to quality health care of older Americans; and

Whereas the 111th Congress has passed legislation that—

(1) protects the dignity of older Americans by strengthening efforts to eliminate waste, fraud, and abuse in Medicare and Medicaid; and

(2) prevents irresponsible lending practices that target older Americans and threaten to erode the resources that older Americans have worked their entire lives to save: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should unwaveringly uphold the dignity and independence of older Americans by supporting efforts that guarantee for the older Americans—

(1) financial security;

(2) quality and affordable health and long-term care;

(3) protection from abuse, scams, and exploitation;

(4) a strong economy now and for future generations; and

(5) safe and livable communities with adequate housing and transportation options.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4351. Mr. ISAKSON (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table.

SA 4352. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4353. Mr. BAYH (for himself, Mr. SHELBY, Mrs. LINCOLN, Mr. VITTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4354. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4355. Ms. CANTWELL (for herself, Mr. VITTER, Mrs. MURRAY, Ms. STABENOW, and Mr. INOUYE) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4356. Mr. BUNNING (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4357. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4358. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4359. Mr. PRYOR (for himself, Mr. COCHRAN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4360. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4361. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4362. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4363. Ms. CANTWELL (for herself, Mr. LEMIEUX, Mrs. FEINSTEIN, Ms. STABENOW, Mr. MERKLEY, Mr. NELSON of Nebraska, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4364. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

SA 4365. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4351. Mr. ISAKSON (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle B of title II, insert the following:

SEC. —. FIRST-TIME HOMEBUYER CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 36(h) is amended by striking ''paragraph (1) shall be applied by substituting 'July 1, 2010'.'' and inserting ''and who purchases such residence before October 1, 2010, paragraph (1) shall be applied by substituting 'October 1, 2010'.''.

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 36(h)(3) is amended by inserting ''and for 'October 1, 2010'.'' after ''for 'July 1, 2010'.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to residences purchased after June 30, 2010.

(d) TRANSFER OF STIMULUS FUNDS.—Notwithstanding section 5 of the American Recovery and Reinvestment Act of 2009, from the amounts appropriated or made available and remaining unobligated under division A of such Act (other than under title X of such division A), the Director of the Office of Management and Budget shall transfer from time to time to the general fund of the Treasury an amount equal to the net decrease in revenues resulting from the enactment of subsections (a) and (b).

SA 4352. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 6___. WAIVER OF EMPLOYER HEALTH SHARED RESPONSIBILITY PAYMENT IN CASE OF JOB LOSSES.

(a) IN GENERAL.—Section 4980H of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) WAIVER UPON CERTIFICATION OF JOB LOSSES.—Subsections (a) and (b) shall not apply to any employer who certifies to the Secretary and the Secretary of Labor, at such time and in such manner as such Secretaries require, that the imposition of an assessable payment would result in the employer reducing employees.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SA 4353. Mr. BAYH (for himself, Mr. SHELBY, Mrs. LINCOLN, Mr. VITTER, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 231 and insert the following:

SEC. 231. ELECTION FOR DIRECT PAYMENT OF LOW-INCOME HOUSING CREDIT FOR 2010.

(a) IN GENERAL.—Section 42 is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) ELECTION FOR DIRECT PAYMENT OF CREDIT.—

''(1) IN GENERAL.—The housing credit agency of each State shall be allowed a credit in an amount equal to such State's 2010 low-income housing refundable credit election amount, which shall be payable by the Secretary as provided in paragraph (5).

''(2) 2010 LOW-INCOME HOUSING REFUNDABLE CREDIT ELECTION AMOUNT.—For purposes of this subsection, the term '2010 low-income housing refundable credit election amount' means, with respect to any State, such amount as the State may elect which does not exceed 85 percent of the product of—

''(A) the sum of—

''(i) 100 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (i) and (iii) of subsection (h)(3)(C), plus any credits returned to the State attributable to section 1400N(c) (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008), and

''(ii) 40 percent of the State housing credit ceiling for 2010 which is attributable to amounts described in clauses (ii) and (iv) of such subsection, plus any credits for 2010 attributable to the application of such section 702(d)(2) and 704(b), multiplied by

''(B) 10.

For purposes of subparagraph (A)(ii), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) shall be applied without regard to clause (i).

''(3) COORDINATION WITH NON-REFUNDABLE CREDIT.—For purposes of this section, the amounts described in clauses (i) through (iv) of subsection (h)(3)(C) with respect to any State for 2010 shall each be reduced by so much of such amount as is taken into account in determining the amount of the credit allowed with respect to such State under paragraph (1).

''(4) SPECIAL RULE FOR BASIS.—Basis of a qualified low-income building shall not be reduced by the amount of any payment made under this subsection.

''(5) PAYMENT OF CREDIT; USE TO FINANCE LOW-INCOME BUILDINGS.—The Secretary shall pay to the housing credit agency of each

State an amount equal to the credit allowed under paragraph (1). Rules similar to the rules of subsections (c) and (d) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009 shall apply with respect to any payment made under this paragraph, except that such subsection (d) shall be applied by substituting 'January 1, 2012' for 'January 1, 2011'.''.

(b) CONFORMING AMENDMENT.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ''42(n),'' after ''36C,''.

SEC. 232. LOW-INCOME HOUSING GRANT ELECTION.

(a) CLARIFICATION OF ELIGIBILITY OF LOW-INCOME HOUSING CREDITS FOR LOW-INCOME HOUSING GRANT ELECTION.—Paragraph (1) of section 1602(b) of the American Recovery and Reinvestment Tax Act of 2009 is amended—

(1) by inserting '', plus any increase for 2009 or 2010 attributable to section 1400N(c) of such Code (including credits made available under such section as applied by reason of sections 702(d)(2) and 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008)'' after ''1986'' in subparagraph (A), and

(2) by inserting '', plus any credits for 2009 attributable to the application of such section 702(d)(2) and 704(b)'' after ''such section'' in subparagraph (B).

(b) APPLICATION OF ADDITIONAL HOUSING CREDIT AMOUNT FOR PURPOSES OF 2009 GRANT ELECTION.—Subsection (b) of section 1602 of the American Recovery and Reinvestment Tax Act of 2009, as amended by subsection (a), is amended by adding at the end the following flush sentence:

''For purposes of paragraph (1)(B), in the case of any area to which section 702(d)(2) or 704(b) of the Tax Extenders and Alternative Minimum Tax Relief Act of 2008 applies, section 1400N(c)(1)(A) of such Code shall be applied without regard to clause (i).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply as if included in the enactment of section 1602 of the American Recovery and Reinvestment Tax Act of 2009.

SA 4354. Mr. INOUYE submitted an amendment intended to be proposed to amendent SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; wich was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. —. MODIFICATION OF THE APPLICATION OF THE TONNAGE TAX ON VESSELS OPERATING IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.

(a) IN GENERAL.—Subsection (f) of section 1355 of the Internal Revenue Code of 1986 (relating to definitions and special rules) is amended to read as follows:

''(f) EFFECT OF OPERATING A QUALIFYING VESSEL IN THE DUAL UNITED STATES DOMESTIC AND FOREIGN TRADES.—For purposes of this subchapter—

''(1) an electing corporation shall be treated as continuing to use a qualifying vessel in the United States foreign trade during any period of use in the United States domestic trade, and

''(2) gross income from such United States domestic trade shall not be excluded under section 1357(a), but shall not be taken into account for purposes of section 1353(b)(1)(B) or for purposes of section 1356 in connection with the application of section 1357 or 1358.''.

(b) REGULATORY AUTHORITY FOR ALLOCATION OF CREDITS, INCOME, AND DEDUCTIONS.—Section 1358 of the Internal Revenue Code of 1986 (relating to allocation of credits, income, and deductions) is amended—

(1) by striking ''in accordance with this subsection'' in subsection (c) and inserting ''to the extent provided in such regulations as may be prescribed by the Secretary'', and

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

''(d) REGULATIONS.—The Secretary shall prescribe regulations consistent with the provisions of this subchapter for the purpose of allocating gross income, deductions, and credits between or among qualifying shipping activities and other activities of a taxpayer.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 1355(a)(4) of the Internal Revenue Code of 1986 is amended by striking ''exclusively''.

(2) Section 1355(b)(1)(B) of such Code is amended by striking ''as a qualifying vessel'' and inserting ''in the transportation of goods or passengers''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 4355. Ms. CANTWELL (for herself, Mr. VITTER, Mrs. MURRAY, Ms. STABENOW, and Mr. INOUYE) submitted an amendment intended to be proposed to amendent SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; wich was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. —. REPEAL OF QUALIFIED SHIPPING INVESTMENT WITHDRAWAL RULES.

(a) IN GENERAL.—Section 955 is hereby repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 951(a)(1)(A) is amended by adding ''and'' at the end of clause (i) and by striking clause (iii).

(2) Section 951(a)(1)(A)(ii) is amended by striking '', and'' at the end and inserting '', except that in applying this clause amounts invested in less developed country corporations described in section 955(c)(2) (as so in effect) shall not be treated as investments in less developed countries.''.

(3) Section 951(a)(3) is hereby repealed.

(4) Section 964(b) of such Code is amended by striking '', 955,''.

(5) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking the item relating to section 955.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of controlled foreign corporations ending on or after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of controlled foreign corporations end.

SEC. —. TAX IMPOSED ON ELECTING UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—In the case of a United States shareholder for which an election is in effect under this section, a tax is hereby imposed on such shareholder's pro rata share (determined under the principles of paragraph (2) of subsection (a) of section 951 of the Internal Revenue Code of 1986) of the sum of—

(1) the foreign base company shipping income (determined under section 954(f) of the Internal Revenue Code of 1986 as in effect before the enactment of the American Jobs Creation Act of 2004) for all prior taxable years beginning after 1975 and before 1987, and

(2) income described in section 954(b)(2) of the Internal Revenue Code as in effect prior to the effective date of the Tax Reform Act of 1975, without regard to whether such income was not included in subpart F income under section 954(b)(2) or any other provision of such Code,

but only to the extent such income has not previously been included in the gross income of a United States person as a dividend or under any section of the Internal Revenue Code after 1962, or excluded from gross income pursuant to subsection (a) of section 959 of the Internal Revenue Code of 1986.

(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be 5.25 percent of the income described therein.

(c) INCOME NOT SUBJECT TO FURTHER TAX.—The income on which a tax is imposed by subsection (a) shall not (other than such tax) be included in the gross income of such United States shareholder (or any other United States person who acquires from any person any portion of the interest of such United States shareholder in such foreign corporation) and shall be treated for purposes of the Internal Revenue Code of 1986 as if such amounts are, or have been, included in the income of the United States shareholder under section 951(a)(1)(B).

(d) ADDITIONAL TAX IMPOSED FOR FAILURE TO MAINTAIN EMPLOYMENT LEVELS.—

(1) IN GENERAL.—If, during the period consisting of the calendar month in which the election under this section is made and the succeeding 23 calendar months, the taxpayer does not maintain an average employment level at least equal to the taxpayer's prior average employment, an additional amount shall be taken into account as income by the taxpayer during the taxable year that includes the final day of such period, equal to $25,000 multiplied by the number of employees by which the taxpayer's average employment level during such period falls below the prior average employment.

(2) PRIOR AVERAGE EMPLOYMENT.—For purposes of this subsection, the taxpayer's prior average employment is the average number of full time equivalent employees of the taxpayer during the period consisting of the 24 calendar months immediately preceding the calendar month in which the election under this section is made.

(3) AGGREGATION RULES.—In determining the taxpayer's average employment level and prior average employment, all domestic members of a controlled group (as defined in section 264(e)(5)(B) of the Internal Revenue Code of 1986) shall be treated as a single taxpayer.

(e) ELECTION.—

(1) IN GENERAL.—A taxpayer may elect to apply this section to—

(A) the taxpayer's last taxable year which begins before the date of the enactment of this Act, or

(B) the taxpayer's first taxable year beginning on or after such date.

(2) TIMING OF ELECTION AND ONE-TIME ELECTION.—Such election may be made only once by any taxpayer, and only if made on or before the due date (including extensions) for filing the return of tax for the taxable year of such election.

(f) EFFECTIVE DATE.—This section shall apply to taxable years ending on or after the date of the enactment of this Act.

SA 4356. Mr. BUNNING (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendent SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; wich was ordered to lie on the table; as follows:

On page 23, line 25, insert ''(E),'' after ''(C),''.

SA 4357. Mr. BOND submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 170, line 6, strike all through page 225, line 4, and insert the following:

SEC. 401. USE OF STIMULUS FUNDS TO OFFSET SPENDING.

The unobligated balance of each amount appropriated or made available under the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) (other than under title X of division A of such Act) is rescinded such that the aggregate amount of such rescissions equal $39,860,000,000 in order to offset the net increase in spending resulting from the provisions of, and amendments made by, this Act. The Director of the Office of Management and Budget shall report to each congressional committee the amounts so rescinded within the jurisdiction of such committee.

SA 4358. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

Subtitle C—Drug Testing and Treatment Programs

SEC. —. DRUG TESTING AND TREATMENT PROGRAM FOR APPLICANTS FOR STATE TANF PROGRAMS.

(a) STATE PLAN REQUIREMENT OF DRUG TESTING AND TREATMENT PROGRAM.—Section 402(a) of the Social Security Act (42 U.S.C. 602(a)) is amended by adding at the end the following new paragraph:

''(8) CERTIFICATION THAT THE STATE WILL OPERATE AN ILLEGAL DRUG USE TESTING AND TREATMENT PROGRAM.—

''(A) IN GENERAL.—A certification by the chief executive officer of the State that the State will operate a program to test all new applicants for assistance under the State program funded under this part for the use of illegal drugs (as defined in section 408(a)(12)(D)(i)), and (except as provided in subparagraph (B)) to deny assistance under such State program to individuals who test positive for illegal drug use, as required by such section.

''(B) ASSISTANCE AND REPEAT TESTING.—The program described in subparagraph (A) shall include a plan to make all reasonable effort to provide individuals who test positive for illegal drug use with services under State or federally funded drug treatment programs, and to allow individuals who test positive at the first test to repeat the drug test after 60 days upon request by the individual. If such an individual tests negative for illegal drug use at the second test, the State may provide assistance to such individual under the State program funded under this part.''.

(b) REQUIREMENT THAT APPLICANTS BE TESTED FOR ILLEGAL DRUG USE.—Section 408(a) of the Social Security Act (42 U.S.C. 608(a)) is amended by adding at the end the following new paragraph:

''(12) REQUIREMENT FOR DRUG TESTING.—

''(A) IN GENERAL.—A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to any individual who applies for assistance on or after the effective date of the American Jobs and Closing Tax Loopholes Act of 2010, who has not been tested for illegal drug use under the program required under section 402(a)(8).

''(B) DENIAL OF ASSISTANCE FOR INDIVIDUALS WHO TEST POSITIVE FOR ILLEGAL DRUG USE.—In the case of an individual who tests positive for illegal drug use under the program described in subparagraph (A), the State shall not provide assistance to the individual under the State program funded under this part except as provided in section 402(a)(8)(B).

''(C) LIMITATION ON WAIVER AUTHORITY.—The Secretary may not waive the provisions of this paragraph under section 1115.

''(D) ILLEGAL DRUG.—For purposes of this paragraph, the term 'illegal drug' means a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins on or after the date of the enactment of this Act.

SEC. —. DRUG TESTING AND TREATMENT PROGRAM FOR APPLICANTS FOR UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 3304(a) of the Internal Revenue Code of 1986 (relating to approval of State unemployment compensation laws) is amended—

(1) in paragraph (18), by striking ''and'' at the end;

(2) by redesignating paragraph (19) as paragraph (20); and

(3) by inserting after paragraph (18) the following new paragraph:

''(19) the State—

''(A) is required to operate a program to test all new applicants for unemployment compensation for the use of illegal drugs (as defined in section 408(a)(12)(D) of the Social Security Act);

''(B) makes all reasonable efforts to provide individuals who test positive for illegal drug use with services under State or federally funded drug treatment programs;

''(C) allows individuals who test positive at the first test to repeat the drug test after 60 days upon request by the individual;

''(D) denies unemployment compensation to individuals who test positive for illegal drug use or who have not been tested for illegal drug use under the program (except that in the case of an individual who tests positive for illegal drug use at the first test, compensation shall not be denied based on such test if the individual tests negative for illegal drug use at the second test under subparagraph (C); and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the 1st day of the 1st calendar quarter that begins on or after the date of the enactment of this Act.

SEC. —. REDUCTION OF HHS DISCRETIONARY FUNDING AND APPROPRIATION OF FUNDS.

(a) IN GENERAL.—The budget authority provided for each discretionary account within the Department of Health and Human Services shall be reduced for fiscal year 2010 and each fiscal year thereafter by such account's pro rata share of the amount equal to the aggregate State administrative cost amounts for the fiscal year.

(b) APPROPRIATION OF FUNDS.—For each fiscal year beginning with fiscal year 2010, an amount equal to the total amount of the budget authority reduction required under subsection (a) for such fiscal year is appropriated, and shall be transferred to the States, for the purpose of implementing the Federal benefit drug testing requirements in such fiscal year. The amount transferred to each State for a fiscal year shall be equal to the State administrative cost amount with respect to such State for such year.

(c) STATE ADMINISTRATIVE COST AMOUNT.—For purposes of this section, the State administrative cost amount is, with respect to each State and a fiscal year, the cost the State will incur to implement the Federal benefit drug testing requirements during the fiscal year, as estimated and reported by the State to the Secretary of the Treasury.

(d) FEDERAL BENEFIT DRUG TESTING REQUIREMENTS.—For purposes of this section, the term ''Federal benefit drug testing requirements'' means the requirements imposed by sections 402(a)(8) and 408(a)(12) of the Social Security Act (42 U.S.C. 602(a)(8) and 608(a)(12), respectively), and section 3304(a)(19) of the Internal Revenue Code of 1986.

SA 4359. Mr. PRYOR (for himself, Mr. COCHRAN, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

SEC. 621. FLOOD MAPPING.

No revised, updated, or newly published flood insurance rate map issued on or after September 30, 2008, pursuant to the Flood Map Modernization Program authorized under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall take effect until such time as all of the following requirements are satisfied:

(1) ESTABLISHMENT AND IMPLEMENTATION OF A BASE FLOOD ELEVATION DETERMINATION AND SPECIAL FLOOD HAZARD AREA DETERMINATION ARBITRATION PANEL.—

(A) ESTABLISHMENT.—As allowed under section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104), and notwithstanding any other provision of law, not later than 90 days after the date of enactment of this section, the Administrator of the Federal Emergency Management Agency shall establish an arbitration panel—

(i) to efficiently and clearly resolve disputes between communities and the Federal Government regarding the Flood Map Modernization Program; and

(ii) to expedite the general acceptance of technically accurate base flood elevation determinations as reflected in Flood Insurance Rate Maps.

(B) ARBITRATION PANEL.—

(i) MEMBERSHIP.—The arbitration panel established under subparagraph (A) shall be comprised of 5 members.

(ii) ARMY CORPS OF ENGINEERS.—The United States Army Corps of Engineers shall compile a list of eligible experts to serve on the arbitration panel established under subparagraph (A). The community who has sought to have a dispute resolved by the arbitration panel shall select a majority of the panelists from such list. After a community has made its selections, the Administrator shall select the remaining members of the arbitration panel from such list.

(iii) NO FEMA EMPLOYEES.—No member of the arbitration panel established under subparagraph (A) shall be an employee of the Federal Emergency Management Agency.

(iv) INDEPENDENCE.—Each member of the arbitration panel established under subparagraph (A) shall be independent and neutral.

(v) USE OF.—A community may choose to have a dispute resolved by the arbitration

panel not later than 90 days after it has exhausted any applicable appeals period available under the National Flood Insurance Act.

(C) CONSIDERATIONS.—

(i) IN GENERAL.—The arbitration panel established under subparagraph (A) may consider historical flood data and other data outside the scope of scientific or technical data in carrying out the duties and responsibilities of the arbitration panel.

(ii) COORDINATION WITH CORPS OF ENGINEERS.—Upon request by the arbitration panel, the appropriate district office of jurisdiction of the United States Army Corps of Engineers shall fund and make available personnel or technical guidance to assist the arbitration panel in considering hydrological data, historical data, budgetary data, or other relevant information.

(D) COMMUNITY CHOICE.—A community may choose to have a dispute resolved by the arbitration panel only if the community has satisfied the following conditions:

(i) The community has appealed a base flood elevation determination or a determination of an area having special flood hazards and undergone a 60-day consultation period with the Administrator of the Federal Emergency Management Agency in an effort to resolve the dispute.

(ii) The 60-day consultation period described in clause (i) shall begin upon the Administrator's receipt of notice of intent of the community to enter arbitration.

(iii) In cases in which the appeal period described under clause (i) begins a sufficient time after the date of enactment of this section, the community has adequately notified the public 180 days prior to the beginning of the appeal period regarding the changes proposed by the Administrator. Such notification may include individual notification of affected households, public meetings, or publication of proposed changes in local media.

(E) BINDING AUTHORITY.—

(i) IN GENERAL.—Any determination of resolution of a dispute by the arbitration panel under this paragraph—

(I) shall be final and binding; and

(II) may not appeal or seek further relief for such dispute to any other administrative or judicial body.

(ii) PROCEEDINGS.—

(I) IN GENERAL.—The arbitration panel shall—

(aa) initiate proceedings to resolve any disputes brought before the arbitration panel;

(bb) consider all relevant information during the course of any such proceeding; and

(cc) issue a determination of resolution of the dispute, within a 150 days after the initiation of such proceeding.

(II) EFFECT PRIOR TO DETERMINATION.—Until such time as the arbitration panel issues a determination of resolution under subclause (I), the most current Flood Insurance Rate Maps shall remain in effect.

(iii) APPEAL DETERMINATION.—Following deliberations, the arbitration panel shall issue an appeal determination of resolution of a dispute setting forth the base flood elevation determination or the determination of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps. The appeal determination of the arbitration panel shall not be limited to either acceptance or denial of the position of Administrator of the Federal Emergency Management Agency or the position of the community.

(iv) WRITTEN OPINION.—Accompanying any appeal determination of resolution issued pursuant to clause (iii), the arbitration panel shall issue a written opinion fully explaining its decision, including all relevant information relied upon by the panel. The opinion issued under this paragraph shall provide communities seeking to mitigate their flood risk with available information to make informed future planning decisions in light of identified flood hazards.

(F) RULE OF CONSTRUCTION.—Nothing contained in this paragraph shall alter existing procedures for revision, update, or amendment of Flood Insurance Rate Maps, including Flood Insurance Rate Maps resulting from decisions of the arbitration panel.

(2) INDEPENDENT REVIEW AND ASSESSMENT OF FLOOD MAP MODERNIZATION PROGRAM.—

(A) INDEPENDENT REVIEW AND ASSESSMENT REQUIRED.—The Administrator of the Federal Emergency Management Agency shall select an appropriate entity outside the Federal Emergency Management Agency to conduct an independent review and assessment of the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101).

(B) ELEMENTS.—The review and assessment required by this paragraph shall address the following:

(i) The engineering analysis used to prepare revised and updated Flood Insurance Rate Maps, including any engineering analysis related to determination of floodplain areas and flood-risk zones.

(ii) The definition of the term floodplain, area of special flood hazard, and other flood-related terms used by the Administrator of the Federal Emergency Management Agency in preparing revised and updated Flood Insurance Rate Maps.

(iii) Any watershed or water flow modeling, and other technical data used by the Administrator of the Federal Emergency Management Agency in preparing revised and updated Flood Insurance Rate Maps.

(C) CONSULTATION.—The entity selected by the Administrator of the Federal Emergency Management Agency to conduct the review and assessment required by this paragraph shall, in carrying out the elements required under subparagraph (B), consult with the General Accountability Office, the Army Corps of Engineers, the United States Geological Survey, the National Oceanic and Atmospheric Administration, and affected communities and their congressional representatives, as applicable.

(D) REPORT.—Not later than 9 months after the date of the enactment of this section, the entity conducting the review and assessment under this paragraph shall submit to the Administrator and the Congress a report containing the results of the review and assessment.

SEC. 622. BASE FLOOD ELEVATION DETERMINATION APPEAL PERIOD.

(a) IN GENERAL.—Notwithstanding any other provision of law, the appeal period for any base flood elevation determination or any determination of an area having special flood hazards shall be 90 days unless an extended appeal period is requested by a party affected by such determination, in which case the appeal period shall be 120 days.

(b) REENTRY OF APPEALS.—Effective for the 90-day period beginning on the date of enactment of this section, any community whose Flood Insurance Rate Maps were revised, updated, or otherwise altered after September 30, 2008, pursuant to the Flood Map Modernization Program established under section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101) shall be permitted to re-enter an appeal of such revision, update, or alteration and such appeal shall be subject to the time limitations established under subsection (a).

SEC. 623. DESIGNATION OF ECONOMIC IMPACT FOR PRELIMINARY BASE FLOOD ELEVATION DETERMINATIONS AND PRELIMINARY FLOOD INSURANCE RATE MAPS.

For purposes of section 605(b) of title 5, United States Code, the issuance by the Administrator of the Federal Emergency Management Agency of a proposed modified base flood elevation, proposed area having special flood hazards, preliminary flood insurance study, or preliminary Flood Insurance Rate Maps shall be deemed to have a significant economic impact on a substantial number of small entities.

SEC. 624. ELIGIBILITY FOR CERTAIN REIMBURSEMENTS FOR COMMUNITIES PARTICIPATING IN ARBITRATION.

For communities who enter arbitration pursuant to paragraph (1) of section 621, the Administrator may make available funds derived from offsetting collections assessed and collected under section 1308(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(d)) to reimburse 50 percent of certain expenses incurred by communities related to successful appeals of the Flood Insurance Rate Maps that are the subject of a dispute for which the arbitration panel established under section 621 has been directed to resolve, as allowed for pursuant to section 1307(f) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(f)), if the community has not received a grant from or served as a cooperative technical partner with the Federal Emergency Management Agency in carrying out the study required pursuant to such section.

SEC. 625. 5-YEAR PHASE-IN OF CERTAIN PREMIUM COSTS.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended—

(1) in subsection (c), by inserting ''and subsection (g)'' before the first comma; and

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

''(g) 5-YEAR PHASE-IN OF PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Any increase or newly applicable risk premium rate charged for flood insurance on any property that is required to be covered by a flood insurance policy as a result of the updating or remapping required pursuant to section 1360 shall be phased in over a 5-year period as follows:

''(1) For the first year of such 5-year period, 20 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(2) For the second year of such 5-year period, 40 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(3) For the third year of such 5-year period, 60 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(4) For the fourth year of such 5-year period, 80 percent of the chargeable risk premium rate otherwise applicable under this title to the property.

''(5) For the fifth year of such 5-year period, 100 percent of the chargeable risk premium rate otherwise applicable under this title to the property.''.

SA 4360. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

On page 296, after line 23, add the following:

(d) COORDINATION WITH DEPARTMENT OF AGRICULTURE.—Section 7 of the Small Business Act (15 U.S.C. 636) is amended by adding at the end the following:

''(o) COORDINATION WITH DEPARTMENT OF AGRICULTURE.—

''(1) IN GENERAL.—In coordination with the Administrator of the Farm Service Agency,

the Under Secretary for Rural Development, and the head of any other appropriate Federal agency, the Administrator shall conduct outreach and provide technical assistance to farmers and other rural businesses with regard to programs of the Administration for which the farmers and rural businesses may be eligible.

''(2) AGREEMENT.—The coordination under this subsection shall include evaluating whether the Administrator should enter an agreement under which—

''(A) offices of the Department of Agriculture may assist in completing and accept applications for programs of the Administration; or

''(B) employees of the Administration periodically have office hours at offices of the Department of Agriculture.''.

SA 4361. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

On page 363, between lines 3 and 4, insert the following:

SEC. 621. EXCLUSIVITY PERIOD.

(a) FIRST APPLICANT.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)(iv)—

(A) in subclause (II), by striking item (bb) and inserting the following:

''(bb) FIRST APPLICANT.—As used in this subsection, the term 'first applicant' means—

''(AA) an applicant that, on the first day on which a substantially complete application containing a certification described in paragraph (2)(A)(vii)(IV) is submitted for approval of a drug, submits a substantially complete application that contains and lawfully maintains a certification described in paragraph (2)(A)(vii)(IV) for the drug; or

''(BB) an applicant for the drug not described in item (AA) that satisfies the requirements of subclause (III).''; and

(B) by adding at the end the following:

''(III) An applicant described in subclause (II)(bb)(BB) shall—

''(aa) submit and lawfully maintain a certification described in paragraph (2)(A)(vii)(IV) or a statement described in paragraph (2)(A)(viii) for each unexpired patent for which a first applicant described in item (AA) had submitted a certification described in paragraph (2)(A)(vii)(IV) on the first day on which a substantially complete application containing such a certification was submitted;

''(bb) with regard to each such unexpired patent for which the applicant submitted a certification described in paragraph (2)(A)(vii)(IV), no action for patent infringement was brought against the applicant within the 45-day period specified in paragraph (5)(B)(iii), or if an action was brought within such time period, the applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed); and

''(cc) but for the effective date of approval provisions in subparagraphs (B) and (F) and sections 505A and 527, be eligible to receive immediately effective approval at a time before any other applicant has begun commercial marketing.''; and

(2) in subparagraph (D)—

(A) in clause (i)(IV), by striking ''The first applicant'' and inserting ''The first applicant, as defined in subparagraph (B)(iv)(II)(bb)(AA),''; and

(B) in clause (iii), in the matter preceding subclause (I)—

(i) by striking ''If all first applicants forfeit the 180-day exclusivity period under clause (ii)''; and

(ii) by inserting ''If all first applicants, as defined in subparagraph (B)(iv)(II)(bb)(AA), forfeit the 180-day exclusivity period under clause (ii) at a time at which no applicant has begun commercial marketing''.

(b) EFFECTIVE DATE AND TRANSITIONAL PROVISION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) to which the amendments made by section 1102(a) of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108–173) apply.

(2) TRANSITIONAL PROVISION.—An application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)), to which the 180-day exclusivity period described in paragraph (5)(iv) of such section does not apply, and that contains a certification under paragraph (2)(A)(vii)(IV) of such Act, shall be regarded as a previous application containing such a certification within the meaning of section 505(j)(5)(B)(iv) of such Act (as in effect before the amendments made by Medicare Prescription Drug Improvement and Modernization Act of 2003 (Public Law 108–173)) if—

(A) no action for infringement of the patent that is the subject of such certification was brought against the applicant within the 45-day period specified in section 505(j)(5)(B)(iii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)(iii)), or if an action was brought within such time period, the applicant has obtained the decision of a court (including a district court) that the patent is invalid or not infringed (including any substantive determination that there is no cause of action for patent infringement or invalidity, and including a settlement order or consent decree signed and entered by the court stating that the patent is invalid or not infringed);

(B) the application is eligible to receive immediately effective approval, but for the effective date of approval provisions in sections 505(j)(5)(B) (as in effect before the amendment made by Public Law 108–173), 505(j)(5)(F), 505A, and 527 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B), 355(j)(5)(F), 355a, 360cc); and

(C) no other applicant has begun commercial marketing.

SA 4362. Mr. LEVIN (for himself, Mr. KAUFMAN, Mr. NELSON of Florida, Mrs. SHAHEEN, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213 to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

TITLE ____—AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT

SEC. ____. AUTHORIZING SPECIAL MEASURES FOR JURISDICTIONS, FINANCIAL INSTITUTIONS, INTERNATIONAL TRANSACTIONS, OR TYPES OF ACCOUNTS THAT ARE OF PRIMARY MONEY LAUNDERING CONCERN OR IMPEDE UNITED STATES TAX ENFORCEMENT.

Section 5318A of title 31, United States Code, is amended—

(1) by striking the section heading and inserting the following:

''§ 5318A. Special measures for jurisdictions, financial institutions, or international transactions that are of primary money laundering concern or impede United States tax enforcement'';

(2) in subsection (a), by striking the subsection heading and inserting the following:

''(a) SPECIAL MEASURES TO COUNTER MONEY LAUNDERING AND EFFORTS TO IMPEDE UNITED STATES TAX ENFORCEMENT.—'';

(3) in subsection (c), by striking the subsection heading and inserting the following:

''(c) CONSULTATIONS AND INFORMATION TO BE CONSIDERED IN FINDING JURISDICTIONS, INSTITUTIONS, TYPES OF ACCOUNTS, OR TRANSACTIONS TO BE OF PRIMARY MONEY LAUNDERING CONCERN OR TO BE IMPEDING UNITED STATES TAX ENFORCEMENT.—'';

(4) in subsection (a)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(5) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by inserting ''in matters involving money laundering,'' before ''shall consult''; and

(ii) by striking ''and'' at the end;

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

(C) by inserting after subparagraph (A) the following:

''(B) in matters involving United States tax enforcement, shall consult with the Commissioner of the Internal Revenue, the Secretary of State, the Attorney General of the United States, and in the sole discretion of the Secretary, such other agencies and interested parties as the Secretary may find to be appropriate; and'';

(6) in each of paragraphs (1)(A), (2), (3), and (4) of subsection (b), by inserting ''or to be impeding United States tax enforcement'' after ''primary money laundering concern'' each place that term appears;

(7) in subsection (b), by striking paragraph (5) and inserting the following:

''(5) PROHIBITIONS OR CONDITIONS ON OPENING OR MAINTAINING CERTAIN CORRESPONDENT OR PAYABLE-THROUGH ACCOUNTS OR AUTHORIZING CERTAIN PAYMENT CARDS.—If the Secretary finds a jurisdiction outside of the United States, 1 or more financial institutions operating outside of the United States, or 1 or more classes of transactions within or involving a jurisdiction outside of the United States to be of primary money laundering concern or to be impeding United States tax enforcement, the Secretary, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit, or impose conditions upon—

''(A) the opening or maintaining in the United States of a correspondent account or payable-through account; or

''(B) the authorization, approval, or use in the United States of a credit card, charge

card, debit card, or similar credit or debit financial instrument by any domestic financial institution, financial agency, or credit card company or association, for or on behalf of a foreign banking institution, if such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument, involves any such jurisdiction or institution, or if any such transaction may be conducted through such correspondent account, payable-through account, credit card, charge card, debit card, or similar credit or debit financial instrument.''; and

(8) in subsection (c)(1), by inserting ''or is impeding United States tax enforcement'' after ''primary money laundering concern'';

(9) in subsection (c)(2)(A)—

(A) in clause (ii), by striking ''bank secrecy or special regulatory advantages'' and inserting ''bank, tax, corporate, trust, or financial secrecy or regulatory advantages'';

(B) in clause (iii), by striking ''supervisory and counter-money'' and inserting ''supervisory, international tax enforcement, and counter-money'';

(C) in clause (v), by striking ''banking or secrecy'' and inserting ''banking, tax, or secrecy''; and

(D) in clause (vi), by inserting '', tax treaty, or tax information exchange agreement'' after ''treaty'';

(10) in subsection (c)(2)(B)—

(A) in clause (i), by inserting ''or tax evasion'' after ''money laundering''; and

(B) in clause (iii), by inserting '', tax evasion,'' after ''money laundering''; and

(11) in subsection (d), by inserting ''involving money laundering, and shall notify, in writing, the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives of any such action involving United States tax enforcement'' after ''such action''.

SA 4363. Ms. CANTWELL (for herself, Mr. LEMIEUX, Mrs. FEINSTEIN, Ms. STABENOW, Mr. MERKLEY, Mr. NELSON of Nebraska, and Mr. MENENDEZ) submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title II, insert the following:

SEC. 2___. EXTENSION AND EXPANSION OF GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) EXTENSION.—

(1) IN GENERAL.—Subsection (a) of section 1603 of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(A) in paragraph (1), by striking ''2009 or 2010'' and inserting ''2009, 2010, 2011, or 2012'', and

(B) in paragraph (2)—

(i) by striking ''after 2010'' and inserting ''after 2012'', and

(ii) by striking ''2009 or 2010'' and inserting ''2009, 2010, 2011, or 2012''.

(2) CONFORMING AMENDMENT.—Subsection (j) of section 1603 of division B of such Act is amended by striking ''2011'' and inserting ''2013''.

(b) EXPANSION OF GRANTS TO CERTAIN GOVERNMENTAL UNITS AND CO-OPERATIVE ELECTRIC COMPANIES.—

(1) IN GENERAL.—

(A) EXPANSION.—Section 1603(g) of division B of the American Recovery and Reinvestment Act of 2009 is amended—

(i) in paragraph (1), by inserting ''other than a governmental unit which is a State utility with a service obligation (as such terms are defined in section 217 of the Federal Power Act)'' after ''thereof),'',

(ii) in paragraph (2), by inserting ''other than a mutual or cooperative electric company described in section 501(c)(12) of such Code'' after ''such Code'', and

(iii) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(B) CONFORMING AMENDMENT.—Paragraph (3) of section 1603(g) of division B of such Act, as redesignated by subparagraph (A)(iii), is amended by striking ''paragraph (1), (2), or (3)'' and inserting ''paragraph (1) or (2)''.

(2) SPECIAL RULE WITH RESPECT TO POWER MARKETING ADMINISTRATIONS AND TVA.—Section 1603 of division B of such Act, as amended by subsection (a), is amended by redesignating subsections (h), (i), and (j) as subsections (i), (j), and (k), respectively, and by inserting after subsection (g) the following new subsection:

''(h) CERTAIN PERSONS DEEMED ELIGIBLE.—Notwithstanding any other provision of this section—

''(1) the Tennessee Valley Authority shall be eligible for a grant under this subsection, and

''(2) no person shall be considered to be ineligible for a grant under this section on the basis that such person has a contract or other business arrangement relating to the specified energy property with a power marketing administration (within the meaning of section 2605(a)(2) of the Energy Policy Act of 1992) or the Tennessee Valley Authority, including any contract to sell or assign the rights to the output from such specified energy property or any other contract or business arrangement under which the specified energy property is considered to be used by the power marketing administration or the Tennessee Valley Authority.''.

(c) NO GRANTS FOR PROPERTY FOR WHICH CREBS HAVE BEEN ISSUED.—Section 1603 of division B of such Act, as amended by this section, is amended by redesignating subsections (h), (i), (j), and (k) as subsections (i), (j), (k) and (l), respectively, and by inserting after subsection (g) the following new subsection:

''(h) EXCEPTION FOR CERTAIN PROJECTS.—The Secretary of the Treasury shall not make any grant under this section to any governmental unit or cooperative electric company (as defined in section 54(j)(1)) with respect to any specified energy property described in subsection (d)(1) if such entity has issued any bond—

''(1) which is designated as a clean renewable energy bond under section 54 of the Internal Revenue Code of 1986 or as a new clean renewable energy bond under section 54C of such Code, and

''(2) the proceeds of which are used for expenditures in connection with the same qualified facility with respect to which such specified energy property is a part.''.

(d) TREATMENT OF GRANTS FOR COOPERATIVE ELECTRIC COMPANIES.—Section 501(c)(12) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) In the case of a mutual or cooperative electric company described in this paragraph or an organization described in section 1381(a)(2)(C), subparagraph (A) shall be applied without taking into account any grant received under section 1603 of division B of the American Recovery and Reinvestment Act of 2009.''.

(e) APPLICATION OF GRANTS FOR SPECIFIED ENERGY PROPERTY TO CERTAIN REGULATED COMPANIES.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009 is amended by inserting ''(other than paragraph (2) of subsection (d) thereof)'' after ''section 50 of the Internal Revenue Code of 1986''.

(f) APPLICATION OF GRANTS TO REITS.—The first sentence of section 1603(f) of division B of the American Recovery and Reinvestment Act of 2009, as amended by subsection (e), is amended by striking ''paragraph (2)'' and inserting ''paragraphs (1) and (2)''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

(2) APPLICATION TO CERTAIN REGULATED COMPANIES.—The amendment made by subsections (b)(1), (d), and (e) shall take effect as if included in section 1603 of division B the American Recovery and Reinvestment Act of 2009.

SEC. 2___. TAXES ATTRIBUTABLE TO OIL SPILL LIABILITY TRUST FUND FINANCING RATE NOT DEDUCTIBLE FOR CERTAIN TAXPAYERS.

(a) IN GENERAL.—Section 275 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

''(b) TAXES ON PETROLEUM PAID BY CERTAIN TAXPAYERS.—

''(1) IN GENERAL.—In the case of any taxpayer who is a disqualified taxpayer for a taxable year, no deduction shall be allowed for such taxable year for so much of the taxes imposed under section 4611 as are attributable to the Oil Spill Liability trust Fund financing rate determined under section 4611(c)(2)(B).

''(2) DISQUALIFIED TAXPAYER.—For purposes of this subsection, the term 'disqualified taxpayer' means, with respect to any taxable year, any taxpayer who has gross revenues in excess of $100,000,000 for such taxable year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxes on crude oil received at a United States refinery and petroleum products entered into the United States after the date of the enactment of this Act.

SA 4364. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. 621. HOMEOWNERS AFFECTED BY TOXIC DRYWALL.

Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by adding at the end the following:

''(10) HOMEOWNERS ADVERSELY AFFECTED BY TOXIC DRYWALL.—

''(A) DEFINITION.—In this paragraph, the term 'toxic drywall' means drywall that the Consumer Product Safety Commission determines is problem drywall.

''(B) IN GENERAL.—The Administrator may make a loan to an individual under this section, if the Adminstrator determines that the primary residence of the individual has been adversely affected by the installation of toxic drywall.

''(C) PERMISSIBLE USES OF LOANS.—A loan under this paragraph may be used by an individual only for the repair or replacement of toxic drywall in the primary residence of the individual, or of components of the primary residence that are directly affected by toxic drywall (including electrical wiring), in accordance with guidance issued by a member agency of the Federal Interagency Task Force on Problem Drywall.''.

SA 4365. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 4301 proposed by Mr. BAUCUS to the bill H.R. 4213, to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes; which was ordered to lie on the table; as follows:

On page 217, strike lines 5 through 18, and insert the following:

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 75 percent.

''(B) EXCEPTIONS FOR SALES OF ASSETS HELD AT LEAST 5 YEARS.—The applicable percentage shall be 50 percent with respect to any net income or net loss under subsection (a)(1), or any income or gain under subsection (e), which is properly allocable to gain or loss from the sale or exchange of any asset which is held at least 5 years.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, June 17, 2010, at 2:15 p.m. in room 628 of the Dirksen Senate Office Building to conduct a hearing entitled ''Indian Education: Did the No Child Left Behind Act Leave Indian Students Behind?''

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 15, 2010, at 9:30 a.m.

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

COMMITTEE ON FOREIGN RELATION

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 15, 2010, at 2:30 p.m., to hold a hearing entitled ''The New START Treaty (Treaty Doc. 111–5): The Negotiations.''

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''Evaluating the Health Impacts of the Gulf of Mexico Oil Spill'' on June 15, 2010. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and governmental Affairs be authorized to meet during the session of the Senate on June 15, 2010, at 3 p.m. to conduct a hearing entitled ''Protecting Cyberspace as a National Asset: Comprehensive Legislation for the 21st Century.''

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

COMMITTEE ON THE JUDICIARY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 15, 2010, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Executive Nomination.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. SANDERS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 15, 2010 at 2:30 p.m.

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

SUBCOMMITTEE ON ENERGY

Mr. SANDERS. Mr. President, I ask unanimous consent that the Subcommittee on Energy be authorized to meet during the session of the Senate to conduct a hearing on June 15, 2010, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

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

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Steven Weinert of my Finance Committee staff be given the privilege of the floor for the month of June.

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

ROY RONDENO, SR., POST OFFICE BUILDING

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 427, H.R. 3951.

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

The clerk will report.

The assistant bill clerk read as follows:

A bill (H.R. 3951) to designate the facility of the United States Postal Service located at 2000 Louisiana Avenue in New Orleans, Louisiana, as the ''Roy Rondeno, Sr., Post Office Building.''

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, that the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 3951) was ordered to be read a third time, was read the third time, and passed.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican Leader, pursuant to Public Law 111–5, appoints the following individual to the Health Information Technology Policy Committee: Richard Chapman of Kentucky.

ORDERS FOR WEDNESDAY, JUNE 16, 2010

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, June 16; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to a period for the transaction of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that following morning business, the Senate resume consideration of the House message on H.R. 4213, the tax extenders, as provided for under the previous order.

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

PROGRAM

Mr. REID. Mr. President, Senators should expect the first vote of the day to begin around 10:40 a.m. That vote will be in relation to the Baucus amendment No. 4301 to the motion to concur with respect to the tax extenders bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:38 p.m., adjourned until Wednesday, June 16, 2010, at 9:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, June 15, 2010:

THE JUDICIARY

TANYA WALTON PRATT, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF INDIANA.

BRIAN ANTHONY JACKSON, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF LOUISIANA.

ELIZABETH ERNY FOOTE, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.