LeGeyt, Zulima Espinel, Tara Magner, Roslyne Turner, Erin O'Neill, Sarah Guerrieri, Brian Hockin, Joseph Thomas, Leila George-Wheeler, Laura Safdie, Kathleen Roberts, Aaron Guile, Matt Smith, Lydia Griggsby, Patrick Sheahan, Scott Wilson, Dave Stebbins, Sarah Hasazi, Kiera Flynn, Bree Bang-Jensen, Tom Wheeler, Eric Poalino, Brad Wilhelm, Lauren Rosser, Chuck Papirmeister, and Bruce Cohen. I also thank my staff for their hard work on this nomination, in particular, Ed Pagano, David Carle, Jennifer Price, and Kevin McDonald.

I commend and thank the hard-working staffs of the other Democratic members of the Judiciary Committee for their tremendous contributions to this effort. I also want to extend considerable thanks to the Democratic leadership and floor staff, in particular Serena Hoy, Mike Spahn, Stacy Rich, and Joi Chaney.

I also commend and thank Senator SESSIONS, the committee's ranking Republican, and his staff, in particular, Brian Benczkowski, Elisebeth Cook, Danielle Brucchieri, and Lauren Pastarnack, for their hard work and professionalism.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The majority leader.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2009 FOR THE CONSUMER ASSISTANCE TO RECYCLE AND SAVE PROGRAM

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 3435, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3435) making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Parliamentary inquiry, Mr. President: What is the order of business right now?

The PRESIDING OFFICER. Certain amendments are in order to be offered to the bill, with a 30-minute time limit.

Mr. HARKIN. Thirty-minute time limit on?

The PRESIDING OFFICER. Each amendment.

AMENDMENT NO. 2300

Mr. HARKIN. Mr. President, I have an amendment. I believe it is at the desk. If not, I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 2300.

Mr. HARKIN. Mr. 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 as follows:

(Purpose: To limit the provision of vouchers to individuals with adjusted gross incomes of less than $50,000 or joint filers with adjust gross incomes of less than $75,000)

At the appropriate place, insert the following:

SEC. _____. ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1302(c)(1) of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1910; 49 U.S.C. 32901 note) is amended by adding at the end the following:

''(H) ELIGIBLE INDIVIDUALS.—A voucher may only be issued under the Program in connection with the purchase of a new fuel efficient automobile by an individual—

''(i) who filed a return of Federal income tax for a taxable year beginning 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;

''(ii) 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; and

''(iii) whose adjusted gross income reported in the most recent return described in clause (i) 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)).''.

(b) REGULATIONS.—Not later than 7 days after the date of the enactment of this Act and notwithstanding the requirements of section 553 of title 5, United States Code, the Secretary of Transportation shall promulgate final regulations that require—

(1) each purchaser or leaser of a new fuel efficient automobile under the Consumer Assistance to Recycle and Save Program established under section 1302(a) of such Act (Public Law 111–32; 123 Stat. 1909; 49 U.S.C. 32901 note) to affirm on a standard form, determined by the Secretary, that such purchaser or leaser is an individual described by section 1302(c)(1)(H) of such Act, as added by subsection (a); and

(2) each dealer that receives a form described in paragraph (1) under such program to submit such form to the Secretary.

(c) FRAUD DETECTION.—Upon receipt under paragraph (2) of subsection (b) of a form described in paragraph (1) of such subsection, the Secretary shall submit such form to the Internal Revenue Service to determine whether the purchaser or leaser has violated section 641 of title 18, United States Code.

Mr. HARKIN. Mr. President, the Car Allowance Rebate Program, or the cash for clunkers as everyone knows it, has been very popular with the American people, there is no doubt about it, the way it has been used. It has been a shot in the arm for the auto industry and our dealers at a very critical time. But I believe the program should be strengthened, and I think we should seize this supplemental time as an opportunity to do just that.

When this program was first authorized last year and we put this into effect, at that time I made the observation, which I will repeat here today, that, why would we want to give $4,500 to the President of the United States, who makes $400,000 a year, so he can buy a new car? Why would we want to give a Member of the Senate, who makes $172,000 a year, $4,500 to buy a new car? Quite frankly, we can afford to buy a new car.

But how about the rest of the American people out there, those who are making $30,000 a year, just above the minimum wage or $35,000 a year or $40,000 a year? How about them? What do they get out of this? Well, they can get $4,500 to buy a new car too. Someone who is making $35,000 a year probably does not have health insurance either. They probably have some old clunker made back in the 1990s or 1980s they are still driving that they are paying a lot for because it is a gas guzzler and they are paying a lot to get it repaired because they cannot afford to buy a new car. If you give them $4,500, many still cannot buy a new car.

So I argued at that time, when we did this, that we ought to put an income limit on it. That way, if you put an income limit on it, then the amount of money we are appropriating—that is what we are doing, by the way, spending taxpayers' money; we are putting this money out there—then that amount of money goes to a smaller subset of people, those who are low and moderate income. If you do that, then you can afford to give them a little bit more money. So someone making $35,000, $30,000, $40,000 a year might be able to get not $4,500 but maybe $7,500, maybe $8,000. Someone in that income category, then, could go out and buy a new car because they could get a loan, say, if they are buying a $16,000 or $17,000 car, and that is what new cars are selling for, at least some of the more modest automobiles. Some of the more modest automobiles cost around $14,000, $16,000, $17,000. So if they got more money, that means they could get a loan for 50 percent of the price. They probably could not get a loan for 75 percent or 80 percent of the price because they simply do not have that much credit. But they could get a loan for maybe half of the price of a car because, obviously, when they drove it away, the value of the car would still be more than that.

So I argued at the time that is what we should do with this money, and that is what I do again with this amendment. This amendment just basically says it limits the income, restricting the participation to individuals with an adjusted gross income of less than $50,000 and families with an adjusted

gross income of less than $75,000. So if you have an adjusted gross income as a single person of less than $50,000, you can participate; if you are a family, with less than $75,000 in adjusted gross income, you can participate.

Again, what I don't have in this amendment is increasing the amount of money.

So that is the thrust of this amendment. I know the program has been very successful. The first $1 billion was rapidly exhausted. I assume the second $2 billion we are going to be voting on would do the same. To my way of thinking, let's get a couple of bangs for the buck. Let's not only stimulate our economy by getting a lot of those cars off the lot and giving a shot in the arm to the auto industry, but let's help some people who really need some help: lower income, moderate-income individuals, and families who, even if you give them $4,500, can't afford to buy that new car. So, to me, that is what we ought to do. We ought to ensure that we get the maximum economic stimulus for every dollar we spend.

If we are going to give a lot of money to people who make $150,000 or $200,000 a year, or whatever—there is no income limit on the bill now—I am not certain that is a lot of economic stimulus. I might like it. I could probably take my car—I forget what year my car is, early 2000—I could take it in and get a new car, and I would get $4,500. But is that fair? Is that fair to someone of my status who makes—let's face it, I make $172,000 a year. Is it fair that I should get $4,500 to go out and buy a new car? I just don't think that is fair. I don't think it is right. But I think it would be right for someone making less than $50,000 a year because they are the ones who need the help. They need some economic stimulus also.

The higher the income of the person, the more likely they are to buy a new car without the rebate and in many cases would do that. Maybe it would not happen this month. But it may very well happen in the months to come.

By only providing money to those who are less likely to buy a car without the government benefit, we have a more efficient use of government dollars.

For the modest income family with an old gas guzzler, they are paying more for gas, they are paying more for repairs because they can afford to repair the car but they can't afford to get a new car, so they are stuck. They really need the help. I always thought cash for clunkers was a great idea—I still do, if it was targeted—if it was targeted and you gave lower and moderate-income people enough money to go out and do this.

So I think the $1 billion before, and now the $2 billion—so $3 billion—I think could have been much better spent by targeting it to low-income people and giving them the economic stimulus they need, so they will be saving money because they will be spending less on gas and they will be saving money because they are spending less on car repairs.

People of modest means are the most likely to have a vehicle that is really old, that is really a gas guzzler. Again, in the absence of an incentive, they are going to stick with their old vehicle because they simply can't afford a new car. A $4,500 rebate obviously provides a powerful incentive. We have seen that. It works.

I don't have any demographics. I don't have any data on who purchased these cars in regard to their income levels because there is no income guidelines on this, we don't really know who walked into the showrooms and bought these cars. We do know about half the cars were foreign cars. We do know that. Almost half were U.S. big three company cars. We do know that. But we just don't know what the incomes were, the economic status of the individuals or families who came in and purchased this new car.

I will say that I have on a few occasions talked to individuals I know who are of modest income means to ask them if they were taking advantage of this, and in just a few instances that I have been able to tap into this—by no means is this any kind of a poll that would be accurate, but in just the few cases where I have asked, people have said: Well, you know, $4,500 is nice, but I don't have the rest of it. Quite frankly, my credit is not very good because I am up to here with credit cards, and I am not certain I can get the money together to buy that car. So, again, that is just a couple of instances. I wouldn't say that is generally true, but it gives me an indication there are a lot of people out there who would like to have a new car, who would like to have the wherewithal to do it but even with $4,500 would not be able to.

So, again, that is what my amendment is. It is very simple. It just says right now that $50,000 per person, $75,000 per family. So think about it.

Right now, an executive with a $1 million salary and a 10-year-old gas-guzzling second car—perhaps a Cadillac; that is their second car or their third car—they can walk right into the showroom and purchase a brand new Cadillac that gets an additional 8 miles per gallon. That executive making a million-dollar salary, we will give them a $4,500 gift from the Federal Government.

Is this what we want to do? I don't think so. I just don't think it is a wise use of the limited funding we have. It probably will stimulate the economy; sure. I have no doubt about that. But is it stimulating the economy for lower income people whom I think we also ought to be stimulating in terms of their economic situation too?

So, again, that is the essence of the amendment. I think the program works. It is good, but it should be appropriately targeted to Americans of modest incomes and modest means. They tend to drive older vehicles. They need those cars to get to work, to take their kids to afterschool activities, to get to the doctors, and if they live in rural areas such as Iowa and places like that, they depend on that car for their life. So I think it makes good sense to offer a car purchase rebate. I am not opposed to the program. I think it works. But I just think it ought to be better targeted.

Mr. KYL. Mr. President, before the Senator from Iowa leaves the floor, if the Senator from Iowa has no further speakers on his amendment or wishes to speak any further, I am prepared on our behalf to yield all the time on our side if he would like to yield the time on his side so we can move the process on, and if the Senator would like to ask for the yeas and nays right now before I seek to offer my amendment, I am happy to stand by for that.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am not sure who is controlling time, but I wish to speak on the bill and on the amendment at the same time.

Is there a time limit on the bill?

The PRESIDING OFFICER. There is a total of 30 minutes on the amendment, equally divided.

Mr. LEVIN. I am asking a parliamentary inquiry: Is there a time limit on the bill?

The PRESIDING OFFICER. No.

Mr. LEVIN. I thank the Presiding Officer. I wish to speak on the bill. I would ask, who is controlling time in opposition to the amendment? I wish to speak on the bill.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, it has been brought to my attention that there is a mistake in drafting part of this amendment. Quite frankly, it does read that a voucher may only be issued under the program to an individual ''who filed a return of Federal income tax for taxable year beginning in 2008.''

There are some low-income people who don't file income tax returns, so there is a little bit of a problem in the drafting. I still remain committed to somehow working this out. It now looks as though even some people who make just over the minimum wage would not be allowed to go in, and those are the people I am trying to get to more than anybody else, those who are making a very low income but probably don't file an income tax return because they are low income.

I believe there are ways of getting over this. But the way the amendment is drafted, it can only go to an individual who filed a Federal income tax

return. That raises some troubling questions. I am also told that, under the agreement we have now, I cannot offer another amendment. In other words, amendments are now limited. I have a problem, because it is not what I intended to do. It is a drafting error. I apologize for that. I will continue to try to work on it and see if I can do something at some point. I remain committed to having an income cap on this program.

With that, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, let me say that he raises a good point about his amendment. I don't think it would be a difficult matter to drop that provision, or modify that provision, so that it would not preclude someone who had not filed an income tax return from being eligible for this particular program.

If the Senator wishes to modify his amendment to that effect, there would be no objection on our side. However, there would be objection to simply dropping the amendment, because too many people on our side are in agreement with the concept, and this is pursuant to a unanimous consent agreement.

Again, if the Senator wishes to modify the amendment, there would be no objection to that, although we would want to see the language, obviously.

Mr. HARKIN. Mr. President, I ask unanimous consent to set aside my amendment and that we move on to other amendments. We will bring this amendment up later. I ask unanimous consent that the time we have be reserved and that we come back to this amendment after the others have been disposed of.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Arizona is recognized.

AMENDMENT NO. 2301, AS MODIFIED

Mr. KYL. Mr. President, I call up my amendment No. 2301, which is at the desk, and I ask unanimous consent that Senators BENNETT, ROBERTS, and SNOWE be added as cosponsors, and I also ask that the amendment be modified with the changes at the desk.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment, as modified.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. BENNETT, Mr. ROBERTS, and Ms. SNOWE, proposes an amendment numbered 2301, as modified.

Mr. KYL. Mr. 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 as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. STATUS REPORT AND REIMBURSEMENT OF UNFUNDED OBLIGATIONS.

The Consumer Assistance to Recycle and Save Act of 2009 (title XIII of Public Law 111–32) is amended—

(1) in subsection (c)(1)(A), by striking ''November 1, 2009'' and inserting ''August 8, 2009'';

(2) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

''(1) DATABASE.—The Secretary shall maintain, and update each business day, a database that contains—

''(A) the vehicle identification numbers of—

''(i) all new fuel efficient vehicles purchased or leased under the Program; and

''(ii) all eligible trade-in vehicles disposed of under the Program; and

''(B) the amount of money—

''(i) obligated by the Federal Government for payment of vouchers issued under the Program; and

''(ii) remaining to be obligated for such payments from the amount appropriated for such purpose.''; and

(B) by adding at the end the following:

''(3) SUPPLEMENTAL REPORT.—No amounts may be obligated for the Program beyond the amounts appropriated under subsection (j) until after the Secretary submits a report to the committees referred to in paragraph (2) that—

''(A) evaluates the fuel efficiency standards of—

''(i) the eligible trade-in vehicles traded in under the Program; and

''(ii) the new fuel efficient automobiles purchased under the Program; and

''(B) details the administration of the Program, including the method used by the Department of Transportation—

''(i) to track the amount obligated by the Federal Government for payment of vouchers issued under the Program; and

''(ii) to determine the amount of appropriated funds remaining to be obligated under the Program.''; and

(3) in subsection (j)—

(A) by striking ''There is hereby appropriated'' and inserting the following:

''(3) IN GENERAL.—There is appropriated''; and

(B) by adding at the end the following:

''(2) REIMBURSEMENT OF UNFUNDED TRANSACTIONS.—In addition to the amount appropriated under paragraph (1), there shall be made available for the Program, from amounts appropriated under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) for the Department of Transportation and not otherwise obligated, an amount equal to the amount by which the dollar value of all of the vouchers issued under the Program during the period described in subsection (c)(1)(A) exceeds $1,000,000,000.''.

Mr. KYL. Mr. President, when Congress rushed the so-called Cash for Clunkers Program to passage as part of the fiscal year 2009 supplemental appropriations bill, it had little time to consider how the program would work. Although the program is well-intentioned, many have criticized its efficiency and questioned the ability of the Department of Transportation to manage its application.

The program has only been running for a couple of weeks, but DOT is already saying the $1 billion appropriated for the program has likely been spent. But nobody really knows. Yet this bill would appropriate an additional $2 billion.

My view is that before we jump to spend another $2 billion of taxpayers' hard-earned money, we need to call a time out—clear all of the transactions that qualify, see how much it costs, and evaluate how much more, if any, we want to spend. If we appropriate more, we certainly should establish a tracking system to know how much the government is committed to pay each day so that we will know when to cut the program off before we again run out of money. In short, this crash program must be properly restructured now if it is to be continued.

There have been multiple complaints from dealers who have had trouble with the program. Some dealers haven't received their registration information, and some have had trouble accessing the system to submit transactions. This information is concerning because, if true, DOT presumably doesn't have an accurate count of how many transactions dealers have made compared to how much money is left in the Cash for Clunkers Program. In fact, it is my understanding that the National Automobile Dealers Association estimated that at least 200,000 deals have been completed but not yet successfully submitted to the Department of Transportation.

The confusion at DOT is evident. On Thursday, July 30, less than 1 week after DOT started to accept dealers' transactions, DOT told Congress that the program was suspended because the $1 billion had been exhausted. The next day, DOT said the program was not suspended and transactions could continue. On Sunday, August 2, Secretary LaHood was on C–SPAN's ''The Newsmakers'' and first stated that the entire $1 billion hadn't been spent. However, later in the interview, he said that the administration would only honor deals made through Tuesday, August 4, unless the Senate approves this bill. He then said, in the same interview, that DOT estimates there is only enough money to cover deals made through this week. The process is anything but accurate. Dealers should not have to bear the risk that deals they made in good faith won't be honored.

It is not only dealers who should be concerned about whether the government has accurate data needed to wind down the program before the funding runs out. Secretary LaHood recently said that the government will make ''a good-faith effort'' to reimburse all deals that are in the ''pipeline.'' But without appropriated money, he cannot make any commitment. Statements of the Secretary are not binding promises. Consumers are also entitled to certainty. That is why we need a time-out to assess where we are and redo the process to be fully transparent and accurate.

Specifically, my amendment would terminate the program as of August 7, 2009, at 11:59 p.m. to give a date certain to dealers and consumers to avoid any further confusion about whether all

dealer transactions will be honored. It would delay new funding for the Cash for Clunkers Program beyond the $1 billion already appropriated, except for such sums needed to meet all obligations through August 7 that may exceed $1 billion, which would be paid for by using unobligated stimulus funding designated for DOT. This addresses the concern that some dealers will be on the hook for deals that have not cleared before the program runs out of money. DOT currently has no mechanism in place to efficiently cut off transactions once the appropriated threshold is reached.

My amendment would require DOT to submit a detailed report to Congress, before any new appropriations are made, that evaluates the methodology it used to track the daily obligations incurred under the program versus reimbursements sent to the dealers. The reporting requirement would ensure that Congress can evaluate what changes have to be made to more efficiently disburse any future money allocated to the program and, importantly, be able to track the disbursements and obligations to ensure the latter do not exceed the funding available. To this end, my amendment would add a requirement that if future appropriations are made, DOT must track daily the number of transactions made and money left to be obligated for reimbursement to the dealers. Again, this would ensure that the DOT is working with the most up-to-date information so that no consumer or dealer would enter into a transaction if funding is already exhausted.

Some have questioned whether the Cash for Clunkers Program is encouraging consumers to purchase or lease fuel-efficient vehicles. On June 11, two of my colleagues even submitted an opinion piece in the Wall Street Journal that indicated the Cash for Clunkers Program was ''bad policy'' and ''would create handouts for Hummers.'' The report would also evaluate the fuel efficiency standards of the automobiles traded in and the new automobiles leased or purchased. Obviously, should we want to modify the terms of the legislation to meet some of the concerns expressed by the colleagues I mentioned, that could be done at that time.

I am very familiar about what happens to program extensions that are rushed through without any oversight. In 2000, the Arizona State legislature passed a well-intentioned law, much like cash for clunkers, which provided a tax credit for purchasers to buy vehicles converted to run on propane or compressed natural gas. The program was originally estimated to cost $5 million. However, lawmakers continued the call for the expansion of the program based on consumer demand. Before long, that small $5 million pricetag ballooned up to a $600 million budget liability. It was stopped in time to avoid the State from bankrupting itself.

I am concerned that we are putting American taxpayers in a similar position. If the additional $2 billion is simply appropriated for this program, will DOT come back to Congress in September and argue that we must extend the program yet again? Maybe there would have been more money committed than the $2 billion, as may be the situation now. Aren't we required to apply some metrics, in other words, to evaluate the benefits against the cost to taxpayers? I don't have to remind everybody how Congress views temporary programs. Former President Reagan used to describe them by saying, ''There's nothing more permanent than a temporary government program.'' That could well be the case here if we don't step back and evaluate the program, and if we don't ensure that any future funding for such a program is done in a more efficient manner than this particular program is today.

As I said, auto dealers are hardly the only business that would be happy to receive government assistance. So evaluating it at this juncture is very important, lest we make the same mistake in the future.

We rushed cash for clunkers once. I suggest that we should not make the same mistake again. I urge my colleagues, therefore, to support my amendment when the appropriate time comes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Arizona controls 8 additional minutes, and there is 15 minutes in opposition.

Who yields time to the Senator?

Mr. KYL. I am happy to yield time to my colleague.

Mr. MCCAIN. Mr. President, I rise in support of the Kyl amendment. I remind my colleagues how this all happened. In June, the House ''air dropped'' $1 billion for a Cash for Clunkers Program into a conference report, which had nothing to do with clunkers, accompanying a $105 billion war supplemental spending bill and sent it over to the Senate. Despite the fact that my colleagues on the other side had advocated a new rule in the Honest Leadership and Open Government Act in 2007 to allow a procedural vote to strip air drops from conference bills, when such a vote was presented, it was voted to keep this clunker of a provision.

I hope one of my colleagues will propose a ''cash for golf clubs'' proposal. I have had many calls from people who have old golf clubs, and they would like to have cash for them. We know that it is an important national sport and it is an important part of our economy. I hope we will be taking up a ''cash for golf clubs'' provision pretty soon.

We are spending $3 billion to subsidize car purchases, some of them from automotive companies we own. We own Chrysler and General Motors. We own them, and we are going to give them money. So maybe it will come back to us.

The Wall Street Journal editorializes:

> This is crackpot economics. The subsidy won't add to net national wealth, since it merely transfers money to one taxpayer's pocket from somebody else's, and merely pays that taxpayer to destroy a perfectly serviceable asset in return for something he might have bought anyway.

Here we had it stuck into a supplemental appropriations bill that had nothing to do with automobiles. So now we find that people like free money. They like free money. Yes, we all like free money. So the program has gone out of control.

We have no idea, as Senator KYL has said, how much money is being spent, how much is being obligated. So rather than stop and see what the story is here, let's spend $2 billion more. At some point, this kind of thing has to stop. The national debt has climbed to $11.6 trillion. If we are under the impression—if anybody is under the impression—it is going to be taken out of the stimulus package, the chairman of the Appropriations Committee in the House 2 days ago said: Don't worry, we will add an additional $2 billion. Don't worry, it would not be taken out of the program that the money is there for; that money will be ''replenished.'' Do you know what replenishing means? It means $2 billion more of taxpayers' dollars. Everybody in Congress now is patting themselves on the back.

The program has also been a success, I might add, for foreign auto manufacturers. Four of the five top-selling cars in the program are made by foreign automakers, according to the Department of Transportation, and a success for Citibank that managed the voucher program, which has received $45 billion in Federal aid, and, yes, for the 184,000 Americans who have received up to $4,500 toward the purchase of a new car, except for the other 290-some million who will not take advantage of this program who will be paying the bill.

I urge adoption of the Kyl amendment. At least we should pause and see where we are.

The PRESIDING OFFICER (Mrs. SHAHEEN). Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Madam President, if nobody is seeking time in opposition, I suggest on this amendment that all time be yielded back, if the Senator from Arizona is agreeable.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, at this time, I object. I think at some point we will be able to yield back much of the time, but at this time, we need to talk with our Members to make sure Members have had a chance to say their piece.

Mr. KYL. Madam President, would it be in order to ask for the yeas and nays, and when the time is yielded back, we can set the vote?

The PRESIDING OFFICER. It is in order to ask for the yeas and nays.

Mr. KYL. I ask for the yeas and nays on the Kyl amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2302

Mr. GREGG. Madam President, I ask further proceedings on this amendment be set aside and I be allowed to call up amendment No. 2302.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 2302.

Mr. GREGG. 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 protect the generations of tomorrow from paying for new cars today)

At the appropriate place, insert the following:

SEC. _____. AMENDMENT TO THE 2010 BUDGET RESOLUTION.

S. Con. Res. 13 (111th Congress) is amended—

(1) in section 101—

(A) in paragraph (2), strike the amount for fiscal year 2010 and insert ''$2,890,499,000,000'';

(B) in paragraph (3)—

(i) strike the amount for fiscal year 2011 and insert ''$2,969,592,000,000''; and

(ii) strike the amount for fiscal year 2012 and insert ''$2,882,053,000,000''; and

(2) in section 401(b), by striking paragraph (2) and inserting the following:

''(2) for fiscal year 2010, $1,085,285,000,000 in new budget authority and $1,307,200,000,000 in outlays;''.

Mr. GREGG. Madam President, the senior Senator from Arizona alluded to the fact that basically this bill is unpaid for—$2 billion. There is a figleaf representation that the money in this bill is somehow being taken out of another account, and, therefore, it is offset—the account being the Renewable Energy Loan Guarantee Program under the stimulus package. But that is a total fraud—a total fraud.

This is the ultimate bait and switch because, as the senior Senator from Arizona pointed out, the chairman of the Appropriations Committee in the House, for whom I have a lot of respect and I think his forthrightness is refreshing, quite honestly, said on the floor of the House, when he was asked the question: What is going to happen to the fact that $2 billion has now been taken out of the Renewable Energy Loan Guarantee Program, what is going to happen to the loan guarantee program? Congressman OBEY said:

If the gentleman would yield, I share the gentleman's view that the Renewable Energy Loan Guarantee Program is of vital importance to creating a new, green economy. We have talked with the White House. We have talked with the Speaker and I want to assure you—

This is the chairman of the Appropriations Committee; when he assures you, you can be assured it is for sure—

and I want to assure you that all of us certainly have every intention of restoring these funds.

They are doubling down on the debt. It is bad enough—this should be called the ''debt for clunkers'' bill to begin with because basically what we are doing is creating debt for our children. We are suggesting, we are proposing, we are allowing $4,500, $1 billion, now $3 billion out the door to buy cars today, but the bill to pay those cars is going to come due on our children and our grandchildren as they have to pay the debt off, which this is going to go to increase.

This is nothing more than a program which is being funded entirely by debt and an increase in the Federal debt, as Congressman OBEY forthrightly stated when he said: We are going to find the $2 billion we took out of this account, and we are going to refill that $2 billion, which they will have to borrow to do. Everybody knows that.

I don't happen to support the program, but I at least would like to have some integrity in this process, and I would like to have the program paid for. If we are going to represent to the American people that this program is paid for, let's pay for it. So my amendment does that. That is all it does. It creates a mechanism to make sure we are not going to replenish an account we allegedly took the money out of in order to pay for this account.

The way I have set this up, it does not have to necessarily affect the loan guarantee program. In fact, it is not specifically the loan guarantee program at all what I have done. What I am suggesting we do is that next year, in order to make sure this program is paid for, we reduce what is known as the 302(a) allocation cap by $2 billion. That way we can be reasonably confident that before this money can be spent twice, there will have to be a vote, a 60-vote point of order brought against it on the floor of the Senate, and people will have to forthrightly say: Oh, we are actually borrowing from our children to do this. Or alternatively and refreshingly, we will not borrow from our children to do this; we will actually pay for it by reducing the 302(a) allocation cap.

It is an attempt to bring some integrity to the process, some honesty to the process, and actually pay for the program we allege we are paying for rather than use this gamesmanship, which is the ultimate bait and switch of saying we are going to pay for it today from funds we are taking out of the account tomorrow, and then we are going to refund that account tomorrow so we end up borrowing the money from our children. In this case, it would be twice because we had to borrow the money on the stimulus to begin with. That is all it does. It tries to put a little integrity into the process and make the pay-fors for this program honest and straightforward and reasonably real. Nothing is real around here when it comes to money and paying for things, but hopefully it would be more substantive and more substantial relative to the integrity of the process than under the proposal as it is presently drafted.

On the underlying program, though, I do have to make this point because it is an interesting point, not made by me, but I want to paraphrase it. It was made by the editors at the Web site Edmunds. Edmunds is an automobile Web site where you can get an evaluation of cars, sort of like consumer reports on cars. They will tell you how much your car is worth. They will tell you what the rating on your car is. They have a valuation of your car. They are totally independent. They have no dog in this fight.

They looked at this program and said: Something is wrong here. We have $4,500 per car being the amount that is reimbursed to people. You can buy about 220,000 cars, $4,500 a car. Their point was that over the time period this bill has been in place, in the typical course of business, 200,000 cars would have been turned in, old mileage, used cars that would have been turned in anyway. If there was no repossession, no ''debt for clunkers'' program, 200,000 cars would have been turned in to purchase new cars during this same timeframe. That is their estimate, and they are professionals. They look at it in a totally independent way. That was their estimate.

So the incremental increase in the number of cars that are being turned in under this program is about 20,000 to 22,000 cars. That does not work out to $4,500 a car; that is costing the American taxpayers about $45,000 a car to get those extra 22,000 cars off the road. Ridiculous.

The program has so many inconsistencies about it, but the ultimate inconsistency is we are borrowing from our kids to pay this. If this bill passes, we will have added $3 billion to the debt of our children. It is not appropriate. It is certainly not appropriate to spend it to buy a car today and pay for it 10, 15 years from now and have our children have to pay for it 10, 15 years from now by adding to the debt of this Nation.

My amendment attempts to address that issue by trying to enforce the pay-fors in this bill by reducing the 302(a) allocation next year.

I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I wish to speak and have my time allocated to the Kyl amendment.

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

Ms. STABENOW. Madam President, I wish to speak both to the Kyl amendment and to the Gregg amendment, but

let me indicate first to my friend from New Hampshire, we are not talking about sales that would have happened anyway. If anybody looks at the numbers of what has been happening in this country, we have had capacity to build 17 million vehicles in this country, 9 million of them sold in the last year, which is why we are seeing the automobile industry in the state that it is.

The reality is, this is a program that has been working. Consumers believe it is working, small businesspeople believe it is working, people who make steel and aluminum and advertisers and everyone who is involved in the larger economic impact of the auto industry believes it is working. That is why we need to pass this bill, as the House did.

As a general statement, I say everyone knows if any amendment is adopted, this program will fall. This program will be killed if any amendment is adopted. So we should start from that premise right now and then go to the merits. The reality is, if any amendment is adopted, the program will die. Those opposing the CARS Program are offering amendments hoping at least one of them will be adopted so the program will be killed.

With regard to the amendment of my friend from New Hampshire, first, let me say this. The bill is already deficit neutral. The $2 billion involved is completely offset with funds already appropriated under the Recovery Act. In a way, Senator GREGG's amendment is actually making us pay for this twice, which does not make any sense at all.

My colleagues on the other side of the aisle who are constantly bashing the recovery package for not delivering immediate results should be jumping for joy. There has been nothing more immediate, nothing more temporary, nothing more timely than the CARS Program.

The reality is that after only a week and a half into the program, we are back asking that the additional money we had originally asked for in the beginning be appropriated because this has worked.

I urge a strong ''no'' vote on the Gregg amendment.

As to the Kyl amendment, I also urge we oppose this amendment that would set an end date for this Saturday, effectively ending, again, one of the most important and successful stimulus we have had. It would be a hit to the economy, to the environment, and to consumer confidence just as it is starting to improve.

Many of the oversight goals Senator KYL is seeking to achieve, NTHSA already has the authority to do and they are already working on. NTHSA is already maintaining a database and is working to make it as timely and up to date as possible.

The original legislation also requires a report on the program that will cover many of the details that are in the Kyl amendment. The legislation also adds the requirement of a GAO study that will review the administration of the program. DOT has made several modifications to its online system to streamline the transactions and to speed up the processes. They have conducted field hearings, informal surveys; they have worked with dealers, and they have doubled the number of staff they have had. They have worked to refine and to deal with the immediate concerns because of how quickly the response came in.

So I would just urge that we vote no on the Kyl amendment, no on the Gregg amendment, and no on any other amendment that will kill the most effective stimulus we have passed this year.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I rise to speak in opposition to this amendment No. 2302 that is being offered by my distinguished colleague and friend from New Hampshire.

Madam President, at the beginning of this Congress, just about every Member in this Chamber approached me and my colleague from Mississippi, Senator COCHRAN, and indicated that we had to fix the legislative and appropriations process.

Senator COCHRAN and I have taken that challenge very seriously, and we are on the path of doing just that. In the course of 7 months, we have enacted into law the Recovery Act and closed the books on the 110th Congress with the enactment of the omnibus and supplemental appropriations bills. In looking forward to fiscal year 2010, we have reported out of the Appropriations Committee 11 of 12 appropriations bills, and the Senate has passed four of them.

There are 2 months remaining before the start of the 2010 fiscal year, and to state it very bluntly, Madam President, this amendment will wreak havoc on both the work that has already been accomplished and the work that still needs to be accomplished. A vote for an amendment that cuts $2 billion from our 2010 budget allocation at this late date—and let me remind everyone in this Chamber that we are operating within an allocation that is $10 billion below the President's budget request—is a vote against getting our appropriations process back to regular order.

The Appropriations Committee has spent many months reviewing agency requests and drafting bills to reflect those needs within the limitations of the budget allocation set by the Budget Committee. To cut that budget allocation further after the fiscal year 2010 bills have been reported out of the committee would require significant cuts to the remaining bills that have yet to receive floor consideration. Madam President, that is fiscally irresponsible and simply unacceptable.

My good friend, the Senator from New Hampshire, has indicated this amendment is needed to pay for the CARS program now and not in the future. I would like to note that the authors of the underlying bill are already paying for this program by reallocating funding that was provided in the stimulus bill. This program is paid for at this moment.

Further, in general, the budget allocation for fiscal year 2010 discretionary spending reflected the fact that an economic recovery package for the next 2 years had just been enacted. This was one of the primary reasons for agreeing to an allocation that is $10 billion below the President's request. Consequently, taking discretionary funding from fiscal year 2010 to pay for a program that is being funded out of the Recovery Act is the equivalent of double accounting.

Madam President, the amendment is unnecessary for the purposes of paying for the CARS program, and it is harmful for the purposes of getting our appropriations process back to the regular order. So, therefore, I urge my colleagues to vote against the amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 2301

Mr. LEVIN. Madam President, how much time is remaining in opposition to the Kyl amendment?

The PRESIDING OFFICER. Eleven minutes.

Mr. LEVIN. I ask unanimous consent that I be allowed to use that time.

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

Mr. LEVIN. Madam President, we will soon vote on whether to extend the Cash for Clunkers Program. Rarely has this body passed legislation that has so clearly and quickly met our goals than when it approved the first installment of money for this program earlier this summer. The program offers rebates of $3,500 to $4,500 to consumers who trade in old inefficient vehicles for new cars and trucks with higher mileage. Thousands of consumers who hope to take advantage now wonder whether they will have the opportunity.

It is important to understand the context in which we originally approved this program. Amid the most severe downturn since the Great Depression, auto sales everywhere plummeted—in the United States and around the globe, foreign manufacturers and U.S.-based companies alike. In the U.S. market, month after month automakers have reported sales that have fallen 40 percent or more from a year ago. This unprecedented decline has harmed not only the hard-working autoworkers in my home State and other States, but auto suppliers, auto dealers, and small businesses in every community in this Nation. Because the auto industry represents such a large share of this Nation's overall economic activity, as long as this sales decline continues, it will weigh down our economy, frustrating attempts to lift us out of recession.

In establishing this program, we did not establish a course. We followed a

path that had already been laid out by other nations. In Germany, France, Japan, and other nations, governments recognized the danger to their own auto industries in this time of economic crisis and they acted. Germany's Government established its own version of cash for clunkers, and in June car sales were up 40 percent over the same period a year ago. Other nations saw similar impressive increases.

After just a few days, our efforts have borne impressive results. This week Ford reported its sales increased in July from a year ago, the first year-over-year increase reported this year by any automaker. Other carmakers, foreign and domestic, saw smaller declines than in previous months. The impact has been so striking that one private economist has raised his estimate for economic growth in the third quarter of this year by more than 50 percent based solely on the success of cash for clunkers.

This program accomplished what it was intended to accomplish. In just a few days, a quarter of a million Americans traded in their old car for a new model using the credits available from this program. That is a quarter of a million American families who have more fuel-efficient transportation, a quarter of a million transactions that will pump new money into local economies, and an incalculable boost to this Nation's struggling auto industry.

The program has made significant improvements in the fuel efficiency of our Nation's vehicle fleet. According to data from the National Highway Traffic Safety Administration, consumers using this program are buying new vehicles with an average 63 percent improvement in fuel economy over their trade-ins. More than four out of every five vehicles traded in are trucks; nearly three out of five new vehicles are cars. The average mileage improvement of 9.6 miles per gallon is more than double the program's minimum and far greater than expected.

In short, cash for clunkers has exceeded earlier projections in its ability to get older cars off the road and their damaging emissions out of our skies. Seldom have we had an opportunity to do more for our environment than we do today. Reinforcing and extending this program will get replaced hundreds of thousands more of these environmental clunkers with highly efficient new vehicles.

Some Members have proposed changes to the program by amendments. Some amendments are pending, or will be introduced, that are not related to this program. These may be well intended amendments, but it is vitally important to keep in mind the need for immediate action. The House of Representatives has sent us a bill that will keep the program running. Any amendments—any amendments—that the Senate approves will send the legislation back to the House of Representatives where action will be delayed until the House reconvenes in September. So any amendment that is adopted here is the death knell for this program. It would have to end immediately if an amendment is adopted because of the uncertainty over whether funds remain and to what extent. This program is designed to be a one-time stimulus, not a stop-and-start deal, which would make it more complex and confusing.

This situation is not new. We had a similar situation just a week or so ago. When the Senate passed a bill to restore funding to the highway trust fund, an amendment pending to that bill would have prevented the Federal Government from cutting $8.7 billion in transportation funding from several States, including my home State of Michigan. Normally, it would have been a simple decision to vote for that amendment to avoid those cuts. Michigan is in desperate need, and that amendment would seemingly protect hundreds of millions of dollars for my State. Yet I voted against the amendment. I did so because of the time-sensitive nature of the underlying bill. And many others in this body voted against an amendment for that same reason.

The highway trust fund was on the verge of running out of money, and the bill that we were voting on restored funding to keep it solvent through September. With the House of Representatives about to adjourn a week or so ago, any Senate amendment to that bill would have required that it be sent back to the House of Representatives, likely killing the bill. I, and many others here, decided not to risk letting the highway trust fund run out of funds. So what did we do? We voted for the bill, but we voted against an amendment, even though that amendment would have helped our States. What we did instead is we pledged to seek passage of that amendment at a later date to a different legislative vehicle. I opposed every amendment to that bill, as did a majority of our colleagues.

That is the situation we are in now. If we want this program to continue, we have but one choice. We have to vote for it, but we also must vote against all of the amendments that are pending to it, even though those amendments may be attractive standing on their own and in ordinary circumstances. It is going to be difficult for some to vote against these amendments. I understand that. But the issue is going to be, do you want the Cash for Clunkers Program to continue? If any amendment passes, it is the end of that program.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

AMENDMENT NO. 2304

Mr. COBURN. Madam President, I ask unanimous consent that the pending amendment be set aside and that Coburn amendment No. 2304 be called up.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 2304.

Mr. COBURN. I ask unanimous consent that the amendment be considered as read.

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

The amendment is as follows:

(Purpose: To provide assistance to charities and families in need)

At the appropriate place, insert the following:

SECTION _____. ASSISTANCE TO CHARITIES AND FAMILIES IN NEED.

Section 1302 of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1909; 49 U.S.C. 32901 note) is amended—

(1) in subsection (a)(2)(B), by inserting ''or for donation to a charity''; and

(2) in subsection (c)(2)—

(A) in subparagraph (A), strike ''For each'' and insert ''Except as provided in subparagraph (C), for each'';

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after paragraph (B) the following:

''(C) DONATION TO CHARITY.—For each eligible trade-in vehicle surrendered to a dealer under the Program, the dealer may dispose of such vehicle by donating such vehicle to—

''(i) an organization that—

''(I) is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, including educational institutions, health care providers, and housing assistance providers described in such section; and

''(II) certifies to the Secretary that the donated vehicle will be used by the organization to further its exempt purpose or function, including to provide transportation of individuals for health care services, education, employment, general use, or other purpose relating to the provision of assistance to those in need, including sales to raise financial support for the organization; or

''(ii) a family that does not have sufficient income to afford, but can demonstrate a need for, an automobile.''.

Mr. COBURN. Madam President, it is interesting to note what we just heard from the Senator from Michigan about how we can't fix this program—admitting that there are several things wrong with it—because the House is out of town and we have to pass it. So we are going to do the wrong thing for the right reason.

I have not heard from a dealer in my State that is not for this program. There is no question it is stimulatory. There is no question, however, that the stimulation is one based on time of sales, not on true total stimulation to our economy. What we are doing is stimulating future sales to be bought at this time. But, more importantly, we have two untoward disadvantages that this program is causing which is actually hurting the poorest and the weakest and those of color in this country.

When we wrote this amendment, we went to the Finance Committee. We were told it was not going to score.

Then when we got to the Joint Economic Committee, they scored this amendment as costing $90 million, but what they did not take into consideration is that if these cars were actually given to charities or to people who did not have a car, it scored exactly the same. In essence, there is no net score with the bill.

The fact is, with this program—because we are destroying half a billion dollars worth of real assets so far in this program and we are going to destroy $1.2 to $1.3 billion worth of real assets, real cars that charities could really use to give to real people who do not have transportation—we are taking that away. In our tough economic times right now, charities' income is down about 30 percent across the board while the demands on the charitable organizations are up. We all recognize that charities use the contributions of automobiles to then turn around to sell and fund a lot of charities.

What this amendment does is allow the vehicles that are traded in to be donated to poor families or to charities. Why destroy a perfectly good car that somebody in a rural area who cannot get access to health care now because they don't have transportation—why destroy that mechanism of opportunity?

I understand there probably will not be the votes for this amendment. But to say we are going to take a perfectly good automobile that somebody less fortunate could utilize for years for transportation purposes, that will elevate them economically, and instead we are going to destroy it, we are going to destroy the opportunity for somebody less fortunate to have that automobile. This program is working for two groups of people: it is working for the auto industry and their dealers, and it is working for anybody who qualifies and uses the Cash for Clunkers Program. But it is not working for everybody else. This is a small minority of Americans who are going to benefit for a specific industry.

I heard the Senator from Arizona raise the question: Why not golf clubs? Why not dishwashers? Why not washing machines? Why not boats? Why not RVs? Why not other industries that also were on their backs, not having the same benefit?

I also would note that several organizations, a couple from which we received endorsements—the Military Order of the Purple Heart and Lutheran Charities throughout America endorse it.

I thought I would raise one other point; that is, this amendment is significantly environmentally friendly. A recent ABC News story on the clunkers quoted the following:

> Believe it or not, even some environmentalists are against the new law. They point out it will end the lives of perfectly serviceable vehicles with years of life left. One way to be green is to get a more carbon friendly car. Another way to be green is to recycle or buy a used car. It takes 113 billion Btus to build a Toyota Prius. You have to drive that car 46,000 miles before you are even on the carbon footprint.

If you take the same car and give that car to somebody in need, you enhance their economic condition and you do not create another 113 billion Btus of energy.

Hybrids get great mileage, we talked about that, but in terms of net-net, in terms of being green—we hear that all the time. If we want to do what is most efficient from an environmentally safe standpoint, this amendment does it. You still have the Cash for Clunkers Program, but what you do is turn around and use the cars by giving them to charitable organizations or families who need them. If we were to do that, especially if we are going to increase this program $2 billion additionally, you are going to save $1 billion worth of net assets that we can transfer to those less fortunate in this country. For that, the tax consequences will be $90 million, which is exactly the same tax consequences we would have had on these cars had we not had a cash for clunkers program.

It is crazy, in this country, to intentionally destroy perfectly good automobiles. It is nuts. It is not rational. Yet we have a program and we are already doing it. In Oklahoma we had a car that was traded in that had 10,000 miles on it. They destroyed the engine on the car under this program. Granted, it had poor gas mileage, but that was transportation to somebody who was poor, transportation to somebody who did not have transportation.

We have been debating health care around here for 6 months. The biggest limitation on access to health care in rural and poor communities is transportation, and we are going to take away an opportunity to give many of those people transportation. We are going to take it away. The schizophrenia of Washington continues to amaze me, and the lack of common sense that is associated with what we do.

I will make one final note. The reason this bill has problems, the reason the Transportation Department is having trouble with it is it never went through a committee, never had multiple hearings, had not had an oversight on what we were going to do, and it was done in such a short period of time that we did not even allow the Transportation Department an effective amount of time to set it up so it would be effective and not wasteful.

If you hear any complaints from the dealers, it is they don't know where they stand on whether they are going to get paid. They have no clue right now because even though they filed paperwork, getting that money to them—what we are seeing is a lot of problems with unhappy customers right now at the dealers because the Transportation Department cannot be efficient in administering this program.

I conclude by noting that if this is the standard under which we are going to reenergize our economy, then we ought to apply the same standard to every other industry. If we do, we will not be bankrupt in 11 years, we are going to be bankrupt next year.

I want our auto companies to succeed. There is no question there are stimulatory benefits to what we are doing, but it is at a great cost. As the Senator from New Hampshire noted, the net-net cost is $45,000 per net car that would not have been traded in. It is foolhardy.

I hope Members of the body will consider this amendment. I know they have been instructed to not consider it.

I will reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I appreciate the concerns the Senator from Oklahoma has raised. One question I would have is, if the amendment is adopted, would he in fact support a continuation of the program? Because he certainly made a number of other arguments in opposition, which I appreciate. I know those arguments as well. But I think, given all those arguments, this really is about trying to stop the program.

I urge my colleagues to oppose the amendment. It would absolutely derail what has been the most effective stimulus to date for us. It is about jobs, it is about helping small businesses.

With the concerns initially raised, some of the bureaucratic concerns initially—I have to tell you that NHTSA has been working fast and furiously in solving those problems. The National Association of Dealers strongly supports continuing this. I do not think they would if they believed it was not effective as a program.

Let me talk about the amendment specifically. It may be well intended, but there is no environmental benefit if the old vehicle is not scrapped—No. 1. The temporary CARS Program is specifically designed to maximize gas savings for consumers. In fact, so far the average savings is about $1,000, and for people in my State, that is a lot of money right now when you are pinching pennies and trying to keep things going in your household. That has been an extremely important part of this.

It is important to talk about the fact that this is a very limited program. It is very limited in scope. The funding extension will enable a replacement of less than .3 percent of the 250 million vehicles on the road. It does not compete with charities. The amendment is unnecessary because people can donate the value of the voucher to charity, if they want to. In fact, the voucher amount surpasses the value of the vehicle, so charities could actually receive more funds through a donation of the voucher, if someone wished to do that.

Also, the program, because it is temporary, does not affect long-term donations. In fact, we have met and worked with charities, discussed these issues,

because I strongly support the programs that have donations of automobiles to charities for the very reasons the Senator from Oklahoma talked about.

The reality is that there have been trends against donating cars in recent years. It is not because of the CARS Program, I have to indicate; it is because of a tax treatment change that was made under the Republican majority back in 2004 that has been a problem. If we want help the charities with automobiles, we would fix the tax treatment that was passed as part of the tax changes that were made under the Republican majority.

Also, many charities have indicated to us that they have not seen a drop in donations due to the program. What is most interesting is that we talked to some who have said they have actually seen an increase due to the heightened awareness of car recycling, particularly in owners who, after researching, find out they really do not qualify for the CARS Program but they are still looking to take advantage in some way of the deals that are out there on these great new vehicles, made in America. I hope people are going to be doing everything with their voucher to buy an American-made vehicle. The temporary program really has given people the opportunity to go out and shop and take a look at what is out there.

Pat Jessup, the president of Cars 4 Causes, has said that, ''oddly enough,'' car donations are up this month. Oddly enough, car donations are up this month. She adds:

> In fact, because of the increase in donations, Cars 4 Causes has staffed up to handle the in-coming calls.

What a nice byproduct of all the awareness right now, of the possibilities going out and buying a new vehicle.

To continue quoting her:

> Once the conversation about trading in or trading up or donating a car gets going the car owner begins researching possibilities, looking into tax deductions versus cash for the trade-in. Also, some have found their car does not qualify for the Cash for Clunkers Program, but while researching they discover the tax advantages of donating a vehicle. Then they call us.

I appreciate the concerns that have been raised, but, in fact, this program—raising awareness about the cars that are now available, the new or more fuel-efficient automobiles that are available in car dealerships all across the country, the ability to use the Cash for Clunkers Program, we are now seeing that other great programs where vehicles are donated to charities have actually gone up.

For that, among many other reasons, particularly because this amendment would kill the CARS Program, I urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I ask unanimous consent to have printed in the RECORD four news articles published in the last week about how cash for clunkers has negatively impacted charities. This comes from the North-West Cable News, Denver Post, Fox News, and nbc4.com.

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

NEWS QUOTES ON HOW CLUNKERS IS HURTING CHARITIES

NORTHWEST CABLE NEWS

''Cash for Clunkers'' hurting charities—

Some say the popular ''Cash for Clunkers'' program is taking cash out of the hands of local charities.

Animal Services of Thurston County depends on donations of up to $20,000 a year from Northwest Charity Donation Service. It's a service that relies on donated cars. But since the ''Clunkers'' program began, the source of funding is drying up.

''It's probably been at least a 40 to 50 percent drop in donations that people can choose to go to a charity of their choice from the area,'' said Thomas Jones, of Northwest Charity Donation Service.

Charities are also concerned that, as more cars end up at salvage yards, there will be fewer inexpensive used cars will be available for working families.

DENVER POST

Charities fear pinch from ''clunkers'' program—

Area charities reliant on car donations for funding say the government's ''cash for clunkers'' program might hurt them.

''If the government is going to give them a chunk of change for their clunker, then we're concerned that they're not going to come to us any longer,'' said Meaghan Carabello of Goodwill Industries Denver.

Last year, Goodwill and Cars Helping Charities, the third party that takes in the donations and sells them, took in 1,900 and 3,000 donated cars, respectively.

For Goodwill, that translated to about $220,000 in revenue.

FOXNEWS.COM

''Cash for Clunkers'' puts the brakes on donations—

Riteway Charity Services in Sun Valley, Calif. turns thousands of donated cars into money for local food banks, homeless shelters and Boys and Girls clubs. They say the recession put a dent in donations; they're down 30 percent from last year.

Now the car rebate program has really put the brakes on, leaving charities third in line. Charities can offer a tax write-off as little as $500 next spring. But that just can't compete with the program handing car buyers rebates of between $3,500 and $4,500 for trading in their gas-guzzlers for new, higher-mileage models.

The latest IRS figures show 300,000 cars were donated in 2005. And while the program may be a shot in the arm for dealers, charities that rely on donated cars say Uncle Sam has put them on life support.

NBC4I.COM

Cash for Clunkers could impact local charities—

Charitable groups count on the money they make from donated cars to help fund their programs. Now, the groups are afraid that donations are going to dry up.

Officials at Goodwill said they are worried that the Cash for Clunkers program will make people choose cash over charity and close the door on an opportunity to bring in money for local programs.

''When you pull 250,000 cars off the streets, maybe more, there are cars that could end up in our lots and help low-income buyers,'' Knowlton said.

''Every single car is an opportunity. We love every car,'' Hartley said.

Mr. COBURN. Madam President, I could be a whole lot more comfortable with this bill if you told me there was not another one coming in a month. But the fact is, what we are doing is buying forward sales. Every economist says that. Eighty percent of the sales that come in under cash for clunkers—we are just moving up sales that were going to be there anyway. There is nothing wrong with that as long as we say there comes a point in time we are not going to do that.

I wonder if my distinguished colleague from Michigan would commit to the body that we are not going to see another one of these bills in 2 months, 3 months, 4 months, or 5 months, we are going to subsidize the purchase of automobiles by stealing from our children in this country— regardless of the economic benefit for one particular industry. Is there an answer to that question? The fact that there is not an answer to the question means it is not going to stop with this one. As soon as this next program stops, and as soon as we run through the money, the sales are going to go right back down.

Then our option is going to be: Well, we have to do another one and another one because we are buying forward sales.

What we need is the health of the economy. I do not deny we need to inject the proper amount of fiscal stimulus, true fiscal stimulus, not a government transfer payment, which is 60 percent of the stimulus bill that was passed, but it is an interesting question: When does it stop?

If we are going to do it for automobiles, and let's say automobiles get healthy but the appliance industry does not, are we going to do it for the appliance industry? How much more can we afford to borrow from our kids? Those are legitimate questions that need to be addressed.

I understand the depth and breadth of the difficulties the States in the upper Midwest are feeling from this recession and especially the impact on the automobile companies. I want to be cooperative. I want to see them come out.

But it would certainly give us much less indigestion if we knew there was truly going to be an end and not another of these Cash for Clunkers Programs when the sales dribble right back down because all we did was stimulate forward sales into this sales period.

With that, I reserve the reminder of my time.

Mr. LEVIN. First, let my thank my friend from Oklahoma for raising some of these questions which are entitled to be debated. We are not alone in having a Cash for Clunkers Program. Other countries, including Germany, have had these programs. So we are not designing something from scratch. All auto-producing countries that I know of in the world are fighting to have an

auto industry come out at the end of this recession.

Unless we take action in a number of ways, that is not going to happen. So the Cash for Clunkers Program is based on a similar type of program in other countries, including Germany, where it has been very successful.

It is not my intent—to answer the other part of his question—it is surely not my intent that this program continue beyond this extension. No one can give an assurance as to what is going to happen in the future with this body or other Members of this body or, indeed, with myself. But it is not my intent that this be a continued program beyond this extension. The reason it was so essential that we have this extension is it was such a successful program. It sold out so quickly, we think our success actually overwhelmed us.

I don't believe, as the Senator from Oklahoma does, that people were buying forward. I think maybe the opposite happened. By the way, I think people may have been waiting until there was this kind of incentive because people are in desperate economic shape. Perhaps some of the people who knew there was going to be such a program may have held back in buying a vehicle.

But also the other prong of this program, besides the economic boost it gives to the economy overall, is the environmental part. That is the part which the Senator's amendment does not address. It is intended to get clunkers off the road, not just to get an economic stimulus into the auto area for sales of vehicles that benefit not just producers but car dealers and suppliers, but there is also a huge environmental benefit which has not only proven itself, but done much better than anybody could have expected.

That is ignored by the Senator's amendment, because keeping those cars on the road, as the Senator would do, denies the environmental benefit of the Cash for Clunkers Program. That is another reason I would oppose the Senator's amendment.

Mr. COBURN. Is it not true that the average plants were down for 10 weeks?

Mr. LEVIN. I do not know the number.

Mr. COBURN. Maybe 10 weeks. I know Chrysler was down longer than that. The fact is, when I drive by the auto dealers, and when I check the statistics with NHTSA, inventories are low.

So we are going to put $2 billion back out, when inventories are at half the level on the car lots of what they normally are. So if, in fact, you pass this, you might ought to spread it out over a period of time so the factories can get the cars to the dealers because that is a significant worrisome part on a lot of my dealers—that if you bring it back now, and you bring it back, we are not going to have the cars to sell them.

I did make a note before, I say to the chairman. He is my chairman. I get along with him great. I have great admiration for him. I am glad Oklahoma does not have any car manufacturing plants right now. I can tell you that. But I did make a point that it takes 153 billion BTUs to make a Toyota Prius. You have to drive that car, on average, 2 years before you are ever at breakeven.

So if you take a used car—and this program does not apply to used cars, right? It applies only to new cars. If you take a used car and compare it to a car of similar size, you are at least 2½ years before you ever get the first benefit, in terms of green, 2½ years.

So we may see a difference in those, but in terms of BTUs consumed, it is 2½ years before you see the first change in terms of carbon footprint under this program. Ultimately, I would admit to you there is a carbon benefit to it.

Mr. LEVIN. In response to the Senator, I think that same point is true with the purchase of any new car.

Mr. COBURN. Yes, it is true.

Mr. LEVIN. But the faster we get the more fuel-efficient cars, the better environmental impact we are going to have, even though there is that time period, obviously, when there is a carbon footprint that results from the production of the new car.

But you get to that 2½ years faster then if you buy that new car now than if you buy it a year from now or 2 years from now.

Mr. COBURN. Well, 2 years from now, it is going to have 4 or 5 miles better mileage.

Mr. LEVIN. It may. We do not know that.

Mr. COBURN. I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Madam President, 1 week after commencing the $1 billion Cash for Clunkers Program, it is so popular that it has used up all its funds.

Could it be that through this program, which entices car buyers with up to $4,500 to trade in their old cars, the government has finally devised a smart way to stimulate the economy?

In a word, no.

Instead, the Federal Government has sent another $1 billion of taxpayer funds into the economic abyss with $2 billion of taxpayers' funds to follow.

It has robbed Peter to pay Paul, to give a kickback to the automotive industry.

Advocates of the Cash for Clunkers Program state the additional $2 billion in funding is necessary because the program is such a great success.

Of course it is. Who does not want free money?

The Cash for Clunkers Program is simply another bailout to prop up a struggling industry wrapped in the political guise of an environmentally friendly program.

While I agree that there are benefits to getting older, less fuel-efficient vehicles off the road, do not be fooled. That is not even what this program accomplishes.

Let me explain.

Under the Cash for Clunkers Program, it does not matter how big a difference in gas mileage there is between the car you are trading in and the car you are buying.

The trade-in must only meet the 18 miles per gallon requirement to be considered a clunker.

After that, environmental concerns end.

As a result, under the Cash for Clunkers Program, replacing an 18 miles per gallon vehicle with one that offers 22 miles per gallon gets a subsidy.

But you do not receive any Federal funds if you replace a 19 miles per gallon vehicle with one that gets 40 miles per gallon.

If improving gas mileage is the goal, then a sliding scale that adjusted the subsidy with the difference in gas mileage between old and new cars would seem reasonable.

Or if reducing emissions from older cars is the objective, the subsidy could be larger for trading in older vehicles.

The Cash for Clunkers Program does not do either.

So, if there are no significant environmental benefits, then the goal must be to help stimulate the economy.

Yet the program has done little to actually stimulate the economy.

Many of the individuals taking advantage of the program's subsidies are not new car buyers spurred by this incentive package, but instead those who put their purchase on hold waiting for the program to launch.

Simply put, these buyers would have bought the car anyway.

Edumunds.com, a noted online site for car sales, stated this number could be over 100,000 car buyers.

Further, Edmunds also published an analysis showing that in any given month, 60,000 to 70,000 ''clunker-like'' deals happen with no government program in place.

Therefore, the 200,000 deals the government was originally prepared to fund through the Cash for Clunkers Program were likely the natural ''clunker'' trade-in rate.

This program squeezed months of normal activity into just a few days.

When the backlog is met, interest in the program will fade, and the façade of economic benefit will disappear.

The Cash for Clunkers Program is a shell game of transferring wealth from the pockets of one taxpayer to another.

We should call it what it really is, another billion dollar auto bailout.

This program is little more than a clunker itself.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 2303

Mr. VITTER. I ask unanimous consent to call up Vitter amendment No. 2303 to the pending legislation.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER] proposes an amendment numbered 2303.

Mr. VITTER. 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:

AMENDMENT NO. 2303

(Purpose: To provide for a date certain for termination of the Troubled Asset Relief Program)

At the appropriate place, insert the following:

SEC. _____. TERMINATION OF TARP.

Section 120 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5230) is amended—

(1) by striking subsection (b); and

(2) by striking ''(a) TERMINATION.—''.

Mr. VITTER. I urge bipartisan support of the Vitter amendment. It is very simple and straightforward but important. It ends the TARP bailout program on a date certain, the date certain originally set out, which is December 31 of this year.

Under the TARP bailout legislation, the program is supposed to end on that date. However, there was some fine print. The fine print said the Treasury Secretary unilaterally can say: No, we need to extend it. On his own, with no additional vote of Congress, he can extend it until October 3, 2010.

I think any such extension would be absolutely contrary to the best interests of the Nation, and I believe we should act and simply take that extension authority back and wind down the program and end the program, the bailout, in an orderly way on the original intended date of December 31 of this year.

I think we should do this for three clear reasons. First of all, the biggest reason is simply the TARP bailout program was rushed through Congress in what was described as an impending and indeed a cataclysmic crisis. We were told by several experts certainly, including the Treasury Secretary and the Chairman of the Federal Reserve, that the financial system was in imminent danger of collapsing. I am not exaggerating. I am simply repeating their statements from last fall.

So Congress, certainly over my objection, passed the TARP bailout program in that atmosphere of absolute crisis. Well, we may disagree about where we are getting toward recovery and what we see for the next year. But I think we can all agree that imminent collapse, if it was ever before us, is not before us now; that huge so-called cataclysmic crisis, if it was ever a threat, has passed. So the whole rationale for the extraordinary $700 billion TARP bailout program, that crisis, has clearly passed.

Again, I am not saying we are out of this recession. I am not saying we are not in tough economic times. I am not saying we do not have a lot further to go in recovery. I am saying no one believes the world financial system is in imminent danger of collapse or will be, thankfully, anytime soon.

Clearly, the entire rationale for such an extraordinary and unprecedented use of government power and intervention and the use of $700 billion of taxpayer funds, that rationale has passed.

Reason No. 2 is that the TARP bailout, in practice, has become nothing more than a political slush fund and has been used in many different ways, never as it was originally designed.

Of course, we all heard, when it was originally proposed, that it was a toxic asset purchase program; it would be used for one purpose and one purpose only—for the government to buy toxic assets to get them off the balance sheets of troubled financial institutions. That was the sum and substance, 100 percent of the original design and rationale. As we all know, it never was used in that way. Literally within a few weeks of Congress passing the program last fall, it morphed completely. We weren't going to use it to buy toxic assets anymore. Then it morphed into an equity investment program for the largest banks that were deemed too big to fail. That, of course, has been carried out to the tune of not just $700 billion but trillions of dollars, as this money is constantly reprocessed.

Next TARP was morphed again and used as a slush fund to bail out two auto companies. Specifically, the administration—at the time, the Bush administration—said: No, TARP is not about manufacturers, auto companies, at all. It is not about that. It is about financial institutions. Nevertheless, it was morphed again, used as a slush fund to bail out two auto companies. And there are many different, smaller programs which have been devised and funded out of the TARP bailout slush fund.

TARP has been consistently used by the government for whatever different purpose, whatever new bright idea the administration—first, the Bush administration and now the Obama administration—decides is a good thing to do. It has truly become a slush fund, open-ended, no limits, that the administration can use pretty much however it wants. There doesn't seem to be any real or meaningful limitation. So far the original $700 billion program has grown to reach $3 trillion. That is because some money is paid out. It is paid back in. It is reprocessed.

According to SIGTARP, the group that monitors this, the total financial exposure of TARP and TARP-related programs, when we look at all of the myriad activities, may reach $3 trillion.

Third and finally, the third important reason we should establish this date certain to wind down the TARP bailout slush fund is that from the very beginning, TARP has not been transparent. It has been very opaque. It has been ripe for fraud. Unfortunately, there are numerous pieces of evidence and media accounts to bear this out. For instance, on July 21, Neil Barofsky, special inspector general for the TARP program, issued a quarterly report to Congress. In it, he said: As of June 30, there are 35 ongoing criminal and civil investigations about misuses of money; Federal felony charges against Gordon Grigg, FTC action against misleading use of MakingHomeAffordable.gov, and on and on.

In its quarterly report issued in July, SIGTARP said that the Treasury ''has repeatedly failed to adopt recommendations that SIGTARP believes are essential to providing basic transparency and fulfill Treasury's stated commitment to implement TARP 'with the highest degree of accountability and transparency possible.' ''

Specifically, SIGTARP had four key recommendations, and they have not been implemented in any meaningful way.

The Vitter amendment is very simple, very straightforward. Let's abide by the original end date for the TARP bailout fund—December 31 of this year. Let's take back the unilateral authority the Secretary of the Treasury now has to extend that to October 3 of 2010, for three simple reasons: No. 1, there is no impending crisis anymore; No. 2, TARP has been used as a slush fund for everything under the Sun except the original purpose of buying troubled assets; and No. 3, TARP has never been transparent, open, and aboveboard. It is rife with fraud and misuse, unfortunately, documented by criminal prosecutions, IG reports and the like.

I urge my colleagues, Democrats and Republicans, to support this reasonable amendment.

I retain the remainder of my time.

AMENDMENT NO. 2306

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I ask unanimous consent that the pending amendment be set aside and the clerk call up amendment 2306.

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

The clerk will report.

The legislative clerk read follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 2306.

The amendment is as follows:

(Purpose: To amend the Internal Revenue Code of 1986 to provide an income tax credit for certain home purchases, and to transfer to the Treasury unobligated funds made available by the American Recovery and Reinvestment Act in the amount of the reduction in revenue resulting from such credit)

On page 3, after line 11, insert the following:

Effective on the date of the enactment of this Act—

(1) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 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 Act entitled 'Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.', 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 allowed 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 after December 31, 2009, and on or before the date described in subsection (b)(1)(B), a taxpayer may elect to treat such purchase as made on December 31, 2009, for purposes of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) Section 24(b)(3)(B) of the Internal Revenue Code of 1986 is amended by striking ''and 25B'' and inserting '', 25B, and 25E''.

(B) Section 25(e)(1)(C)(ii) of such Code is amended by inserting ''25E,'' after ''25D,''.

(C) Section 25B(g)(2) of such Code is amended by striking ''section 23'' and inserting ''sections 23 and 25E''.

(D) Section 904(i) of such Code is amended by striking ''and 25B'' and inserting ''25B, and 25E''.

(E) Section 1016(a) of such Code is amended by striking ''and'' at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting '', and'', and by adding at the end the following new paragraph:

''(38) to the extent provided in section 25E(g).''.

(3) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25D the following new item:

''Sec. 25E. Credit for certain home purchases.''.

(4) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—

(A) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''before December 1, 2009'' and inserting ''on or before the date of the enactment of the Act entitled 'Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.' ''.

(B) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''before December 1, 2009'' and inserting ''on or before the date of the enactment of the Act entitled 'Making supplemental appropriations for fiscal year 2009 for the Consumer Assistance to Recycle and Save Program.' ''.

(5) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (4) shall apply to purchases after the date of the enactment of this Act.

(6) TRANSFERS TO THE GENERAL FUND.—From time to time, the Secretary of the Treasury shall transfer to the general fund of the Treasury an amount equal to the reduction in revenues to the Treasury resulting from the amendments made by paragraphs (1) through (4) of this subsection. Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009 (Pub. Law 111-5), such amounts shall be transferred from the amounts appropriated or made available and remaining unobligated under such Act.

Mr. ISAKSON. Madam President, I want to address this amendment for a moment, and I want to set the stage for the amendment. This amendment was first offered by myself and others in January of 2008. It is an amendment that would provide a $15,000 income tax credit to a family that purchases and occupies as their home any single-family dwelling in the United States, regardless of their age, their income, or their State. Six months later, in the middle of 2008, the Finance Committee did pass a $7,500 tax credit which was an interest-free loan, trying to incentivize first-time home buyers to come to the market. But because it was a loan, it didn't do anything. So in December of last year, we changed it to an $8,000 tax credit for only first-time home buyers with incomes less than $75,000 for individuals and $150,000 for couples.

It has worked. In fact, if we look at sales figures from January through through July, we will find that entry-level housing, that housing under $180 to $200,000, has actually begun to recover. But if we examine the marketplace, we find terrible numbers, such as the following: 47 percent of all the homes in the United States of America are worth less than what is owed upon them. That is a tragedy. Worst of all,

in the month of June, 57 percent of all sales in America were foreclosures or short sales; 43 percent were arm's-length sales. The housing market continues to flounder. Values continue to decline, and equities continue to dissipate.

This amendment is added to the cash for clunkers bill for a very important reason. As Senators STABENOW and LEVIN will tell us, the up-to-$4,500 incentive to buy a new, fuel-efficient car by trading in an old gas-guzzling car worked. It worked so well that in 1 week the money disappeared.

That demonstrates what I have known all my life. Positive incentives cause positive results. The problem is, though, it was not the automobile market that disappeared first in America. It was the collapse of housing in the last quarter of 2007, which accelerated in early 2008, which pulled away the equity, reduced the amount of credit folks had and caused car loans to go bad and people to not buy cars. The only way we will ever turn the U.S. economy around is to return the biggest engine of the U.S. economy and that is the construction industry and single-family construction and single-family homes.

Right now we are stagnant. The problem is not with first-time buyers. It is with move-up buyers. It is the fellow who has transferred from Atlanta, GA to Hartford, CT who can't sell the house in Atlanta because there is no buyer for it and can't buy a house in Connecticut because he doesn't have the equity out of Atlanta. This tax credit does not take other people's tax money and give it to you to buy a house. It gives you a credit against the taxes that you owe. Rather than buying a depreciable asset such as a car, you are buying an appreciable asset such as real estate. It has a multiplier effect.

When we offered this amendment last year, it was estimated by one economist that it would create 700,000 sales in one year and 685,000 jobs. If there is anything America needs, it is just that. So just as cash for clunkers has demonstrated that positive rewards can cause positive actions on behalf of the consumer, so too would the tax credit do the same.

By the way, the cost of this credit is estimated by CBO at $34.2 billion. In January of 2008, they said that is too much money. Since then, we have spent $85 billion on AIG, $700 billion on TARP, $787 billion on a stimulus, and we are still floundering; and $34 billion sounds like a pretty cheap price to address what is the principle problem in the economy. This amendment says it is paid for. The Secretary of the Treasury is authorized to transfer from the stimulus money to the Internal Revenue Service the claims to cover the tax credits filed by homeowners when they pay their taxes for the houses they have purchased.

Finally and most importantly, there is a rude awakening coming in America, and it is coming on November 30, 2009. That is when the existing tax credit for first-time home buyers goes away. The last incentive for an arm's-length sale will have disappeared. If we think we have economic difficulties now, wait until that happens. But with this amendment, we take, from the date of its passage 1 year ahead, which would be sometime in August of next year, a $15,000 nonmeans-tested credit to replace the $8,000 means-tested credit.

If the economists are right—not me—it will do the one thing the U.S. economy desperately needs. It will generate a legitimate housing market. Values will stabilize. We will reflate in the value of homes. People will buy more cars because of that than they will because of cash for clunkers. So we want to take the evidence of the success of this program, take what we already know has worked in a means-tested manner in first-time home buyers, and apply it to every American, because every American is suffering in this economy. Every American deserves us to look for positive incentives to bring the economy back, restore their equity, improve their value, and return us to a vibrant economy. I hope the men and women of the Senate will adopt this amendment.

To those who are going to say, we can't do it because the House is gone, I ask this question: If we were talking about health care and one body had passed it, the House would be back here in a New York minute. They could come back in a hurry, and we know it.

Restoring our economy is important. Recovering the equity of our homes is important. Repaying the American people for the dissipation of our marketplace is important. The home buyers tax credit will do it. I urge my colleagues to vote yes on the Isakson amendment.

I reserve the remainder of my time.

AMENDMENT NO. 2303

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I rise to address the Vitter amendment. The Senator from Louisiana has offered an amendment that would end the so-called TARP program on December 31 of this year and remove the Secretary of the Treasury's discretion to extend the deadline until October of next year. I can understand why that might be a popular idea, but I think it is important to point out that we are far from being out of the woods in terms of the economic difficulties we face. Members don't need to hear that from me. We still have about 20,000 people a day losing their jobs. We have around 10,000 people a day getting foreclosure notices on their homes. We know there is still an emerging problem with commercial real estate that has yet to be addressed. It is looming out there and demanding some attention. The housing market is stagnant, even though there have been Herculean efforts offered by our colleague from Georgia, who just spoke, for first-time home buyers on which I joined him to provide some incentives for people to move forward, including his most recent proposal. Losses on bank balance sheets are increasing still despite the fact that there are very positive signs.

I don't deny that, in fact, there seems to be an improvement, an ever so slight improvement in the right direction. But at this juncture, anyone who can say there is no longer any reason for us to take what funds remain within the TARP program, this is not adding to the funds. This is merely a question of whether the program ought to be terminated at the end of this year or extended for about 7 or 8 months into next year.

I urge my colleagues not to, at this juncture—without anyone being clairvoyant—anyone who sits here and tells you there is no longer any need for this, I do not think is listening very carefully or watching very carefully what is occurring in the economy.

So while we would all like the crisis to be behind us, and we would all like to stand here and say there is no longer going to be any need for any of these additional funds within the TARP program as they exist, I do not know of any one of us who could say with certainty what the future holds.

I believe it is very important we have this authority extended beyond the 31st of December into October of next year to give us the opportunity to respond, should we need to, with some additional support to various sectors of our economy that could help us avoid what we have avoided so far; and that is, a deepening and further economic crisis.

With that, when the vote occurs on the Vitter amendment, offered by our colleague from Louisiana, I would urge our colleagues to reject this amendment, not because we do not want to end the program—we do—not because we are in favor of more resources going to TARP. That would be a hard vote. This merely says: Does the program get to extend beyond the 31st of December of this year? There is no request here for additional funding—merely having the funds that exist and to extend it for another 8 or 10 months to give us the opportunity to respond, should the facts require it.

I do not think we want to look back, in January or February, and have to go back through reigniting or starting all over again another program, given the difficulties I think we would face trying to achieve that result. It is better to keep the program that has been in place and has been working and which has made a difference over these past many months than to abandon the program at this juncture when the program very well may be needed.

With those thoughts in mind, I would urge our colleagues at the appropriate time to reject this amendment.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I also rise in opposition to the Vitter amendment.

First of all, this amendment, as my distinguished colleague has indicated, would limit the government's options in dealing with the financial crisis by prohibiting and restricting the extension authority. It would take away a very important option at this time that we should be retaining and, frankly, send the wrong signals to the markets when our markets are so fragile.

At a time when we are beginning to see small signs of improvement, small signs—and we will not see real signs until people have jobs and are working again—but restricting the administration's ability to stabilize the financial markets is dangerous and it is counterproductive to our economic growth.

Unfortunately, this amendment would actually undercut one of the most effective programs to help the economy we have seen. We know, as we have said before, if there are any amendments that are adopted, then this effectively kills the CARS Program.

So for a multitude of reasons, I would urge a ''no'' vote on this particular amendment.

Mr. DODD. Madam President, will my colleague yield for a moment?

Ms. STABENOW. Madam President, I am happy to yield.

Mr. DODD. Madam President, I inquired—and I appreciate the Senator's comments—I inquired how much in resources are remaining in the TARP program. I suspect it is a question where my colleagues would like to know what remains or what has come back. As a result of a number of financial institutions having paid the money back, I am now told we have something around $170 billion left in the TARP program or that is what remains of the $700 billion. There is every anticipation there will be resources continuing to flow back in.

So I want to provide some assurance to our colleagues that I do not see any circumstance in which, at this juncture, there would be a request for additional TARP funds. I think that is probably on people's minds. So by extending the program into October of next year, it is very important my colleagues understand we are not asking for any additional funds. The funds that are in the program and that will come back could be used—hopefully will not need to be used—for any emergency that occurs after December 31. But there are adequate resources there that should make it unnecessary for this body to come back and to seek additional funds in the TARP program. I think it is an important point to make for our colleagues.

Madam President, I thank my colleague for yielding.

Ms. STABENOW. Madam President, it was my great pleasure to yield and it is a very important point to raise and I appreciate the distinguished chairman of the Banking Committee for his comments, as he has led us on so many of these issues to bring us out of an incredibly difficult economic situation for the country.

AMENDMENT NO. 2306

Madam President, I also wish to speak, briefly, on the Isakson amendment, which I happen to support. At other times, in other places, I absolutely agree we need to continue to jump-start the housing market. I think we have seen that the $8,000 first-time home buyer tax credit has been a positive. I support expanding that.

When we look at what families choose to purchase, what their biggest purchases are, for most families it is their home and it is their automobile. We have actually modeled the CARS Program after the same kind of argument that caused the Congress and the President to support the stimulus, the $8,000 first-time home buyer tax credit. I think we ought to seriously look at ways to expand that, and I very much appreciate the leadership of the Senator from Georgia on this issue.

But the reality is, if we were to adopt this amendment to help those who are interested in buying a home, we would hurt people who need to buy an automobile and the stimulus that has worked so well, so quickly, in the CARS Program.

So I would ask for a ''no'' vote on this particular amendment simply because, at this point in time, we know what this is all about. Let's face it. We know what is happening here. Those who are opposed to the underlying bill, to the CARS Program, know if there are any amendments that are adopted, then the entire program will be ended. It will be done.

We are hearing from auto dealers all across the country, as well as consumers, as well as those who provide the materials for automobiles—we have heard from the steel industry, we have heard from the aluminum industry, we have heard from those who benefited from advertising, we have heard from all those in the long line of people who benefit from the auto industry and manufacturing in this country—that this has worked in stimulating the economy, getting people back into showrooms.

Even if people do not qualify for the program, they get back into the showroom, and they look around at these great automobiles. I should say, a lot of them are made in Michigan. We look for those. But the reality is, there are great automobiles that are out there now, and people are taking this time to go in and to shop and buy automobiles, even if they are not part of the program.

So we are hearing from dealers all across the country talking about the success of this program. It is something for consumers, something people can see that is tangible. It is not just a debate about what might happen sometime in the future, but it is about right here, right now, how do we help consumers?

The added benefit, as we know, is that because we said you need to buy a more fuel-efficient vehicle, we are seeing, in fact, the fuel economy go up, savings go up. We are told right now the average vehicle that is being turned in gets a little bit above 15 miles per gallon; and people are buying vehicles that are getting a little under 25 miles per gallon. That is about $1,000 back in somebody's pocket saved on gasoline. And, boy, wouldn't we all like to have $1,000 back in our pockets right now as a result of a stimulus program that supports people's efforts to get into a more fuel-efficient vehicle? This has been a winner on every front.

We know, at this point in time—after the quick action in the House of Representatives last Friday when it became clear the initial funding was going to be running out—we have known since then, with the House gone, the opportunity to continue this program depends upon our willingness to step up and support the House bill without changes. We all know that.

I would challenge anyone offering an amendment, if their amendment is passed, does that mean we have their vote on the underlying bill? Because that would be a great concern of mine. At the moment, I think what we have are ideas that are good and ideas that are not that are being offered. But everybody knows, in the end, any amendment that is adopted, no matter how well intended—and I know there are well-intended efforts, good ideas, good ideas such as the Isakson amendment, which in another venue I have supported and will support—but right now, on this bill, if we make any changes, we are saying to every small business dealer, every dealer across the country: We don't care whether this has worked, we don't care whether this is effective, we don't want to support you, and we don't want to continue it. We are saying the same thing to consumers. We are saying the same thing to those who care desperately about the auto industry and manufacturing in this country.

So I am very hopeful we will reject all the amendments that are in front of us. On those I support, in terms of the substance, I look forward to working with colleagues in the future, to come back in other ways to put forward these ideas. There are certainly very good ideas that have been put forward, as well as ideas that I do not believe are positive.

But right now the only question in front of us is: Do you support the CARS Program? Do you support the small business dealers across this country? Do you believe this economic stimulus should be continued—an economic stimulus that has worked so well?

I have to say, in closing, I have said before, my father and my grandfather were auto dealers back in the days of Oldsmobile, which dates me. But I know what it was like growing up in a small town where this dealership was so important in terms of employment, in terms of supporting the community,

and all that was going on. I know how hard they worked.

My first job was washing cars on the car lot. I understand all that goes into a family-owned business and how much our dealers care about their community, about their business, about their employees. This is about them. This is about supporting people who support their communities, who create jobs, who have had a very, very, very tough time in this economy.

Here we have the great opportunity to support something, not based on faith, not based on some intellectual argument but based on the fact it is working. So I would urge all my colleagues to vote no on the amendments and to join us in extending, as we go into the August recess, a very important and effective stimulus for the American economy.

Thank you very much, Madam President.

Mrs. MURRAY. 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. LEVIN. 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. LEVIN. Madam President, how much time is left in opposition to the Isakson amendment?

The PRESIDING OFFICER. A full 15 minutes.

Mr. LEVIN. Madam President, I ask unanimous consent—I am not sure who controls the time in opposition—that I be allowed to use 3 minutes of that time.

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

Mr. LEVIN. Madam President, the Isakson amendment is an example of an amendment which is not only well intended but an amendment that I happen to favor and have favored on a number of occasions on this floor.

One of the problems, though, is it is very clear we have a choice before us. We are either going to have an extension of the Cash for Clunkers Program, with passage of the House bill without any changes in it, or it is going to die. Passage of the Isakson amendment is not only well intended, but as good an amendment as it is, it will defeat both. We cannot get the Isakson amendment passed into law by adopting it here. It would be added to a bill which is going to go nowhere except to a House which has been adjourned. And we cannot keep this Cash for Clunkers Program going unless we adopt the House bill today.

If we leave without adopting the House bill or amending the House bill, it is the end of the most successful program we have seen in the stimulus package. That is the choice. So adopting the Isakson amendment does not get us where Senator ISAKSON wants us to get, and it destroys the Cash for Clunkers Program extension.

It has been a highly successful program, probably the most successful of any of the stimulus packages, at least to date. We are put in a position—a number of us—of voting against these amendments, amendments, for instance, as well intended as is the Harkin amendment. Voting against an amendment such as that is difficult, we know that, but we did it a week ago. We had to do it when the highway trust fund came up. We had to vote against an amendment which most of us, I believe, favored, which would have produced money for our States, in order to have a bill passed without any amendment so that we could get it done because the House was about to adjourn. So we were put in that position. It is not unusual around here that we are put in this position. It is a fact of life around here. It is not hard to explain back home why we had to do this.

So if we favor the cash for clunkers extension, we have to vote against every amendment. There cannot be a change. There cannot be a period, a comma, a word, a paragraph changed in the House bill. If there is, it is the death knell for this very successful program.

So I hope we will vote against all amendments. Some of them are very difficult to vote against. Some of the amendments we may have voted for before, including the Isakson amendment. Some like the amendment of Senator HARKIN, which is such a well-intended amendment. It has other complications to it, by the way, which would require it being modified, I believe, if it were going to have the effect that is intended, which would require regulations to be adopted, and that would take so long in any event that holding up the cash for clunkers bill for that to happen would also be the death knell for this bill that is so valuable.

So I yield the floor.

Mrs. MURRAY. Madam President, I would just let all Senators know that we are working to probably move to the votes fairly shortly, as soon as we get a unanimous consent agreement. So at this time I would suggest the absence of a quorum.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold her request?

Mrs. MURRAY. I withhold.

Mr. GREGG. Madam President, I ask unanimous consent to include additional cosponsors to my amendment: Senator ALEXANDER, Senator CORKER, Senator CORNYN, and Senator ENZI.

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

Mrs. MURRAY. 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mrs. MURRAY. Madam President, I ask unanimous consent that the vote sequence with respect to the pending amendments be the following, and commence once this agreement is entered, with no further debate except as specified below:

Harkin amendment No. 2300, Kyl amendment No. 2301, Gregg amendment No. 2302, Coburn amendment No. 2304, Vitter amendment No. 2303, and Isakson amendment No. 2306; that the previous order with respect to 2 minutes of debate, equally divided and controlled in the usual form, prior to each vote, and vote time limitation, after the first vote remaining in effect; further that upon disposition of the pending amendments, the bill, as amended, if amended, be read a third time, and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2300

Mrs. MURRAY. Madam President, I believe the pending amendment is the Harkin amendment, and he has 1 minute.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I have an amendment to my amendment that I send to the desk. I ask unanimous consent that I be allowed to make a modification to my amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I will object for reasons I have discussed with Senator HARKIN, any amendment to this bill will end the bill. It is a death knell for the bill. The modification also would have another delay even if it didn't kill the bill, even if it were passed and the House were able to adopt it. It requires regulations to be adopted which would take time. It would be a stopping and starting of the program. It would create a great deal of confusion.

This is an extremely well-intended amendment. I give Senator HARKIN a lot of credit for what he is aiming to do, but it cannot achieve its purpose the way it is drafted. The way it would be modified would take a significant period of time to be modified. It would result in a stop-and-start situation of the Cash for Clunkers Program. So, reluctantly, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator has 1 minute on his amendment.

Mr. HARKIN. Madam President, in good faith last year, I tried to get this in the bill and it didn't work. I tried it again with this amendment. I was informed there was a problem with it, which I recognized. I tried to again in good faith offer a modification to it. My friend from Michigan is right; it does require some determinations by the Secretary which probably would take some time. I am not certain that is all that much of a reason to not allow it.

I still believe there should be an income cap. But the way the amendment is now drafted, quite frankly, I couldn't even support it because it didn't do what I originally wanted to do. There was an error in drafting. I tried to amend it. I can't seem to get the job done because of the time constraint. There was an action on my amendment; therefore under the rules, I have to have consent to get it modified. I have heard an objection to that. Since I can't get——

The PRESIDING OFFICER. The Senator's 1 minute has expired.

Mr. HARKIN. Since I can't get it done, since I can't modify it, I move to table my own amendment.

The PRESIDING OFFICER. Time remains on the amendment, so the motion to table will have to wait until the time has expired.

Mr. HARKIN. Well, I will not have any time left.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. The Senator has a right to table his amendment. I would simply say that while he is correct that his amendment would be better if it were modified, and he would have had no objection on our side to that modification, it still makes an important point and I think it would have been supported by many people on our side of the aisle. I, frankly, would vote against the motion to table myself because I think it does make an important point, and I think we should be able to debate it and dispose of it.

The Senator has a right to table his amendment. I would urge those on our side to vote against the motion to table.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. The motion to table is in order now.

Mr. HARKIN. Madam President, I move to table my amendment.

Mr. KYL. I 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 West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 263 Leg.]

YEAS—65

Akaka	Burris	Dorgan
Baucus	Cantwell	Durbin
Bayh	Cardin	Feingold
Begich	Carper	Feinstein
Bennet	Casey	Franken
Bingaman	Collins	Gillibrand
Boxer	Conrad	Hagan
Brown	Crapo	Harkin
Brownback	Dodd	Hutchison
Inouye	Menendez	Snowe
Johnson	Merkley	Specter
Kaufman	Murray	Stabenow
Kerry	Nelson (NE)	Tester
Klobuchar	Nelson (FL)	Udall (CO)
Kohl	Pryor	Udall (NM)
Landrieu	Reed	Voinovich
Lautenberg	Reid	Warner
Leahy	Risch	Webb
Levin	Rockefeller	Whitehouse
Lieberman	Sanders	Wicker
Lincoln	Schumer	Wyden
McCaskill	Shaheen	

NAYS—32

Alexander	DeMint	Lugar
Barrasso	Ensign	Martinez
Bennett	Enzi	McCain
Bond	Graham	McConnell
Bunning	Grassley	Murkowski
Burr	Gregg	Roberts
Chambliss	Hatch	Sessions
Coburn	Inhofe	Shelby
Cochran	Isakson	Thune
Corker	Johanns	Vitter
Cornyn	Kyl	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The motion was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2301, AS MODIFIED

Mrs. MURRAY. Madam President, I believe the Kyl amendment is in order.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Who yields time?

Mr. KYL. Madam President, automobile dealers view this program a little like ''A Tale of Two Cities''—the best of times and the worst of times. They are selling more cars, but they don't know if they are going to get paid from the Cash for Clunkers Program because there has been no ability to track the sales. As a result, we don't know whether we spent $1 billion, less than $1 billion, or more than $1 billion.

My amendment simply calls a timeout. It says if the amount of money exceeds $1 billion, then appropriate the amount of money that is needed to pay the obligations on the deals that have already been made and qualified. Then set up a process to track the money in such a way that we can tell whether we have exceeded the next appropriated amount.

That is the essence of the amendment. It asks for a study to determine whether there should be one other change; namely, a change to the particular fuel standard we are applying to the cars. Some believe it should be a slightly higher fuel standard.

I hope my amendment will be adopted to call a timeout, pay the obligations we have already made, and determine a method to track the money in the future so that if we do this again, we know exactly how much we have spent, the dealers can get paid, and the customers have the assurance that their deal can go through.

The ACTING PRESIDENT pro tempore. Who yields time in opposition?

The Senator from Michigan.

Ms. STABENOW. Madam President, I urge a ''no'' vote on this amendment. This will stop this incredibly successful stimulus on Saturday. It will say to the 160,000 dealers all across this country that we are not willing to support something that has brought people into their showrooms. Whether qualifying for the CARS Program or not, people are coming in and buying automobiles. We are talking about a stimulus. We are talking about jobs. We are talking about moving the economy forward.

We all know if this amendment is adopted, or if any amendment is adopted the CARS Program will be ended. For those of us who believe it makes sense for consumers, for business, for the economy, I ask for a ''no'' vote.

Mrs. MURRAY. Madam President, have the yeas and nays been ordered on this amendment?

The ACTING PRESIDENT pro tempore. They have.

The Senator from Michigan.

Mr. LEVIN. Is there any time remaining in opposition?

The ACTING PRESIDENT pro tempore. All time has expired.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 57, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—40

Alexander	Enzi	McConnell
Barrasso	Graham	Murkowski
Bayh	Grassley	Nelson (NE)
Bennett	Gregg	Risch
Bunning	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Snowe
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Warner
Crapo	Martinez	Wicker
DeMint	McCain	
Ensign	McCaskill	

NAYS—57

Akaka	Feingold	Merkley
Baucus	Feinstein	Murray
Begich	Franken	Nelson (FL)
Bennet	Gillibrand	Pryor
Bingaman	Hagan	Reed
Bond	Harkin	Reid
Boxer	Inouye	Rockefeller
Brown	Johnson	Sanders
Brownback	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Levin	Voinovich
Dodd	Lieberman	Webb
Dorgan	Lincoln	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 2301), as modified, was rejected.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2302

Mrs. MURRAY. Madam President I believe that the Gregg amendment is in order.

The ACTING PRESIDENT pro tempore. The Gregg amendment is the pending question.

The Senator from New Hampshire.

Mr. GREGG. Madam President, I don't happen to agree with this proposal, but what I certainly don't agree with—and I assume most of my colleagues don't agree with—is that we should be paying for this by putting the debt on our children's backs. Yet that is exactly what is going to happen.

The chairman of the Appropriations Committee in the House has been very forthright. He said he spoke to the White House, he spoke to the Speaker, and he said the funds with which this program is being funded were taken out of the stimulus, and what he is going to do is replenish the stimulus. So we are essentially going to borrow twice to do this program, and both times we are borrowing from our kids.

My amendment simply enforces our ability to actually pay for this program, which is what we should do—No fig leaves, just a real exercise in actually paying for a program, rather than passing the bill on to our kids, as we seem to do around here so regularly. I hope people would vote for this amendment.

Mr. LEVIN. Madam President, this amendment would have an across-the-board cut to the appropriations bill of $2 billion, including appropriations bills that have already passed. It is a recipe for chaos in the appropriations process. The pay-for is in the bill for this $2 billion package.

In addition to all of that, any amendment to this bill will kill the program. So if you want to kill the program as well as create havoc in the appropriations process, then you will vote for the Gregg amendment; otherwise, you will vote no.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I raise a point of order that the pending amendment violates section 306 of the Congressional Budget Act of 1974.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Mr. GREGG. Madam President, pursuant to Section 904(c), I move to waive the 306 point of order, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. 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 West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 51, as follows:

[Rollcall Vote No. 265 Leg.]

YEAS—46

Alexander	Crapo	McCain
Barrasso	DeMint	McCaskill
Bayh	Ensign	McConnell
Bennet	Enzi	Murkowski
Bennett	Graham	Nelson (NE)
Bond	Grassley	Risch
Brownback	Gregg	Roberts
Bunning	Hatch	Sessions
Burr	Hutchison	Shelby
Chambliss	Inhofe	Snowe
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Warner
Conrad	Lincoln	Wicker
Corker	Lugar	
Cornyn	Martinez	

NAYS—51

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Begich	Harkin	Reed
Bingaman	Inouye	Reid
Boxer	Johnson	Rockefeller
Brown	Kaufman	Sanders
Burris	Kerry	Schumer
Cantwell	Klobuchar	Shaheen
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Tester
Dodd	Leahy	Udall (CO)
Dorgan	Levin	Udall (NM)
Durbin	Lieberman	Voinovich
Feingold	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Murray	Wyden

NOT VOTING—3

Byrd	Kennedy	Mikulski

The ACTING PRESIDENT pro tempore. On this vote, the yeas are 46, the nays are 51. 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.

Mrs. MURRAY. Madam President, I move to reconsider the vote, and I move to lay that motion on the table.

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

AMENDMENT NO. 2304

Mrs. MURRAY. Madam President, I believe the Coburn amendment is the next in order.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. COBURN. Madam President, this is a simple amendment. Rather than throw great cars away, give them to poor people. One of the biggest problems we have with rural health care and health care associated with our citizens of color in this country is the fact that they do not have transportation to get their health care.

Under this bill, already we will destroy $500 million worth of good automobiles. As we pass this bill we are going to destroy another $1 billion worth of automobiles.

It would seem to me, since the charitable organizations are so good at utilizing these cars and we have such a need, especially with the economic downturn we have, that we ought not be throwing them away and ruining them. What we ought to be doing is giving them to those who have greater need than those who are turning them back.

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

Ms. STABENOW. Madam President, I again ask for a ''no'' vote. This will kill the program. I think it is important to know, we have worked closely with charities on this particular bill. We had some very interesting comments come back. We have been told that some of the charities are actually seeing increases in their own donations due to the heightened awareness of car recycling.

To quote Pat Jessup, president of Cars 4 Causes, she has said, ''oddly enough,'' car donations are up this month. ''In fact,'' she adds, ''because of the increase in donations, Cars 4 Causes has staffed up to handle the incoming calls.''

They indicated when people look, if they do not qualify for the Cash for Clunkers Program, they are going on to discover the tax advantages of donating a vehicle. Then they are calling them.

This is a short-term stimulus. It is not affecting very important charities. I urge a ''no'' vote.

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

Mrs. MURRAY. Madam President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. COBURN. Madam President, I move to waive the applicable section of the Budget Act with respect to my amendment.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. BEGICH). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—41

Alexander	Cochran	Gregg
Barrasso	Corker	Hatch
Bennett	Cornyn	Hutchison
Bond	Crapo	Inhofe
Brownback	DeMint	Isakson
Bunning	Dorgan	Johanns
Burr	Ensign	Kyl
Carper	Enzi	Lugar
Chambliss	Graham	Martinez
Coburn	Grassley	McCain

McConnell	Roberts	Vitter
Murkowski	Sessions	Webb
Nelson (NE)	Shelby	Wicker
Risch	Thune	

NAYS—56

Akaka	Gillibrand	Nelson (FL)
Baucus	Hagan	Pryor
Bayh	Harkin	Reed
Begich	Inouye	Reid
Bennet	Johnson	Rockefeller
Bingaman	Kaufman	Sanders
Boxer	Kerry	Schumer
Brown	Klobuchar	Shaheen
Burris	Kohl	Snowe
Cantwell	Landrieu	Specter
Cardin	Lautenberg	Stabenow
Casey	Leahy	Tester
Collins	Levin	Udall (CO)
Conrad	Lieberman	Udall (NM)
Dodd	Lincoln	Voinovich
Durbin	McCaskill	Warner
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 56. 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.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2303

The PRESIDING OFFICER. There will now be 2 minutes equally divided prior to a vote on the Vitter amendment No. 2303.

The Senator from Louisiana.

Mr. VITTER. Mr. President, this amendment is very simple. It simply says the TARP bailout fund will end when we originally said it would end: December 31 of this year. Under the original TARP bill, the Treasury Secretary has the authority to extend it another almost full year, until October of 2010. We would take that authority away. We would retain that responsibility and say we will wind down the TARP bailout fund at the end of this year.

Clearly, the crisis, the imminent collapse of the financial system, has passed and is not before us. If we are serious about the bailout being temporary, being necessary because of truly unusual circumstances, if we are serious about that, we will vote yes on this amendment and end TARP at the end of this year in an orderly way.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, this amendment would terminate the program at the end of this year. While there are certainly very positive signs that the economy is improving, all of us are painfully aware of how much further we have to travel before the economy is truly back on its feet. The foreclosure rate and the unemployment rate are still troubling.

This is not a request for additional money. There is about $170 billion left in the TARP program. It would be premature and unwise for us to terminate a program without knowing yet that we have actually come out of difficult times. I urge colleagues to reject this amendment. What this does is sustain the program beyond December 31 of this year into October of next year. Then, hopefully, we won't need these resources. Hopefully, we won't have to use another nickel of this money. But I don't think we want to come back in February and March and all of a sudden have to restart a program such as this because we haven't achieved all the success we would like in getting our economy back on its feet.

I say respectfully to my friend from Louisiana, I urge colleagues to reject the Vitter amendment.

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

Mr. VITTER. 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 legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—41

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	Snowe
Cochran	Johanns	Thune
Collins	Kyl	Vitter
Corker	Lincoln	Wicker
Cornyn	Lugar	

NAYS—56

Akaka	Gillibrand	Nelson (FL)
Baucus	Gregg	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Rockefeller
Boxer	Johnson	Sanders
Brown	Kaufman	Schumer
Burris	Kerry	Shaheen
Cantwell	Klobuchar	Specter
Cardin	Kohl	Stabenow
Carper	Landrieu	Tester
Casey	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Dodd	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	McCaskill	Webb
Feingold	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The amendment (No. 2303) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. SCHUMER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2306

Mrs. MURRAY. Mr. President, I believe the final amendment is now in order, the Isakson amendment.

The PRESIDING OFFICER. The Senator is correct. There is 2 minutes of debate divided equally on the amendment.

Who yields time?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, very simply, this is the amendment to help our economy recover. The Senator from Washington, the Senator from Connecticut, the chairman of the Banking Committee, are cosponsors of the main bill. It provides a $15,000 tax credit for the purchase of any home in America during the next 12 months. It will make the difference. It does not do anything to the base bill.

For those who would say we cannot do it because the House is gone, we can do anything if we want to. It is time we address the central core issue to our economy: the housing market.

I urge all my friends to support the Isakson amendment to provide the $15,000 tax credit.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this is another well-intended amendment. It is an amendment, indeed, that many of us have voted for in a slightly different form in a different place. However, it would represent the death knell for this program. So if you believe the Cash for Clunkers Program is a successful program and should be extended, this amendment needs to be defeated and raised at a different point.

We will not get the Isakson amendment into law by adopting it. All we will do is stop the Cash for Clunkers Program from continuing. That seems to me to be the choice, which is a fundamental one. I hope we defeat the Isakson amendment.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I raise a point of order that the pending amendment violates section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I move to waive the applicable section of the Budget Act with respect to my amendment 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 50, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—47

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bayh	Graham	Menendez
Bennett	Grassley	Murkowski
Bond	Gregg	Nelson (NE)
Brownback	Hatch	Risch
Bunning	Hutchison	Roberts
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coburn	Johanns	Snowe
Cochran	Klobuchar	Specter
Collins	Kyl	Thune
Conrad	Leahy	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—50

Akaka	Feinstein	Nelson (FL)
Baucus	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Boxer	Inouye	Sanders
Brown	Johnson	Schumer
Burris	Kaufman	Shaheen
Cantwell	Kerry	Stabenow
Cardin	Kohl	Tester
Carper	Landrieu	Udall (CO)
Casey	Lautenberg	Udall (NM)
DeMint	Levin	Warner
Dodd	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Merkley	Wyden
Feingold	Murray	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 50. 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.

Mrs. MURRAY. 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. The Senator from Arizona.

Mr. KYL. Mr. President, pursuant to section 403(E)1 of the fiscal year 2010 budget resolution, S. Con Res. 13, I raise a point of order against the emergency designation provision contained in the bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, for the sake of all of my colleagues, this would kill the CARS program for 160,000 dealers and consumers across the country.

The PRESIDING OFFICER. The point of order is not debatable.

Mrs. MURRAY. Mr. President, I move to waive the applicable section 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 legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The yeas and nays resulted—yeas 60, nays 37, as follows:

[Rollcall Vote No. 269 Leg.]

YEAS—60

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Franken	Pryor
Begich	Gillibrand	Reed
Bennet	Hagan	Reid
Bingaman	Harkin	Rockefeller
Bond	Inouye	Sanders
Boxer	Johnson	Schumer
Brown	Kaufman	Shaheen
Brownback	Kerry	Snowe
Burris	Klobuchar	Specter
Cantwell	Kohl	Stabenow
Cardin	Landrieu	Tester
Carper	Lautenberg	Udall (CO)
Casey	Leahy	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Warner
Dodd	Lincoln	Webb
Dorgan	Menendez	Whitehouse
Durbin	Merkley	Wyden

NAYS—37

Alexander	Enzi	McCaskill
Barrasso	Graham	McConnell
Bennett	Grassley	Murkowski
Bunning	Gregg	Nelson (NE)
Burr	Hatch	Risch
Chambliss	Hutchison	Roberts
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Kyl	Vitter
Crapo	Lugar	Wicker
DeMint	Martinez	
Ensign	McCain	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 37. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. VOINOVICH. Mr. President, I rise in support of the passage of the Car, Allowance Rebate System, CARS, commonly referred to as Cash for Clunkers. CARS provides both a direct and indirect economic benefit to the State of Ohio by supporting the manufacturing of automobiles, automotive parts suppliers, and auto dealers, as well as the many businesses that support these companies. This program is providing valuable jobs and much needed revenue—a direct stimulus—to the State. Furthermore, Ohio car buyers responded positively and Ohio has been one of the top recipients under the CARS program. That is why I am asking my colleagues to reject amendments that would prevent the program from operating until September when the House of Representatives is scheduled to reconvene. If the Senate adopts even one amendment, the bill will be on hold until the mid-September. In some instances, if these same amendments were considered as stand-alone legislation or as amendments to other legislation, I may have supported them, but because these amendments hold hostage the continuation of the CARS I will oppose anything that would keep the Senate from transferring these funds.

The Senate's decision to continue funding the cash for clunkers program will allow consumers to purchase new cars, delivering a real economic stimulus to our Sates. As evidenced by the extraordinary response to the program thus far, this is a win-win. It provides much needed jobs and resources to our states and promotes fuel efficient cars to benefit our environment, reducing our dependence on foreign oil. I am thankful the additional $2 billion for this program is being taken from the already-enacted stimulus bill, which I voted against earlier this year. Unfortunately, programs that would provide real stimulus like cash for clunkers and robust highway and infrastructure investments were not part of the original stimulus package. These types of direct tangible investments provide not only jobs through dealers, manufacturers, and auto suppliers, but usable assets for taxpayers. I am hopeful that this program will continue to provide much-needed relief to the Ohio's automotive manufacturers.

Mr. BOND. Mr. President, auto jobs form the backbone of American manufacturing, especially in the Midwest. Millions of Americans, and in my home—state of Missouri more than 200,000 workers, depend on the auto industry for their livelihoods.

Unfortunately all of those jobs were at risk when the big three domestic auto companies almost went completely under.

Recognizing the importance of this industry to our economy and millions of workers, the government acted to protect these auto jobs.

One of those actions was to pass the Cash for Clunkers Program. I supported this program because I thought it would help save thousands of jobs at auto dealers, parts plant, and assembly plants.

Also, this program was designed to help consumers with the cost of more fuel-efficient cars and, ultimately, in the long-term benefit the environment with reduced exhaust emissions.

This is one government program that has actually exceeded everyone's expectation.

Folks in Missouri and across the Nation have been flocking to once rather empty car lots.

In fact, there were tens of thousands of new car purchases made through the program after only a week.

Cash for Clunkers has given a much needed jump-start to dealers and the auto industry that have been suffering with the worst car sales in recent history.

This program has benefitted consumers who would otherwise not be able to afford a new vehicle and has boosted small business dealers in rural and small communities across Missouri and the country.

It is not to say that the program, like most government-run programs, has had an entirely smooth ride. I have heard from Missouri auto dealers who have been frustrated by government redtape, which has stalled some sales and created confusion among dealers and car buyers.

This uncertainty has rightfully caused some heartburn for dealers who are required under the program to provide funding up front for the consumers and then must receive approval from the government before they receive reimbursement. Redtape and delays due to inadequate government resources to administer the program have left many dealers wondering if they will be left holding the bag.

I have been disappointed and dismayed to learn that the Department of Transportation does not know how many commitments have been made and paid for by dealers. Thus, we cannot even be sure that the existing program will have enough money the meet the commitments.

Under the legislation passed by the House, cash for clunkers would be extended and provided an additional $2 billion by using unspent funds from the so-called stimulus bill.

I say so-called because so far it has only stimulated the growth of the deficit and the growth of government employment. Taking $2 billion from that program is the best way to see we get a boost to the economy, now, when we need it.

Fully offsetting additional funding to extend the program is a critical requirement to ensure that we are not adding to the growing Federal deficit.

I am very concerned about potential shell-games being reported in the media about Democratic leadership plans to backfill the stimulus bill in future appropriations.

To be clear, my support for extending cash for clunkers is contingent upon the program not adding to our deficit and that it be temporary, not a bottomless pit for taxpayers.

The purpose of cash for clunkers was to jump-start the auto industry and provide immediate and temporary help to get consumers back on car lots, not to provide a long-term subsidy to the industry and, thus I will not be supporting continued cash for clunkers.

While cash for clunkers has provided a simulative jolt to get people onto car lots again, we cannot hang our hats on this program and expect to have a lasting recovery. I remain concerned about the credit markets, continuing job losses, and the rising likelihood of higher taxes and larger deficits under the spending plans proposed the, administration.

Nevertheless, as a supporter of the initial $1 billion provided to cash for clunkers to jump-start the struggling auto industry, I believe that the program should be extended one last time as long as it is funded with unspent stimulus funds to ensure dealers are not on the hook for the cost of the rebates due to the government's management failures.

This program was meant to jump-start, not subsidize, auto sales, so I support a one-time extension.

Also, it is critical that the Obama administration make sure that bureaucratic hiccups don't turn this program into a nightmare for our dealers and consumers.

The bottom line is that an extension paid for with unused stimulus dollars makes sense this one time since this program seems to have worked better then the misnamed Recovery Act.

Mr. FEINGOLD. Mr. President, I am pleased to support this bill, which will provide additional funding to the popular Consumer Assistance to Recycle and Save or CARS program. While not perfect, CARS has encouraged Americans to trade in their older and less fuel-efficient vehicles while boosting new car sales and helping to revive local economies in Wisconsin and around the country, something that is sorely needed in these difficult economic times.

CARS began almost 2 weeks ago and in that time, interest in CARS has far exceeded most initial expectations for the program. Despite some problems with implementation of the program, it should be temporarily extended to help ensure that Americans who still want to participate in the program can do so, and that deals which have already been made in reliance on the program can go through. At the same time, I hope the Department of Transportation will listen to the concerns from car dealers and consumers and make improvements to help ensure CARS operates more smoothly in the coming weeks.

I am pleased that the Department of Transportation has fixed one problem it created in implementing CARS. When Congress created the CARS program earlier this year, it fully intended to ensure that consumers across the country who are in compliance with the statute's requirements, including provisions related to car insurance, be allowed to participate in the CARS program. The Transportation Department issued a final rule almost 2 weeks ago that set the guidelines for the CARS program. This rule included a requirement that individuals who wanted to trade in their vehicles had to demonstrate proof of car insurance for at least one year prior to the trade-in, a provision that conflicted with statutory language stating that a trade-in vehicle be ''continuously insured consistent with the applicable State law.'' Currently, Wisconsin and New Hampshire do not require individuals to purchase car insurance and it was estimated that Transportation's rule would have affected up to 15 percent of Wisconsin drivers who legally did not have car insurance, but were in full compliance with Wisconsin State laws.

I wrote to the Department of Transportation and spoke with Secretary LaHood to urge the Department to correct its misinterpretation of the CARS statutory language. I am pleased to have been joined in the effort by members of the Wisconsin and New Hampshire delegations as well as some of the lead authors of the Cash for Clunkers program including Senator STABENOW and Representative DINGELL. The Department listened to our concerns and, last week, it announced that it had reexamined the statutory language of CARS and concluded that the initial rule it had issued unfairly penalized Wisconsin drivers who were in compliance with Wisconsin law. The Transportation Department further announced that trade-in vehicles in Wisconsin would be exempt from the 1-year insurance requirement thereby ensuring that Wisconsinites who meet the law's other eligibility requirements can participate in the CARS program. While all Wisconsin drivers will be required to have car insurance beginning in June 2010, this action by the Transportation Department is a sensible fix for Wisconsinites who are in compliance with state law and who seek to participate in this temporary program.

Even with a number of Wisconsinites erroneously excluded from the program initially and some technical difficulties, as of August 5, several thousand Wisconsinites had participated in the program and dealers are expected to receive reimbursements for over $24 million that they have credited to Wisconsinites buying new cars under this program. On a per capita basis, this level of requested vouchers places Wisconsin fifth amongst all the States. Demand for the program remains strong in Wisconsin and across the country and will soon completely outstrip the supply of vouchers currently available, which is why we need to act to provide additional funding.

Mr. INOUYE. Mr. President, I wish today to support providing an additional $2 billion to allow for the extension of the car allowance rebate system, CARS, otherwise known as cash for clunkers.

During the original debate on the cash for clunkers concept in the Appropriations Committee, proponents of the program promised that it would have two major benefits. The first was that it would replace older, less fuel-efficient cars with new models that are more fuel-efficient, thus helping the environment and decreasing our dependence on imported oil. The second was that it would provide a much needed boost to plummeting auto sales in the United States.

The good news is that we now have hard data we can use to evaluate

whether the program has lived up to its proponent's promises. And the very good news is that clearly, it has. In fact, the program has exceeded expectations.

Based on approximately 184,000 dealer transactions that have so far been recorded by the National Highway Traffic Safety Administration, NHTSA, we know the following:

CARS transactions are generating a 60-percent increase in vehicle fuel economy. The average of the vehicles being turned in have a fuel economy rating of 15.8 miles per gallon, while the average of the vehicles being sold have a fuel economy rating of 25.3 miles per gallon. This means the average CARS transaction is leading to an increase in fuel efficiency of 9.5 miles per gallon. I think we can all agree that is a very significant improvement. How significant? The savings in gas purchases alone are estimated to be $700 a year for the typical consumer. Clearly, the CARS program has lived up to its promise to put more fuel-efficient cars on the road.

As for the second promise—that this program would provide a much needed boost to automobile sales in the U.S.—the Washington Post reported the following on August 4: ''U.S. auto sales rose to their highest levels of the year in July as consumers rushed to trade in older vehicles under a government incentive program that has become so popular it is in danger of running out of money. Automakers issued their sales reports Monday, raising hope that the sagging auto industry is headed for a recovery, although some analysts cautioned that a turnaround would still be slow. Ford said its sales were up 2.4 percent over the same period a year ago, its first monthly increase in two years. The automaker attributed much of the gain to the Cash for Clunkers program, which allows consumers to receive rebates for turning in older cars for more fuel-efficient models.''

There can be no doubt that the CARS program is succeeding beyond expectations. In fact, the program has been such a hit with the American people that it has run out of funding much sooner than anticipated. The President has proposed, the House has passed, and I fully support, the reprogramming of $2 billion in Recovery Act funding to enable the extension of the CARS program.

With this extension, we can continue to put more fuel-efficient automobiles on the road, which reduces pollution and our reliance on imported oil, and we can continue to provide a much needed boost to the auto industry, which helps the broader economy and saves jobs. At a time when our economy is in need of a jump-start, cash for clunkers is an undeniable success. I urge my colleagues to join me in providing the additional funding needed to continue this worthy program.

Mr. LEAHY. Mr. President, I would like to make some observations about the Consumer Assistance to Recycle and Save Program, more commonly known as cash for clunkers.

When Congress first passed this program in June, I evaluated the merits and the arguments and chose to support it, because I believed it would provide a prompt shot in the arm to our ailing economy. I continue to believe that the program's goals of reducing the environmental impact of automobiles on the road and producing economic stimulus are good ones.

However as we debate whether to infuse this program with another $2 billion I would urge that we be patient and wait until all the facts are in, before rushing forward with a tripling of the program's overall cost. Significant claims have been made about the average increased fuel economy and resulting financial savings that will result from car purchases made through the program. The administration has used these claims to push for the program's expansion, yet Federal agencies have not yet made available—to the American people and to the Congress—the appropriate data to support these claims.

If you have picked up a newspaper in the past few weeks, the sudden popularity of the program is clear. Newspaper headlines have consistently noted the program is rapidly running out of money and that car purchases are well above where they were at this time last year. In my own State of Vermont, car dealers have reported having difficulty keeping up with demand for new cars that meet the program's requirements. But while we know that cars are moving off sales lots and onto the road, we have yet to receive enough details about the current sales data to know the true story of whether this program is working as intended.

Recent reports on the program have indicated that funding was about to run out, yet the number of actual car sales through the program was far lower than the program allowed for. Further, many dealers have noted that hundreds of thousands of dollars in program vouchers from the government have yet to be paid. If this is in fact the case, we should demand that the management of this program be ironed out before pumping billions more into it. Are we sure that this the best way to spend $2 billion right now, if it is to be spent? There are many worthy and pressing purposes to which such significant sums could be allocated.

Positive indications about the direction of the economy are emerging. Today we learned that the number of Americans filing for unemployment dropped to its lowest level since January. The Cash for Clunkers Program may prove to be a factor in helping our country emerge from this recession, and I certainly hope that is the case.

But the public release of information about this car rebate program is necessary to ensure that both the Congress and the American people can make well-informed judgments about the merits of continuing this program in these economically challenging times. If the administration is unwilling or unable to provide this information before the Senate votes on additional funding, I will be unable to support the program's expansion.

The PRESIDING OFFICER. The question is on passage of H.R. 3435.

The majority leader is recognized.

Mr. REID. Mr. President, we have one more vote. I appreciate everyone's cooperation. We have accomplished a great deal this whole work period. This week has really been a productive one. I appreciate everyone's help. The Republican leader and I have worked hard to get it to this point on Thursday night at 8 o'clock. That is hard to comprehend.

We will come back after the break and have a vote Tuesday evening. We will keep people posted as to what is going to happen. We are going to move to appropriations bills as quickly as we can, and we have other things to do throughout the work period. I hope everybody has a great work period at home.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I wish everybody well during August while visiting your constituents, and I look forward to being back here after Labor Day.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank all of my colleagues for their support. I also thank Senator REID for his amazing leadership and hard work. We wish everyone a wonderful and safe August. Thank you so much for allowing an important stimulus to continue throughout the month of August. We appreciate it.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I thank everyone for keeping this successful program going. Have a great August.

The PRESIDING OFFICER. The question is on the third reading and passage of the bill.

The bill (H.R. 3435) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 270 Leg.]

YEAS—60

Akaka	Dorgan	Merkley
Alexander	Durbin	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Pryor
Begich	Franken	Reed
Bennet	Gillibrand	Reid
Bingaman	Hagan	Rockefeller
Bond	Harkin	Sanders
Boxer	Inouye	Schumer
Brown	Johnson	Shaheen
Brownback	Kaufman	Snowe
Burris	Kerry	Specter
Cantwell	Klobuchar	Stabenow
Cardin	Kohl	Tester
Carper	Landrieu	Udall (CO)
Casey	Lautenberg	Udall (NM)
Collins	Levin	Voinovich
Conrad	Lieberman	Webb
Corker	Lincoln	Whitehouse
Dodd	Menendez	Wyden

NAYS—37

Barrasso	Grassley	McConnell
Bennett	Gregg	Murkowski
Bunning	Hatch	Nelson (NE)
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coburn	Isakson	Sessions
Cochran	Johanns	Shelby
Cornyn	Kyl	Thune
Crapo	Leahy	Vitter
DeMint	Lugar	Warner
Ensign	Martinez	Wicker
Enzi	McCain	
Graham	McCaskill	

NOT VOTING—3

Byrd	Kennedy	Mikulski

The bill (H.R. 3435) was passed.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Ms. STABENOW. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. What is the status, Mr. President?

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

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

The Senator from Georgia.

TRIBUTE TO FRANK NORTON

Mr. CHAMBLISS. Mr. President, I rise, along with my colleague from Georgia, to commemorate the life of a good man and a great American, Frank Norton.

Frank's years of service to this country ended recently with his untimely death. But it is fitting we remember Frank on the Senate floor, a place where he served this body, as well as service to our country in years prior to that.

Frank died a resident of St. Simons Island, GA, a place he called home, even though he was a native of nearby Waycross, GA.

Frank graduated from Emory University in 1966, and it was his intention to go to law school. Unfortunately, the Army intervened. He was drafted, wound up going to Officer Candidate School, and not long after that became an Army Ranger instructor. He then headed to Vietnam. While he was in Vietnam, he served in one of the most dangerous jobs in the Army, which was a Ranger reconnaissance platoon leader. For his service and bravery, Frank earned some nine medals, including the Purple Heart and three Bronze Stars for Valor in combat.

Frank went on to serve in assignments at Fort Benning and Fort Stewart, GA, as well as in Korea and Germany. But it is his congressional assignments that some of my colleagues will remember him for. He came to head the Army liaison office in both the House and the Senate.

At the time of his retirement in 1993 as a colonel, Frank was the principal Deputy to the Secretary of the Army for U.S. Senate Liaison. He was the only Army officer to serve in that position in both the House and the Senate.

But Frank's service to country did not end there. In 1993, my predecessor, Senator Sam Nunn, appointed Frank to serve as a staffer on the Senate Armed Services Committee. This was a point in time when this Nation had to go through its first major base closure and realignment process. Frank headed up that process from an Armed Services Committee standpoint and did an outstanding job.

After a later career in government relations, Frank devoted his time to his family farm, to charities, and to community service in Waycross, Brunswick, and St. Simons. Frank loved art, the symphony, and classical music, which is hard to believe for a guy who was as robust and personal and such a great retired Army colonel as Frank was.

His lovely wife Carol and his young son Lee are going to miss him. Certainly, I am going to miss him. We honor him tonight.

I yield for my colleague from Georgia, Senator ISAKSON.

Mr. ISAKSON. Mr. President, I am honored to rise with Senator CHAMBLISS to pay tribute to a great Georgian and a great friend to the United States of America and a great veteran of the U.S. Army.

COL Frank Norton was quite an extraordinary man. As Senator CHAMBLISS mentioned, upon graduation he went to Vietnam, and in Vietnam he took one of the most dangerous missions of all and did it superbly. He was decorated nine times. He returned here and throughout his career served in the Congress, the Senate, and served the people of the United States in many ways.

Frank Norton is a very unique individual. When he left military service and left service to the House and Senate liaison committees, he formed a partnership with his old friend Bob Hurt from Georgia. They formed a firm called Hurt and Norton, and they were quite a team; always jovial, always hard working, always on target, always delivering for their clients, and their clients were always the State of Georgia.

Our biggest economic asset in Georgia is our port of Savannah, and they represented the port. Our coastline is one of the most valuable areas of Georgia, and they represented our coastline. And most importantly of all, in the critical days of Fort Stewart, they represented Fort Stewart and the Hinesville community to see to it that the needs of our soldiers were met and the needs of the city of Hinesville, which hosted the soldiers, were met as well.

Frank died on the tennis court with his young son Lee. Tonight I send my regrets to his wife Carol, to Lee, and to all his family. But I also send my praise, my praise for a great Georgian, a great American, who sacrificed in so many ways for this country. May he now rest in peace looking down on all of us from heaven.

I yield back my time.

The PRESIDING OFFICER. The Senator from Delaware.

SIGNING AUTHORITY

Mr. KAUFMAN. Mr. President, I ask unanimous consent that the majority leader be authorized to sign any duly enrolled bills and joint resolutions through Friday, August 7, 2009.

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

IN PRAISE OF PEARLIE S. REED

Mr. KAUFMAN. Mr. President, I rise once again to speak about one of our great Federal employees. Whenever I enter this Chamber, I cannot help but admire the inspirational works of art that adorn it. Above the main entrances rest marble reliefs depicting the three virtues of Courage, Wisdom, and Patriotism.

Our Federal employees embody all three of these qualities, though my focus today will be on patriotism. The marble relief representing patriotism, which sits atop the lintel of the door to my right, shows a man setting aside his plow to take up the sword. This image recalls the parallel stories of Lucius Cincinnatus and George Washington, two farmer citizens who set aside their daily work in order to defend the people's liberty.

In the history of democracy, the sword and plow have come to symbolize this dichotomy. Traditionally, the sword features most prominently as the metaphor for patriotism. However, I would argue that the plow is just as much a symbol of patriotism as the sword. The plow represents a citizen's daily contribution to society over the course of many years. The highlight of the Cincinnatus story, from which our revolutionary forebears drew inspiration, is that he returned without fanfare to his plow when the war was finished.