

COMMEMORATION OF MONSIGNOR BONNER HIGH SCHOOL ALUMNI

**HON. JOE SESTAK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. SESTAK. Madam Speaker, on this day, one of the finest schools in Pennsylvania's 7th Congressional District will pay honor to its many exceptional graduates who have given their lives in service to our nation.

It is with a combination of pride and humility that I rise to honor the alumni, faculty, students and families of Monsignor Bonner High School in Drexel Hill, Pennsylvania. Specifically, we all owe a debt of gratitude to Mr. Dennis Murphy and Mr. Jim Ulmer. These two combat Veterans of the Vietnam War, in collaboration with other Veterans, graduates, and school president, the Rev. Augustine M. Esposito, O.S.A., Ph.D. have worked hard to pay tribute to Bonner's courageous graduates, their families and comrades-in-arms past, present, and future.

Founded in 1953 and expertly led by friars of the Order of St. Augustine, Monsignor Bonner High School has imbued in every young man who has passed through its doors the moral and intellectual foundation required to serve our nation with honor, courage, and commitment. Among its alumni and faculty are thousands of veterans including the Rev. John Melton, O.S.A., who served in the United States Marine Corps and throughout his tenure as Bonner's Guidance Counselor inspired an untold number of young men to follow his example of service to country, community, and God.

As our nation fights two wars far from our shores it is essential that we thank Monsignor Bonner High School and its surrounding neighborhoods in the Delaware Valley that have offered so many of their sons and daughters in service to our nation.

There is a headstone in Ireland that reads, "Death leaves a heartache no one can heal, love leaves a memory no one can steal." Today, Monsignor Bonner High School continues to reflect the very best in our nation and society in memorializing the sacrifices of some of its many heroes. Most importantly, they have done so in a way that will forever represent our love and our respect for the great gift those young men offered in service to the United States of America.

RENEWABLE ENERGY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. ENGEL. Madam Speaker, I would like to discuss an article in today's New York Times confirming that renewable energy industries—especially wind and solar—have been slowed

significantly by the credit crisis and the broader economic downturn.

I believe that we should not allow frozen credit markets to derail renewable-energy projects, and we cannot allow reduced oil prices to lull us into complacency.

We have an opportunity to address both of these concerns by working with the Senate, and with the Obama Administration, to pass the economic recovery package into law.

I believe that the recovery package must extend tax credits for biofuels, wind, and solar. It must make infrastructure investments. It must increase federal dollars for energy research, development, and deployment. And it must encourage the production of alternative fuel motor vehicles, including plug-in electric drive vehicles.

The time to act is now. A clean, green recovery package is our nation's best path to restoring our economy, and our best chance of creating jobs that cannot be outsourced.

MOURNING THE DEATH OF FORMER SENATOR JAMES B. PEARSON OF KANSAS

**HON. DENNIS MOORE**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. MOORE of Kansas. Madam Speaker, I rise today to note the death of former Kansas United States Senator James B. Pearson, who died on January 13th at the age of 88.

Appointed to the U.S. Senate in 1962, upon the death of Andrew Schoeppel, James B. Pearson served our state with distinction from 1962 through 1978. Elected in 1962, and re-elected in 1966 and 1972, Senator Pearson was a workhorse, not a showhorse. A senior member of the Foreign Relations Committee, he also rose to become Ranking Republican member of the Commerce, Science and Transportation Committee. Senator Pearson represented our state during an important and turbulent era, addressing issues that included: the Vietnam War; the civil rights revolution; enactment of the Medicare and Medicaid programs; America's space exploration program; and deregulation of the trucking and airline industries. Senator Pearson was a voice of reason and common sense during these difficult times and I am proud that he was originally from Prairie Village, which is located in the Third Congressional District of Kansas. In 2003, I joined with the rest of the Kansas congressional delegation in authoring legislation naming the Prairie Village U.S. post office in his honor.

Madam Speaker, the website for the Topeka Capital-Journal newspaper recently carried a blog commentary regarding Senator Pearson's career, which I believe very accurately summarizes his service to Kansas throughout his public life. I ask that it be included with this statement, as well as the obituary article regarding Senator Pearson that was published in the Washington Post.

[From the Topeka Capital Journal, Jan. 29, 2009]

MELLINGER: PEARSON'S POLITICAL STORY IS ONE WORTH REMEMBERING

(By Gwyn Mellinger)

Without fanfare, Jim Pearson, one of Kansas' most complex politicians, died earlier

this month. Most of the state's news media marked his passing with only perfunctory notices, hardly a fitting testament to his contributions during 17 years in the U.S. Senate and another decade in various other public offices.

This is what happens when you live to be 88 and choose to spend the last decades of your life in relative obscurity. In retirement, Pearson split his time between homes in Baldwin City and Gloucester, Mass. As health problems prevented travel, his visits to Kansas became fewer. Even so, he remained invested in the state whose voters sent him off to Washington and were sometimes bewildered by him.

Pearson never lost the drawl that betrayed his upbringing in Tennessee and Virginia, as well as his education at Duke University and the University of Virginia School of Law. As an outsider, he launched his Kansas political career from a law practice in Johnson County, where he was a city attorney and probate judge before serving a term in the Kansas Senate.

He was state Republican chairman in 1962, when Gov. John Anderson appointed him to fill the U.S. Senate seat vacated by the death of Andy Schoeppel. Later that year, Pearson secured the position in a special election and was re-elected in both 1966 and 1972. When he didn't seek reelection in 1978, he was succeeded by Nancy Kassebaum.

With benefit of hindsight, Pearson's political record seems particularly astonishing. When Pearson ran for statewide office, his brief history in Kansas was in Johnson County. Even so, Pearson was able to win reelection to the Senate in a state whose population was then more rural, more provincial and less concentrated in the east.

Moreover, Kansans re-elected Pearson after he took a decidedly liberal turn. Although Pearson generally voted with his party at the beginning of his Senate career, he broke with the Nixon administration by opposing the bombing of Laos and Cambodia. Pearson also attended meetings of the Wednesday Club, a lunch group of liberal and moderate Republican senators.

When Bobby Kennedy, Pearson's UVA classmate, made a presidential campaign swing through Kansas, Pearson introduced him in Lawrence and Manhattan. In his remarks Pearson wished Kennedy continued success in the Senate, but the joint appearance was a politically incendiary move for a Kansas Republican.

Pearson answered voters' concerns about ideology by advancing constituent services, rural development and the interests of the aviation, livestock, and oil and gas industries.

A Republican politician with Pearson's independent spirit would have difficulty being elected today. Nor are there many who simply retire and forsake the limelight, as Pearson did.

His is an example worth remembering.

[From the Washington Post, Jan. 19, 2009]

PROGRESSIVE REPUBLICAN WAS A KANSAS SENATOR

(By Joe Holley)

James B. Pearson, 88, a progressive Republican who represented Kansas in the U.S. Senate for almost 17 years, died Jan. 13 at his home in Gloucester, Mass. A cause of death wasn't immediately available, although Sen. Pearson had been on kidney dialysis for the past four years, said his wife, Margaret Pearson.

Sen. Pearson championed deregulating natural gas, expanding international trade and reforming campaign finance, among other issues that often found him voting with his Democratic colleagues. With then-Sen. Walter F. Mondale (D-Minn.), he sponsored

legislation that reduced the number of votes required to end a filibuster from 67 to 60. He also broke with the Nixon administration on efforts to end the Vietnam War. His closest Senate colleagues were Republicans Sens. Charles "Mac" Mathias (Md.) and Edward Brooke (Mass.) and Democrat John Culver (Iowa).

David Seaton, the senator's former press secretary and now publisher of the Winfield Daily Courier, said Sen. Pearson's toughest races were always in the Republican primaries: "For a good long time, he was not considered Republican enough by the traditional Republican party people."

James Blackwood Pearson was born in Nashville but moved with his family as a child to the Charlottesville area, where his father was a Methodist preacher. He spent two years as an undergraduate at Duke University before becoming a Navy transport pilot during World War II. From 1943 to 1946, he was stationed at Olathe Naval Air Station in Kansas. He returned to Kansas after receiving his law degree in 1950 from the University of Virginia.

He married a Kansas woman after the war and practiced law in Johnson County, Kan., during the 1950s. He also served as city attorney for several Kansas towns, as assistant county attorney and as a county probate judge.

After serving a single term in the Kansas Senate, starting in 1956, he returned to his private law practice. He also served as the Republican state chairman.

In January 1962, Republican Sen. Andrew Schoeppel died in office, and Kansas Gov. John Anderson, Jr. appointed Sen. Pearson to fill the vacancy. He won the GOP primary that year with 62 percent of the vote over former governor Ed Arn, then won the general election with 56 percent. He won a full six-year term in 1966 and another in 1972.

As a senator, he was a member of the Appropriations and Commerce committees and served on the Foreign Relations Committee in the 1970s as the United States sought to end the Vietnam War.

Seaton noted that Kansas Republicans who supported Sen. Pearson "really did support most of the Great Society and turned against the Vietnam War fairly early." The senator became an opponent after the 1970 bombing of Cambodia.

Sen. Pearson decided not to seek reelection in 1978 and was succeeded by Nancy Kassebaum Baker. He practiced law in the Washington office of LeBoeuf, Lamb, Lieby and MacRae and served on the board of the Honolulu-based East-West Institute. He spent the last few years of his life in Gloucester and also had a farm in Baldwin City, Kan.

His marriage to Martha Mitchell Pearson ended in divorce.

Survivors include his wife of 28 years, of Gloucester and Baldwin City; and four children from the first marriage.

#### HONORING FRED TRAMMELL CROW

#### HON. EDDIE BERNICE JOHNSON OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise to recognize the passing of a pioneer in the field of commercial real estate development both in Dallas and around the world, Mr. Fred Trammell Crow.

Fred Trammell Crow was born June 10, 1914 in Dallas, Texas, the fifth of the eight

children of Jefferson and Mary Crow. Growing up in a rented one-bedroom house in East Dallas, Trammell Crow graduated from Woodrow Wilson High School in 1932. Unable to attend college because of the Great Depression, Mr. Crow worked several odd jobs; eventually he worked his way through school at the American Institute of Banking and at Dallas College, the evening division of Southern Methodist University.

Trammell Crow passed the Texas CPA exam in 1938 and accepted a position with Ernst & Ernst as an auditor. As World War II approached, he applied for and was accepted for an officer's commission in the U.S. Navy where he used his auditing skills. Later he was in charge of Navy audit teams that worked with various defense contractors. By 1944, he earned the rank of commander in charge of cost inspection for the Eighth Naval District in New Orleans.

Mr. Crow married Margaret Doggett in 1942 and returned to Dallas in 1946, when his Naval assignment was completed. Mr. Crow went to work with the Doggett Grain Company where he would stay until 1948 when, at age 33, he began his legendary career in real estate.

In the 1950s, Trammell Crow introduced Dallas to the idea of building on speculation. He soon became a major industrial developer in the city, building the huge Dallas Market Center in 1957 and his first downtown office building two years later. In the 1950s and 1960s, Mr. Crow developed the major merchandise marts of Dallas including the Dallas Design District, Dallas Apparel Mart and World Trade Center. Crow's agents did more than \$15 billion in development and eventually gave him an interest in 8,000 properties, ranging from houses to hospitals, hotels and office buildings located in Brussels, Hong Kong, San Francisco, Miami, and Washington, D.C., amid others. Among Mr. Crow's many real estate accomplishments, he founded Trammell Crow Company, Trammell Crow Residential and Wyndham Hotel Company.

He and his wife Margaret were avid travelers who particularly enjoyed collecting art during their numerous business trips. In 1998, the Crow Family made it possible for everyone to share their love of Asian art by dedicating the Trammell and Margaret Crow Collection of Asian Art, a permanent museum located in the Arts District of downtown Dallas. He and his family have also donated \$1.1 million for research into Alzheimer's disease at the University of Texas Southwestern Medical Center at Dallas.

Madam Speaker, Trammell Crow is survived by his loving wife, Margaret, his children: Robert, Howard, Harlan, Trammell S., Lucy Billingsley and Stuart, sixteen grandchildren and three great-grandchildren.

#### IN COMMEMORATION OF BLACK HISTORY MONTH

#### HON. ALCEE L. HASTINGS OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate this 33rd Black History Month, a month that celebrates Black history with a view to its promotion, preservation and research.

Black History Month has grown as a celebration of Black history and culture over many decades. At the urging of historian Carter Woodson, the second African American to receive a degree from Harvard University, the fraternity Omega Psi Phi first created Negro History and Literature Week in 1920. In 1926, Woodson changed Negro History and Literature Week to Negro History Week, and chose the second week of February for its celebration in order to honor the births of President Abraham Lincoln and Frederick Douglass, two men who had a profound influence in the fight for equality for African Americans.

Although Woodson died in 1950, his legacy continued. In the early 1970s, the Association for the Study of Negro Life and History, now called the Association for the Study of African American Life and History, changed Negro History Week to Black History Week. In 1976, they extended the week to a month-long observance.

Since its earliest origins, Black History Month has made a significant contribution to the promotion, preservation and research of Black history. When the tradition of Black History Month first began, Black history had barely been explored by mainstream academia. Although much work remains to complete our understanding of African-American culture, our understanding is vastly improved. This has contributed to both an increased sense of racial pride among African Americans and an increased appreciation of African-American culture among non-White Americans.

Madam Speaker, these and other continued improvements are essential to addressing the inequalities, which continue to affect African-Americans. For these reasons, I am extremely pleased to commemorate Black History Month and encourage my colleagues to join me in doing so as well.

### AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

SPEECH OF

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, January 28, 2009*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes:

Mr. LANGEVIN. Mr. Chair, I rise in support of H.R. 1, the American Recovery and Reinvestment Act, which will save and create millions of jobs across our country, jumpstart our economy and transform it to meet the needs of the 21st century by making our nation more globally competitive and energy independent.

We are facing dire economic times. Every week, we are faced with new reports on job losses across our country. In my home state of Rhode Island, we have the country's second highest unemployment rate at ten percent and last December, we were ranked sixth nationally in foreclosure rates. These harsh realities have made it increasingly clear that our economy will face an even sharper downturn

if we do not act soon. With that in mind, I support taking action to rebuild our nation's economy.

H.R. 1 will appropriate \$544 billion for transportation and infrastructure upgrades and construction, health care programs, education assistance, housing assistance and energy efficiency upgrades, and includes \$275 billion in personal and business tax breaks for a total of \$819 billion to be expended over Fiscal Years 2009 and 2010. This measure helps those hit hardest by the economic downturn by extending unemployment benefits, providing job training to get people back to work quickly, increasing food stamp benefits, and extending health benefits for those who lose their job.

This measure provides \$90 billion to modernize our crumbling roads and bridges, increase transit and rail funding to reduce traffic congestion and gas consumption, and invest in clean water and other environmental restoration projects. It is estimated that Rhode Island will receive \$154 million for highways and bridges and \$39 million for the Clean Water State Revolving Fund, which will significantly raise and almost double our state's budget for these programs. These projects will immediately create jobs in my state, as projects will only receive funding if they are "ready to go" within 90 days of the enactment of this bill.

This measure also includes education initiatives that will build 21st century classrooms, labs and libraries through a new program that will modernize, renovate and repair school buildings. It is estimated that Rhode Island will receive \$48 million for Title I programs, which serve disadvantaged children, and \$48 million for IDEA Funds. H.R. 1 also provides \$15.6 billion for Pell grants, and it is estimated that Rhode Island will receive \$97.5 million in aid for 28,217 recipients for an average award for the academic year 2009-10 of \$3,456. Investing in our children's education not only has long-term benefits to our economy, but it also delivers on our nation's promise to ensure that all individuals have an equal opportunity to succeed.

I have strongly advocated for a comprehensive energy plan to lower costs, create jobs and improve our environment. H.R. 1 will not only double renewable energy production, but I am especially pleased that funding is included to build the infrastructure to transmit renewable energy to homes throughout our nation. The bill also promotes a Smart Grid Investment Program to modernize our electricity grid to meet the needs of our growing and evolving energy system. While Congress supports an efficient and modern system of power generation, the bill also provides necessary credits to individuals to make their homes more energy efficient through weatherization programs and with credits to purchase energy efficient appliances.

This measure includes individual tax relief, including the "Making work pay" tax credit, which will provide up to \$500 for an individual or \$1,000 for married couples filing jointly. Parents will also benefit from an increase in the earned income tax credit for families with three or more children and the bill allows for additional low-income families to receive the child tax credit. It will also provide a tax credit up to \$7500 for first time home buyers if they purchase a home between April 8th, 2008 and July 1st, 2009, injecting a much needed incentive into the housing market.

I also supported H.R. 1 because it includes unprecedented accountability and strong over-

sight by creating the Recovery Act Accountability and Transparency Board, which will coordinate and conduct oversight of federal spending under the bill. A website with the board's reports will be placed on a website, which will also show how funds are spent and list announcements of contract and grant competitions and awards.

Mr. Chair, it is important to understand that this funding is not a silver bullet, but that our economy will continue to decline without this immediate action. The Recovery package will begin to slow our downward economic trend and allow us to regain our footing as we begin to make much-needed long term investments to transform our economy for the 21st century. American prosperity depends on individual economic security. It is only when Americans do not have to worry about losing their job, keeping their home or paying their bills that our economy will truly flourish. I am committed to improving the economic outlook for the millions who are struggling, and I will continue working with my colleagues in Congress on this vital and urgent goal.

### INTRODUCTION OF THE "MORTGAGE AND RENTAL ASSISTANCE RESTORATION ACT OF 2008"

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mrs. MALONEY. Madam Speaker, today I am re-introducing "The Mortgage and Rental Assistance Restoration Act" for the 111th Congress. I have introduced this in previous Congresses and I will keep working to pass this important piece of disaster relief policy that will protect all Americans.

My bill would reauthorize the Mortgage and Rental Assistance Act, MRA, which was discontinued by the Disaster Mitigation Act effective May 2002. The MRA provides mortgage or rental payments to people who suffer a loss of income due to a federally declared disaster such as a hurricane or terrorist attack. Without a job, most people would be unable to keep their homes due to the financial burdens of mortgages or rents. The MRA provides cover for both home owners and renters.

After the terrorist attack on September 11, 2001, individuals who required temporary housing assistance relied upon the MRA, included in the Stafford Act, for aid. Under the MRA program many were eligible for grants to repair homes to a habitable condition, or to obtain mortgage or rental payment assistance to prevent foreclosures or evictions.

The MRA program was a crucial component to help victims of the Sept. 11th attack in my home state of New York. However, in 2005, in the wake of Hurricane Katrina, the MRA was not available for mortgage or rental assistance. As a result many people who would have been eligible for mortgage or rental assistance were unable to receive it. This was unfair and detrimental to the recovery process.

The United States government has a responsibility to help communities recover from unpredictable disasters and help citizens keep from losing their homes. The MRA program helps provide stability during unstable times and that is why it must be reauthorized.

RETIREMENT EQUITY FOR U.S.  
DISTRICT COURT JUDGE JOHN S.  
UNPINGCO OF PITI, GUAM

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Ms. BORDALLO. Madam Speaker, today I have introduced a private relief bill to grant full annuity set forth in 28 U.S.C. 373 to the Honorable John S. Unpingco of Piti, Guam, former Judge of the United States District Court of Guam.

Prior to his confirmation on October 8, 1992, by the United States Senate as Judge of the District Court of Guam, Judge Unpingco served a combined total of 27 years as an officer in the United States Air Force, the United States Air Force Reserve, and as a federal civilian employee in the Department of the Air Force. However, despite his long and distinguished career as a public servant, upon attaining the age of 65 Judge Unpingco will not qualify for a full annuity from the Administrative Office of the United States Courts (AO), from the United States Air Force, or from the Federal Government for his civilian service. Under current law, upon attaining the age of 65, Judge Unpingco can only receive an annuity prorated to his service on the federal bench and valued at approximately 12/15th of the salary he earned at the time he stepped down from the bench.

The issue of retirement inequity is one unique to Judges appointed to serve on the bench for the District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands. Each of these Courts was established pursuant to an Act of Congress enacted in under the authority of Congress to govern territories granted by Section 3 in Article IV of the Constitution. Article IV judges are appointed for fixed-length terms pursuant to statute. Article III judges, however, their counterparts serving on the bench in District Courts in the 50 States and in the District of Columbia, are appointed for life in accordance with the Constitution.

In the 109th Congress, I wrote with my colleague from the Virgin Islands, Mrs. CHRISTENSEN, to the Judicial Conference of the United States, to request their review of draft legislation to amend 28 U.S.C. 373 to allow for the retirement of Article IV judges under terms more equal to those provided under current law for judges of Article III Courts and the United States Tax Court. The Committee on the Judicial Branch of the Judicial Conference of the United States carefully examined our legislative proposals on this issue and responded in writing on January 5, 2006, indicating that this is a matter more appropriately addressed at this time through a private relief bill. To date, Congress has confirmed the appointments of 16 Judges to the Article IV Courts for the Districts of Guam, the Northern Mariana Islands, and the Virgin Islands. Length of terms has varied over time and across the three courts. There are unique circumstances surrounding Judge Unpingco's executive and judicial service. He separated from the civil service to fulfill a judicial responsibility on behalf of his country, and served on the federal bench in good faith.

It is at the suggestion of the Committee on the Judicial Branch of the Judicial Conference

of the United States and in accordance with precedent that I have introduced this private relief bill. I do so in the hopes that a distinguished public servant will collect the full and fair annuity that he selflessly worked toward over the course of his 27 year career in public service. While I intend to introduce legislation at a later time to establish the District Court of Guam as an Article III Court, I remain concerned about current inequity in the law affecting Article IV Judges. Thirty-seven private bills have been enacted into law by the previous five Congresses. Congress has previously considered private relief bills pertaining to annuities payable to federal Judges, including for example for a Judge in a territory of the United States. The most recent example being S. 115 for the relief of Judge Louis LeBaron, who was a Justice of the Territorial Supreme Court of Hawaii and which was introduced in the 1st Session of the 99th Congress on January 3, 1985.

I look forward to working with the Chairman and Ranking Member of the Committee on the Judiciary to address the underlying inequity in retirement benefits for Article IV Judges and in this particular case to bring relief to Judge Unpingco through the enactment of the bill I have introduced today. I hereby enter for print in the CONGRESSIONAL RECORD to accompany the introduction of this bill and to supplement these remarks, the correspondence I exchanged with the Administrative Office of the United States Courts (AO) and the Judicial Conference of the United States and its enclosures on this matter.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, February 4, 2005.

MR. LEONIDAS RALPH MECHAM,  
Director, The Administrative Office of the U.S.  
Courts, One Columbus Circle, NE, One Columbus Circle, NE, Washington, DC.

DEAR DIRECTOR MECHAM: We write to you in your capacity as Secretary to the Judicial Conference of the United States, to request the Judicial Conference's support for amending Section 373, of Chapter 17, in Part I, of Title 28 of the United States Code, to allow for the retirement of Article IV judges of the District Court of Guam, the District Court of the Northern Mariana Islands, and the District Court of the Virgin Islands, under terms more equal to those provided under current law for judges of Article III courts and judges of the United States Tax Court. Specifically, we request the Judicial Conference's support for the repeal of the age restriction and the revision of the service requirement in Section 373 to allow for retirement should a judge of an Article IV Court not be reappointed.

As you know, the U.S. District Courts in the 50 States and Puerto Rico were created under Article III of the United States Constitution. The District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands were created by Congress under authority to govern territories granted by Section 3 in Article IV of the United States Constitution. Article III judges are appointed for life in accordance with the United States Constitution whereas Article IV judges are appointed for a term of ten years pursuant to statute. The difference in terms of appointment is significant as it pertains to retirement eligibility.

Since Article III judges serving life-time terms may only be removed for cause, there are few circumstances by which fulfillment of resignation and retirement requirements is not realized. However, Article IV judges do not enjoy the same advantage. Under current

law, an Article IV judge is first eligible for retirement at age 65 provided he has accrued 15 years of judicial service. If upon expiration of his term, an Article IV judge is not reappointed, he is eligible to receive a proportional annuity upon reaching age 65 provided he has at least ten years of judicial service.

It is understood that Article III judges are appointed for life-time terms because the framers of the Constitution recognized that an effective and independent judiciary could only be realized if judges were free from political interference in their decision-making. We are seeking changes to the retirement provisions for Article IV judges to provide consistency with the principles espoused by the framers. Article IV judges should not have to face the possibility of having to seek employment at the expiration of their term. Having to do so raises possible conflict of interest and judicial independence concerns our founding fathers sought to prevent from occurring.

We are proposing that Article IV judges be afforded a similar option to retire as judges in the U.S. Tax Court, who also do not receive life-time appointments, but are eligible to retire at the expiration of their term regardless of age. Under Section 7447(b)(3) of Title 26 of the United States Code, judges of the United States Tax Court who are not reappointed can retire upon completion of their term provided they have notified the President of their willingness to accept reappointment within a specified period of time. We are proposing similar consideration for Article IV judges. Specifically, that an Article IV judge, who is not reappointed, would be allowed to retire after the expiration of their term. An Article IV judge retiring under this provision would receive an annuity equal to 50% of the judge's salary at the time of retirement. Then, upon reaching the age of 65, the retired judge would be eligible to receive the annuity amount authorized under current law (28 U.S.C. 373(e)).

Alternatively, we propose that an Article IV judge, who has at least ten years of judicial service, but is not reappointed, and who has not reached the age of 65, be eligible to retire at the expiration of his term provided he has a combined total of 15 years of Federal service, including a minimum of 10 years of judicial service, which may include military and civil service.

Enclosed, for your review, is draft legislative language for each of these proposals. Amending the retirement provisions would ensure the judicial independence of Article IV judges and provide for their freedom from political interference. In addition, it would place the Article IV judges of the U.S. District Courts of Guam, the Mariana Islands and the Virgin Islands on more equal terms with their colleagues serving in other U.S. Courts. Thank you for your consideration of this request. We look forward to working with you to address this matter in the 109th Congress and would appreciate your review of and comment on the enclosed legislative proposals.

Sincerely,  
MADELEINE Z. BORDALLO,  
Member of Congress.  
DONNA M. CHRISTENSEN,  
Member of Congress.

AMENDMENT No. 1 to 28 U.S.C. 373(e) OFFERED  
BY MS. BORDALLO

Section 373(e) of title 28, United States Code, is amended—

- (1) by inserting “(1)” after “(e)”;
- (2) by striking: “, or who is not reappointed (as judge of such court),” and
- (3) by adding at the end the following:
 

“(2) Any judge of the District Court of Guam, the District Court of the Northern

Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) following the expiration of his or her term of office shall, upon the completion of such term, be entitled to receive, during the remainder of his or her life, an annuity as follows:

“(A) If the judge has not yet attained the age of 65 years, the annuity of the judge shall be equal to 50 percent of the salary the judge received when leaving office, subject to subparagraph (B).

“(B) If the judge has attained the age of 65 years, or in the case of a judge described in subparagraph (A), upon attaining the age of 65 years—

“(i) if his or her judicial service, continuous or otherwise, aggregates 15 years or more, the annuity of the judge shall be equal to the salary received when leaving office; or

“(ii) if his or her judicial service, continuous or otherwise, aggregated less than 15 years but not less than 10 years, the annuity of the judge shall be equal to that proportion of the salary received when leaving office which the aggregate number of such years of judicial service bears to 15.”

AMENDMENT NO. 2 TO 28 U.S.C. 373(e) OFFERED BY MS. BORDALLO

Section 373(e) of title 28, United States Code, is amended—

(1) by inserting “(1)” after “(e)”;

(2) by striking “, or who is not reappointed (as judge of such court),”; and

(3) by adding at the end the following:

“(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) following the expiration of his or her term of office shall, upon the completion of such term, be entitled to receive, during the remainder of his or her life, an annuity equal to the salary received when leaving office, if the judicial service of the judge, continuous or otherwise, aggregates 10 years or more, and the service of such judge as an officer or employee of the United States, continuous or otherwise, including military service, aggregates 15 years or more.”

JUDICIAL CONFERENCE OF  
THE UNITED STATES,

Washington, DC, February 23, 2005.

Hon. MADELEINE Z. BORDALLO,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

Hon. DONNA M. CHRISTENSEN,  
House of Representatives, Longworth House Of-  
fice Building, Washington, DC.

DEAR DELEGATES BORDALLO AND CHRISTENSEN: Thank you for your letter of February 4, 2005, requesting the judiciary's review of draft legislation to amend the retirement provisions for territorial district court judges contained in section 373, of title 28, United States Code.

By copy of this letter, I am requesting that the Judicial Conference Committee on the Judicial Branch, which is chaired by Chief Judge Deanell Reece Tacha (United States Court of Appeals, Tenth Circuit), review and make any appropriate recommendations to the Judicial Conference on this matter. The Judicial Branch Committee has jurisdiction over judicial compensation and benefits matters, including judges' retirement.

In the interim, should you have any questions or concerns, please do not hesitate to contact Michael W. Blommer, Assistant Director, Office of Legislative Affairs, at (202) 502-1700.

Sincerely,

LEONIDAS RALPH MECHAM,  
Secretary.

COMMITTEE ON THE JUDICIAL  
BRANCH, JUDICIAL CONFERENCE OF  
THE UNITED STATES,

Portland, ME, January 5, 2006.

Hon. MADELEINE Z. BORDALLO,  
House of Representatives, Cannon House Office  
Building, Washington, DC.

Hon. DONNA M. CHRISTENSEN,  
House of Representatives, Longworth House Of-  
fice Building, Washington, DC.

DEAR DELEGATES BORDALLO AND CHRISTENSEN: I am writing in furtherance of Administrative Office Director Leonidas Ralph Mecham's letter dated February 23, 2005, concerning your request for Judicial Conference review of proposed legislation to amend the retirement provisions for territorial district court judges, contained in section 373 of title 28, United States Code.

The Judicial Conference Committee on the Judicial Branch discussed your legislation at length during its December 1-2, 2005, meeting. As discussed below, the Committee recommended no action on this issue by the full Judicial Conference.

The Committee considered both proposals at length. It was the unanimous view of the Committee that the proposed legislation involved matters that are essentially private relief bills (intended to benefit a single territorial district court judge) and that this objective should not be achieved by amending title 28, United States Code. The Committee's determination is consistent with Judicial Conference precedent. During the 1970s, the Conference declined to endorse legislation that was intended to benefit a single territorial district court judge on at least three occasions. At the time, the Conference declined to endorse legislation that would have increased the retirement benefits accruing to certain territorial judges for their services as territorial judges in prior years (when the salary of that position was less than \$20,000 per year). The Conference was of the view that the bill as framed would apply to only one territorial judge and, therefore, if the Congress desired to enact such legislation, it would better be accomplished by a private bill (and not by amendment of title 28).

I should note that the Committee also considered whether to recommend to the Conference a more general resolution (e.g., that the Conference resolve to recommend that Congress amend the age and service provisions governing territorial district judges' retirement (28 U.S.C. 373(a)) to make them more congruent with those available to other fixed-term judges). After considerable discussion, that proposal was also considered to be unsatisfactory. The Committee believes that territorial district judges accept their judgeships knowing that non-reappointment is a possibility. There was also concern about maintaining parity with other fixed-term judges, such as bankruptcy and magistrate judges, whose retirement system is contributory.

I regret that my reply could not be more favorable. Should you have any questions or concerns, please do not hesitate to contact Cordia Strom, Assistant Director for Legislative Affairs at the Administrative Office of the U.S. Courts, at 202/502-1100.

Sincerely,

D. BROCK HORNBY,  
District Judge.

REMEMBERING EMILY CAMPBELL  
BROWN

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 2009

Mr. RYAN of Ohio. Madam Speaker, I rise to honor Emily Campbell Brown, the extraordinary mother of our former colleague and now member of the other body, Senator SHERROD BROWN. Mrs. Brown died at her home in Mansfield, Ohio, on Monday at the age of 88.

She was born and raised in Mansfield, Georgia, and married Dr. Charles G. Brown of Mansfield, Ohio in 1946. She taught English at the High School and was a leader in the Mansfield YWCA. She and her husband were instrumental in the founding of the Mansfield chapter of Habitat for Humanity and the Ohio Hunger Task Force. She was always active in the Richland County Democratic Party. In 2007 the Richland County Democratic Party established the Emily Brown Young Democrat Award in her honor. Just last year she campaigned for important issues and candidates.

She raised three sons, Robert, Charles, and our friend SHERROD, and was blessed with 6 grandchildren and a great grandson.

Madam Speaker, our thoughts and prayers are with Senator BROWN and all of his family in this difficult time as we remember his mother, a remarkable lady Emily Campbell Brown. Her progressive spirit and commitment to social justice lives on through her sons and her family.

Madam Speaker, I ask unanimous consent that a column written by Connie Schultz the daughter-in-law of Emily Brown and the wife of Senator BROWN that appeared in today's Cleveland Plain Dealer be printed in the CONGRESSIONAL RECORD at the conclusion of my remarks.

[From the Cleveland Plain Dealer, Feb. 4, 2009]

EMILY CAMPBELL BROWN, AN ACCOMPLISHED  
LADY WHO DEFINED HER OWN LEGACY  
(By Connie Schultz)

It didn't take long for me to realize I'd met my match in the likes of Emily Campbell Brown.

Six years ago, before I married her son, we were dressing for a black-tie event at her home. After I'd wriggled into a floor-length gown, she scooted up next to me.

“Cohhhhhnie,” she said in the Southern lilt that always coaxed another syllable out of my name. “Would you like to borrow a necklace?”

Aw, how sweet. “Thank you, Emily,” I said, “but I'm afraid that might draw attention to my chest.”

“Hmmm,” she said, glancing at my neckline. “Isn't that what you're trying to do?” I could hear her son chuckling in the next room.

“Emily,” I said, kissing her powdered cheek. “You and I are going to do just fine.”

Most of the obituaries for Emily, who died Monday at 88, identify her first and foremost as the mother of my husband, U.S. Sen. Sherrod Brown. They mention that she also raised two other successful sons, and that she married a doctor.

She was proud of the men in her life, but to define Emily by her relationships is to diminish the giant force of a woman who made social justice the cornerstone of her life, and that of her family. One of the first e-mails

Sherrod ever sent me was a story about his mother: She'd grown up and away from Georgia and its troubled ways, and insisted that her boys always call African-American adults "Mr." or "Mrs." None of this first-name business meant to telegraph who was, and who wasn't, worthy of full regard.

Emily's accomplishments wove through issues of racial and economic justice. When it came to making a difference, she did not wait for the invitation. During the 2004 presidential race, she organized a voter-registration drive in a poorer section of Mansfield. There was the meticulously dressed, 84-year-old Emily, with a curve in her back and sensible shoes on her feet, dragging a card table out of the trunk of her car, day after day. She registered more than 1,000 voters that year.

One recent morning, after weeks bedridden, Emily asked for a hand mirror and was devastated by the face looking back at her. "I look so awful, Connie," she told me hours later. "Just awful."

I cupped her cheek with my hand. "Emily, you were always a beautiful woman, and you're beautiful now. That spirit of yours is shining through."

She scoffed, and I pushed. "Emily, you know I say exactly what I mean."

She rolled her eyes, acknowledging the occasional sparks that fired between us. "Yes," she said, "I know you do."

"If I say you look beautiful, it must be true."

She managed a small laugh. "Well, then, you're right. It has to be true."

In the last weeks of Emily's life, her energy came in short but astonishing bursts, and whoever was at her side leaned in with a hunger. One evening, we talked about Harper Lee's novel, "To Kill a Mockingbird."

"Oh, that was one of my favorite books," Emily said. "I read it over and over."

She was quiet for a moment. "I always loved the boy. The boy, Jeremy. Remember that scene at the jail?"

His nickname was Jem, and his father, lawyer Atticus Finch, had planted himself next to the county jail to make sure a black man falsely accused of rape wasn't killed overnight by a gang of angry white men. Jem defied his father's orders and joined him. When Atticus insisted he go home, the boy refused.

"No, suh," Emily said slowly and softly, quoting Jem. "No, suh, I will not leave."

A week later, though, she did just that.

A few hours after Emily died, I returned to work, as she would have wanted, and opened a large envelope from an anonymous reader. Inside, I found a profane poster plastered with my face next to one of the most pejorative words for my gender. I thought of our family's adage, that whenever we're challenged, we ask ourselves, "What would Emily do?"

I turned to my keyboard, revved up the computer and heard Emily Campbell Brown's voice whisper in my ear: "No, suh, I will not leave."

And I started to write.

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REFLECTIONS ON THE LIFE OF  
HAZEL SCOTT—A TRIBUTE TO  
HER FIRST BIOGRAPHY, WRIT-  
TEN BY KAREN CHILTON

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, February 4, 2009*

Mr. RANGEL. Madam, Speaker, today I rise to congratulate the family of the late and great Hazel Scott and the author of Hazel Scott's first memoir, Karen Chilton for writing such an important biographical book on a stellar Caribbean American pianist, singer, actress, and activist.

In 1939, when Café Society, New York City's first fully integrated nightclub, was all the rage, Hazel Scott was its star. Still a teenager, she wowed audiences with her jazz renditions of classical masterpieces by Chopin, Bach, and Rachmaninoff. A child prodigy, born in Trinidad and raised in Harlem in the 1920s, Scott's musical talent was cultivated by her musician mother, Alma Long Scott, as well as several great jazz luminaries of the period, namely, Art Tatum, Fats Waller, Billie Holiday, and Lester Young.

Career success was swift for the young pianist—she auditioned at the prestigious Juilliard School when she was only eight years old, hosted her own radio show at fourteen, and shared the bill at Roseland Ballroom with the Count Basie Orchestra at fifteen. After several stand-out performances on Broadway,

club impresario Barney Josephson proclaimed Hazel Scott the "Darling of Café Society."

By the time Hollywood came calling, Scott had achieved such stature that she could successfully challenge the studios' deplorable treatment of black actors. She would later become one of the first black women to host her own television show.

During the 1940s and '50s, her sexy and vivacious presence captivated fans worldwide. She was known for improvising on classical themes and also played boogie-woogie, blues, and ballads. Her marriage to the late and great Congressman Adam Clayton Powell, Jr., whom I succeeded, made them one of the country's most high-profile African American families.

In a career spanning over four decades, Hazel Scott became known not only for her accomplishments on stage and screen, but for her outspoken advocacy of civil rights. Her relentless crusade on behalf of African Americans, women, and artists made her the target of the House Un-American Activities Committee (HUAC) during the McCarthy Era, eventually forcing her to join the black expatriate community in Paris.

By age twenty-five, Hazel Scott was an international star but, before reaching thirty-five, she considered herself a failure. Plagued by insecurity and depression, she would try twice to take her own life. Her life came to a close, dying of pancreatic cancer, at the age of 61 on October 2, 1981.

Karen Chilton, a New York-based writer and actor who also co-authored "I Wish You Love," the jazz memoir of legendary vocalist Gloria Lynne, traces the fascinating arc of this brilliant and audacious American artist from stardom to ultimate obscurity. Readers will learn from the prelude to the civil rights movement to the dark moments in our nation's history where racial, ethnic, and political discrimination ran rampant.

So Madam Speaker, I ask that in this Black History Month, that you and my distinguished colleagues join me in honoring the life of Hazel Scott and thanking Karen Chilton. Karen truly authored a book that many generations of future stars will cherish.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 5, 2009 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## FEBRUARY 6

9:30 a.m.

Joint Economic Committee  
To hold hearings to examine the employment situation for January 2009.

SD-106

## FEBRUARY 10

10 a.m.

Banking, Housing, and Urban Affairs  
To hold an oversight hearing to examine the financial rescue program, focusing on a new plan for the Trouble Asset Relief Program (TARP).

SD-106

Budget

To hold hearings to examine issues and budget options for health reform.

SD-608

Energy and Natural Resources

To hold hearings to examine renewable electricity standards proposal.

SD-366

Judiciary

To hold hearings to examine the nominations of Elena Kagan, of Massachu-

setts, to be Solicitor General of the United States, and Thomas John Perrelli, of Virginia, to be Associate Attorney General, both of the Department of Justice.

SD-226

2:30 p.m.

Foreign Relations

To receive a closed briefing on North Korea.

SVC-217

Intelligence

Closed business meeting to consider pending intelligence matters.

SH-219

## FEBRUARY 11

9:30 a.m.

Veterans' Affairs

To hold hearings to examine veterans' disability compensation, focusing on the appeals process.

SR-418

10 a.m.

Budget

To hold hearings to examine policies to address the crises in financial and housing markets.

SD-608

Judiciary

To hold hearings to examine the need for increased fraud enforcement in the wake of the economic downturn.

SD-226

10:30 a.m.

Rules and Administration

Organizational business meeting to consider committee's funding resolution for the 111th Congress, and other pending business.

SR-301

10:45 a.m.

Rules and Administration

To hold hearings to examine Senate Committee budget requests.

SR-301

## FEBRUARY 12

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the Department of Energy Loan Guarantee Program, authorized under Title 17 of the Energy Policy Act of 2005, and how the delivery of services to support the deployment of clean energy technologies might be improved.

SD-366

Indian Affairs

To hold an oversight hearing to examine matters relating to Indian affairs.

SD-628

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine structuring national security and homeland security at the White House.

SD-342

2:30 p.m.

Intelligence

To hold hearings to examine the world threat.

SH-216

## FEBRUARY 24

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual monetary policy report to the Congress.

SH-216

2 p.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Disabled American Veterans.

345, Cannon Building

## MARCH 5

10 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentations of veterans' service organizations.

SD-106

## MARCH 12

10 a.m.

Veterans' Affairs

To hold joint hearings to examine legislative presentations of veterans' service organizations.

SD-106

## MARCH 18

9:30 a.m.

Veterans' Affairs

To hold joint hearings to examine the legislative presentation of the Veterans of Foreign Wars.

334, Cannon Building

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S1473–S1614*

**Measures Introduced:** Ten bills and one resolution were introduced, as follows: S. 374–383, and S. Res. 27. **Page S1542**

**Measures Passed:**

*Emergency Economic Stabilization Act:* Senate passed S. 383, to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110–343) to provide the Special Inspector General with additional authorities and responsibilities. **Pages S1613–14**

*Congratulating the Pittsburgh Steelers:* Senate agreed to S. Res. 27, congratulating the Pittsburgh Steelers on winning Super Bowl XLIII. **Pages S1612–13**

**Measures Considered:**

*American Recovery and Reinvestment Act:* Senate continued consideration of H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S1474–S1538**

**Adopted:**

Isakson/Lieberman Modified Amendment No. 106 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to provide a Federal income tax credit for certain home purchases. **Pages S1474, S1481–84, S1523**

Cardin Amendment No. 237 (to Amendment No. 98), to amend certain provisions of the Small Business Investment Act of 1958, related to the surety bond guarantee program. **Pages S1484–85, S1523**

Bond Amendment No. 161 (to Amendment No. 98), to provide \$2,000,000,000 from the HOME program for investment in the low income housing tax credit projects. **Pages S1496–98, S1525–26**

Dorgan Amendment No. 300 (to Amendment No. 98), to clarify that the Buy American provisions shall be applied in a manner consistent with the

United States obligations under international agreements. **Page S1528**

Baucus (for Landrieu) Amendment No. 102 (to Amendment No. 98), to ensure that assistance for the redevelopment of foreclosed and abandoned homes to States or units of local government impacted by catastrophic natural disasters may be used to support the redevelopment of homes damaged or destroyed as a result of the 2005 hurricanes, the severe flooding in the Midwest in 2008, and other natural disasters. **Page S1538**

**Rejected:**

By 32 yeas to 65 nays (Vote No. 37), Vitter Amendment No. 179 (to Amendment No. 98), to eliminate unnecessary spending. **Pages S1474, S1521–23**

By 35 yeas to 62 nays (Vote No. 39), Grassley (for Thune) Amendment No. 238 (to Amendment No. 98), to ensure that the \$1 trillion spending bill is not used to expand the scope of the Federal Government by adding new spending programs. **Pages S1485–88, S1489–91, S1524**

By 31 yeas to 65 nays (Vote No. 44), McCain Amendment No. 279 (to Amendment No. 98), to prohibit the applicability of Buy American requirements in the Act to the utilization of funds provided by the Act. **Pages S1494–96, S1528–30**

**Withdrawn:**

Martinez Modified Amendment No. 159 (to Amendment No. 98), to reduce home foreclosures, compensate servicers who modify mortgages, and remove the legal constraints that inhibit modification. **Pages S1493, S1518–20, S1524–25**

**Pending:**

Reid (for Inouye/Baucus) Amendment No. 98, in the nature of a substitute. **Page S1474**

Murray Amendment No. 110 (to Amendment No. 98), to strengthen the infrastructure investments made by the bill. **Page S1474**

Feingold Amendment No. 140 (to Amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds. **Pages S1474, S1479–81, S1488–89, S1504–07, S1512–18**

Grassley (for Thune) Amendment No. 197 (to Amendment No. 98), in the nature of a substitute.

**Pages S1485–88**

Baucus (for Dorgan) Amendment No. 200 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

**Pages S1491–92**

Ensign Amendment No. 353 (to Amendment No. 98), in the nature of a substitute.

**Page S1530**

Dodd Amendment No. 354 (to Amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program.

**Pages S1530–31**

Barrasso Amendment No. 326 (to Amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969.

**Page S1536**

Barrasso (for DeMint) Amendment No. 189 (to Amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A.

**Page S1536**

Baucus (for Boxer) Amendment No. 363, to ensure that any action taken under this act of any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country.

**Page S1538**

Baucus (for Harkin/Stabenow) Amendment No. 338 (to Amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles.

**Pages S1536–38**

Baucus (for Dodd) Amendment No. 145 (to Amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

**Pages S1536–38**

Baucus (for McCaskill) Amendment No. 125 (to Amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government.

**Pages S1536–38**

Baucus (for McCaskill) Modified Amendment No. 236 (to Amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available.

**Pages S1536–38**

During consideration of this measure today, Senate also took the following action:

By 36 yeas to 61 nays (Vote No. 38), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Grass-

ley (for DeMint) Amendment No. 168 (to Amendment No. 98), in the nature of a substitute. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

**Pages S1485–88, S1492–93, S1507–12, S1523–24**

By 44 yeas to 53 nays (Vote No. 40), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 306 of the Congressional Budget Act of 1974, with respect to McCain Modified Amendment No. 278 (to Amendment No. 98), to reimplement Gramm-Rudman-Hollings to require deficit reduction and spending cuts upon 2 consecutive quarters of positive GDP growth. Subsequently, the point of order that the amendment was in violation of section 306 of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

**Pages S1494–96, S1520–21, S1525**

By 38 yeas to 59 nays (Vote No. 41), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 904(c)(2) of the Congressional Budget Act of 1974, with respect to Inhofe Amendment No. 262 (to Amendment No. 98), to appropriate, with an offset, \$5,232,000,000 for procurement for the Department of Defense to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell.

**Pages S1498–S1500, S1526**

By 37 yeas to 60 nays (Vote No. 42), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Cornyn Amendment No. 277 (to Amendment No. 98), to reduce income taxes for all working taxpayers. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

**Pages S1500–01, S1527**

By 39 yeas to 57 nays (Vote No. 43), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Bunning Amendment No. 242 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to suspend for 2009 the 1993 income tax increase

on Social Security benefits. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

**Pages S1501–04, S1527–28**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m. on Thursday, February 5, 2009. **Pages S1541–42**

**Messages From the House: Page S1542**

**Measures Referred: Pages S1542–43**

**Additional Cosponsors: Pages S1543–50**

**Statements on Introduced Bills/Resolutions: Pages S1543–50**

**Additional Statements: Pages S1540–41**

**Amendments Submitted: Pages S1550–S1612**

**Notices of Hearings/Meetings: Page S1612**

**Authorities for Committees to Meet: Page S1612**

**Privileges of the Floor: Page S1612**

**Record Votes:** Eight record votes were taken today. (Total—44)

**Pages S1523, S1524, S1525, S1526, S1527, S1528, S1530**

**Adjournment:** Senate convened at 10:30 a.m. and adjourned at 10:10 p.m., until 9:30 a.m. on Thursday, February 5, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1614.)

## Committee Meetings

(Committees not listed did not meet)

### FINANCIAL REGULATORY SYSTEM

*Committee on Banking, Housing, and Urban Affairs:* Committee concluded a hearing to examine the United States financial regulatory system, including how regulation has evolved in banking, securities, thrifts, credit unions, futures, insurance, and secondary mortgage markets, after receiving testimony from Paul A. Volcker, Chair, President's Economic Recovery Advisory Board; and Gene L. Dodaro, Acting Comptroller General, Government Accountability Office.

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# House of Representatives

## Chamber Action

**Public Bills and Resolutions Introduced:** 65 public bills, H.R. 845–909; 1 private bill, H.R. 910; and 24 resolutions, H. Con. Res. 37–40; and H. Res. 115–117, 119–135, were introduced.

**Pages H1041–45**

**Additional Cosponsors: Page H1045**

**Reports Filed:** There were no reports filed today.

**Speaker:** Read a letter from the Speaker wherein she appointed Representative Tauscher to act as Speaker Pro Tempore for today. **Page H925**

**Chaplain:** The prayer was offered by the guest Chaplain, Dr. Jim Higgins, McEachern Memorial United Methodist Church, Powder Springs, Georgia. **Page H925**

**Children's Health Insurance Program Reauthorization Act of 2009:** The House agreed to the Senate amendment to H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program, by a yea-and-nay vote of 290 yeas to 135 nays, Roll No. 50.

**Pages H934–75**

H. Res. 107, the rule providing for consideration of the Senate amendment to the bill, was agreed to by voice vote, after agreeing to order the previous question without objection. **Pages H928–34**

**Committee Elections:** The House agreed to H. Res. 118, electing the following minority Members to certain standing committees: Committee on Agriculture: Representative Lummis. Committee on Education and Labor: Representative Thompson (PA). Committee on Small Business: Representative Coffman (CO). **Page H975**

**Committee on Ways and Means Recommendations:** Read a letter from Chairman Rangel of the Committee on Ways and Means wherein he forwarded the Committee's recommendations for certain positions for the 111th Congress. **Page H975**

**DTV Delay Act:** The House passed S. 352, to postpone the DTV transition date, by a yea-and-nay vote of 264 yeas to 158 nays, Roll No. 52. **Pages H984–97**

Rejected the Barton (TX) motion to commit the bill to the Committee on Energy and Commerce with instructions to report the same back to the

House forthwith with an amendment, by a yea-and-nay vote of 180 yeas to 242 nays, Roll No. 51.

**Pages H995–97**

H. Res. 108, the rule providing for consideration of the bill, was agreed to by voice vote, after agreeing to order the previous question without objection.

**Pages H976–84**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Tuesday, February 3rd:

***Death in Custody Reporting Act of 2009:*** H.R. 738, to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, by a 2/3 yea-and-nay vote of 407 yeas to 1 nay, Roll No. 53.

**Pages H997–98**

**Privileged Resolution—Intent to Offer:** Representative Carter announced his intent to offer a privileged resolution.

**Pages H998–99**

**Meeting Hour for Tuesday, February 10th:** Agreed that when the House adjourns on Monday, February 9th, it adjourn to meet at 12:30 p.m. on Tuesday, February 10th for morning hour debate.

**Page H1000**

**Permanent Select Committee on Intelligence—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Permanent Select Committee on Intelligence: Representatives Hastings (FL), Eshoo, Holt, Ruppertsberger, Tierney, Thompson (CA), Schakowsky, Langevin, Patrick J. Murphy (PA), Schiff, Smith (WA), Boren, Gallegly, Thornberry, and to rank after Representative Rogers (MI): Representatives Myrick, Blunt, Miller (FL), Kline (MN), and Conaway.

**Page H1024**

**Select Intelligence Oversight Panel of the Committee on Appropriations—Appointment:** The Chair announced the Speaker's appointment of the following Members of the House of Representatives to the Select Intelligence Oversight Panel of the Committee on Appropriations: Representative Holt, Chairman; Representatives Obey, Murtha, Reyes, Dicks, Lowey, Schiff, Israel; Representative Calvert, Ranking Minority Member; Representatives Lewis (CA), Young (FL), Hoekstra, and Frelinghuysen.

**Pages H1024–25**

**Senate Message:** Message received from the Senate today appears on pages H975–76.

**Quorum Calls—Votes:** Four yea-and-nay votes developed during the proceedings of today and appear on pages H975, H996, H997, and H997–98. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 8:29 p.m.

## *Committee Meetings*

### DERIVATIVES

*Committee on Agriculture:* Continued hearings to review derivatives legislation. Testimony was heard from public witnesses.

### MILITARY CONSTRUCTION, VETERANS' AFFAIRS, AND RELATED AGENCIES

*Committee on Appropriations:* Subcommittee on Military Construction, Veterans' Affairs, and Related Agencies held a hearing on Quality of Life. Testimony was heard from the following officials of the Department of Defense: SGM Kenneth Preston, USA; SGM Carlton Kent, USMC; Master Chief Petty Officer, Rick West, USN; and CMSgt Rodney McKinley, USAF.

### ARMY/MARINE CORPS FORCE PROTECTION PROGRAMS

*Committee on Armed Services:* Subcommittee on Air and Land Forces and the Subcommittee on Seapower and Expeditionary Forces held a joint hearing on Army and Marine Corps force protection programs. Testimony was heard from the following officials of the Department of Defense: MG Robert P. Lennox, USA, Assistant Deputy Chief of Staff, G–3/5/7; BG Peter N. Fuller, USA, Program Executive Officer, Soldier, Commanding General, Soldier Systems Center; and Kevin M. Fahey, Program Executive Office, Combat Support and Combat Service Support, all with the U.S. Army; and BG Michael Brogan, USMC, Commander, Marine Corps Systems Command, Program Executive Officer, MRAP Joint Program Office, U.S. Marine Corps.

### DEFENSE PLANS LONG-TERM SUSTAINABILITY

*Committee on the Budget:* Held a hearing on Long-Term Sustainability of Current Defense Plans. Testimony was heard from J. Michael Gilmore, Assistant Director for National Security, CBO; and Stephen Daggett, Specialist in Defense Policy and Budgets, CRS, Library of Congress.

### MADOFF SCHEME REGULATORY FAILURES

*Committee on Financial Services:* Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises held a hearing entitled "Assessing the Madoff Ponzi Scheme and Regulatory Failures." Testimony was heard from the following officials of the SEC: Linda Thomsen, Director, Division of Enforcement; Andrew J. Donohue, Director, Division of Investor Management; Erik Sirri, Director, Division of

Trading and Markets; Andy Vollmer, Acting General Counsel; and Lori A. Richards, Director, Office of Compliance Inspections and Examinations; and public witnesses.

### PROMOTING BANK LIQUIDITY/LENDING MEASURES

*Committee on Financial Services:* Ordered reported, as amended, the following bills; H.R. 787, To make improvements in the Hope for Homeowners Program, and for other purposes; H.R. 788, to provide a safe harbor for mortgage servicers who engage in specified mortgage loan modifications, and for other purposes; and H.R. 786, To make permanent the temporary increase in deposit insurance coverage, and for other purposes.

### U.S. LATIN AMERICA POLICY

*Committee on Foreign Affairs:* Subcommittee on the Western Hemisphere held a hearing on U.S. Policy Toward Latin America in 2009 and Beyond. Testimony was heard from public witnesses.

### COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

*Committee on Homeland Security:* Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

### MIDNIGHT RULEMAKING

*Committee on the Judiciary,* Subcommittee on Commercial and Administrative Law held a hearing on Midnight Rulemaking: Shedding Some Light. Testimony was heard from Representative Nadler; Curtis Copeland, Specialist in American National Government, Government and Finance Division, CRS, Library of Congress; and public witnesses.

### COMMITTEE ORGANIZATION; COMMITTEE'S OVERSIGHT PLAN

*Committee on Natural Resources:* Met for organizational purposes.

The Committee also approved the Committee's Oversight Plan for the 111th Congress.

### SMALL BUSINESS—HEALTH CARE REFORM

*Committee on Small Business:* Held a hearing entitled "Health Care Reform in a Struggling Economy: What is on the Horizon for Small Business?" Testimony was heard from public witnesses.

### HIGH SEAS—INTERNATIONAL PIRACY

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing on International Piracy on the High Seas. Testimony was heard from RADM William D. Baumgartner, USCG, Judge Advocate Gen-

eral, U.S. Coast Guard, Department of Homeland Security; RADM Ted Branch, USN, Director of Information, Plans, and Security, Office of the Chief of Naval Operations, Department of the Navy; James Caponiti, Acting Administrator, Maritime Administration, Department of Transportation; and public witnesses.

### SUSTAINABLE WASTEWATER MANAGEMENT

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on Sustainable Wastewater Management. Testimony was heard from Brian McLean, Director, Office of Atmospheric Programs, Office of Air and Radiation, EPA; and public witnesses.

### VETERANS AFFAIRS DEPARTMENT; COMMITTEE ORGANIZATION

*Committee on Veterans' Affairs:* Held a hearing on the State of the U.S. Department of Veterans Affairs. Testimony was heard from Eric K. Shinseki, Secretary of Veterans Affairs.

The Committee also met for organizational purposes.

### ROADMAP FROM POZNAN TO COPENHAGEN—PRECONDITIONS FOR SUCCESS

*Select Committee on Energy Independence and Global Warming:* Held a hearing entitled "Roadmap from Poznan to Copenhagen—Preconditions for Success." Testimony was heard from public witnesses.

## Joint Meetings

No joint committee meetings were held.

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### COMMITTEE MEETINGS FOR THURSDAY, FEBRUARY 5, 2009

*(Committee meetings are open unless otherwise indicated)*

#### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold an oversight hearing to examine federal food safety relative to the peanut products recall, 10 a.m., SH-216.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine the Troubled Asset Relief Program (TARP), focusing on oversight of the financial rescue package, 10 a.m., SD-538.

*Committee on Foreign Relations:* organizational business meeting to consider committee's rules of procedure, and subcommittee membership and jurisdiction for the 111th Congress, Time to be announced, S-116, Capitol.

Full Committee, to hold closed hearings to examine Iran status report, focusing on nuclear and political issues, 4:30 p.m., SVC-217.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine implementing best patient care practices, 10 a.m., SD-430.

Full Committee, business meeting to consider any pending nominations, and the committee funding resolution for the 111th Congress, 2 p.m., SD-430.

*Committee on Indian Affairs:* organizational business meeting to consider the committee's selection of Chairman and Vice Chairman, rules of procedure for the 111th Congress, and funding resolution; to be followed by an

oversight hearing to examine advancing Indian health care, 11 a.m., SD-628.

*Committee on the Judiciary:* to hold hearings to examine the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, 9:30 a.m., SD-226.

*Select Committee on Intelligence:* to hold hearings to examine the nomination of Leon Panetta, to be Director of the Central Intelligence Agency, 2:30 p.m., SD-G50.

### House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Thursday, February 5

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 9

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 1, American Recovery and Reinvestment Act.

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

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# Congressional Record

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