

Whereas the preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care;

Whereas to avoid any legal or medical confusion due to the emotions involved in end-of-life decisions, it is in the best interest of all Americans that each person over the age of 18 communicate his or her wishes by creating an advance directive;

Whereas the Conditions of Participation in Medicare and Medicaid, section 489.102 of title 42, Code of Federal Regulations (as in effect on the date of enactment of this resolution), require all participating facilities to provide information to patients and the public on the topic of advance directives;

Whereas the Centers for Medicare & Medicaid Services has recognized that the use of advance directives is tied to quality health care and has included discussions of advance directives in the criteria of the Physician Quality Reporting Initiative;

Whereas establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives; and

Whereas as a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decisions, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Health Care Decisions Day;

(2) supports the goals and ideals of advance care planning for all adult Americans;

(3) encourages each person in the United States who is over the age of 18 to prepare an advance directive to assist his or her loved ones, health care providers, and others as they honor his or her wishes;

(4) calls upon all members of Congress to execute such documents and discussions for themselves; and

(5) encourages health care, civic, educational, religious, and for- and non-profit organizations to encourage individuals to prepare advance directives to ensure that their wishes and rights with respect to health care are protected.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4387. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation.

SA 4388. Mr. DURBIN (for himself, Mr. REID, Mr. OBAMA, Mrs. CLINTON, Mr. WHITEHOUSE, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. MENENDEZ, Mrs. BOXER, Mr. BROWN, Mr. KENNEDY, Mr. HARKIN, Mr. KERRY, Mr. REED, and Mr. BIDEN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4389. Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4390. Mr. HATCH (for himself, Mr. SALAZAR, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4391. Mr. WICKER (for himself and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4392. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4393. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mr. OBAMA, Mrs. BOXER, Mr. SALAZAR, Mr. DURBIN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4394. Ms. MIKULSKI (for herself, Mr. KENNEDY, and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4395. Mr. BUNNING submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4396. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4397. Mrs. MURRAY (for herself, Mr. SCHUMER, Mr. CASEY, Mr. BROWN, Mrs. CLINTON, Mr. MENENDEZ, Mr. KERRY, Ms. KLOBUCHAR, Mr. LAUTENBERG, Mr. OBAMA, Ms. MIKULSKI, and Mr. REED) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4398. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4399. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4400. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4401. Mr. SANDERS (for himself and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4402. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4403. Mr. KERRY (for himself and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4404. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4405. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4406. Mr. VOINOVICH (for himself, Ms. STABENOW, Mr. HATCH, Mr. ROCKEFELLER, Mr. SMITH, Ms. CANTWELL, Mr. VITTER, and Mr. LEVIN) submitted an amendment in-

tended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4407. Mr. KYL submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4408. Mr. SPECTER submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4409. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4410. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, Mr. OBAMA, Mr. SALAZAR, Mrs. DOLE, Mr. DURBIN, and Mrs. CLINTON) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4411. Mr. KOHL (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4412. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4413. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4414. Mr. FEINGOLD (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4415. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4416. Ms. CANTWELL (for herself, Mr. SMITH, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4417. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4418. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4419. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4420. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4421. Mr. CARDIN (for himself and Mr. ENSIGN) proposed an amendment to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra.

SA 4422. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 4389 submitted by Ms. LANDRIEU (for herself, Mr. COCHRAN, Mr. VITTER, and Mr. WICKER) to the amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill

H.R. 3221, supra; which was ordered to lie on the table.

SA 4423. Mr. NELSON of Florida (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4424. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4425. Mrs. HUTCHISON (for herself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by her to the bill H.R. 3221, supra; which was ordered to lie on the table.

SA 4426. Mr. MARTINEZ (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 4387 submitted by Mr. DODD (for himself and Mr. SHELBY) to the bill H.R. 3221, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4387. Mr. DODD (for himself and Mr. SHELBY) submitted an amendment intended to be proposed by him to the bill H.R. 3221, moving the United States toward greater energy independence and security, developing innovative new technologies, reducing carbon emissions, creating green jobs, protecting consumers, increasing clean renewable energy production, and modernizing our energy infrastructure, and to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of renewable energy and energy conservation; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Foreclosure Prevention Act of 2008”.

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

Sec. 1. Short title; table of contents.

TITLE I—FHA MODERNIZATION ACT OF 2008

- Sec. 101. Short title.
 - Subtitle A—Building American Homeownership
- Sec. 111. Short title.
- Sec. 112. Maximum principal loan obligation.
- Sec. 113. Cash investment requirement and prohibition of seller-funded downpayment assistance.
- Sec. 114. Mortgage insurance premiums.
- Sec. 115. Rehabilitation loans.
- Sec. 116. Discretionary action.
- Sec. 117. Insurance of condominiums.
- Sec. 118. Mutual Mortgage Insurance Fund.
- Sec. 119. Hawaiian home lands and Indian reservations.
- Sec. 120. Conforming and technical amendments.
- Sec. 121. Insurance of mortgages.
- Sec. 122. Home equity conversion mortgages.
- Sec. 123. Energy efficient mortgages program.
- Sec. 124. Pilot program for automated process for borrowers without sufficient credit history.
- Sec. 125. Homeownership preservation.
- Sec. 126. Use of FHA savings for improvements in FHA technologies, procedures, processes, program performance, staffing, and salaries.

- Sec. 127. Post-purchase housing counseling eligibility improvements.
- Sec. 128. Pre-purchase homeownership counseling demonstration.
- Sec. 129. Fraud prevention.
- Sec. 130. Limitation on mortgage insurance premium increases.
- Sec. 131. Savings provision.
- Sec. 132. Implementation.
- Sec. 133. Moratorium on implementation of risk-based premiums.
 - Subtitle B—Manufactured Housing Loan Modernization
- Sec. 141. Short title.
- Sec. 142. Purposes.
- Sec. 143. Exception to limitation on financial institution portfolio.
- Sec. 144. Insurance benefits.
- Sec. 145. Maximum loan limits.
- Sec. 146. Insurance premiums.
- Sec. 147. Technical corrections.
- Sec. 148. Revision of underwriting criteria.
- Sec. 149. Prohibition against kickbacks and unearned fees.
- Sec. 150. Leasehold requirements.

TITLE II—MORTGAGE FORECLOSURE PROTECTIONS FOR SERVICEMEMBERS

- Sec. 201. Temporary increase in maximum loan guaranty amount for certain housing loans guaranteed by the Secretary of Veterans Affairs.
- Sec. 202. Counseling on mortgage foreclosures for members of the Armed Forces returning from service abroad.
- Sec. 203. Enhancement of protections for servicemembers relating to mortgages and mortgage foreclosures.

TITLE III—EMERGENCY ASSISTANCE FOR THE REDEVELOPMENT OF ABANDONED AND FORECLOSED HOMES

- Sec. 301. Emergency assistance for the redevelopment of abandoned and foreclosed homes.

TITLE IV—HOUSING COUNSELING RESOURCES

- Sec. 401. Housing counseling resources.

TITLE V—MORTGAGE DISCLOSURE IMPROVEMENT ACT

- Sec. 501. Short title.
- Sec. 502. Enhanced mortgage loan disclosures.

TITLE VI—TAX-RELATED PROVISIONS

- Sec. 601. Election for 4-year carryback of certain net operating losses and temporary suspension of 90 percent AMT limit.
- Sec. 602. Modifications on use of qualified mortgage bonds; temporary increased volume cap for certain housing bonds.
- Sec. 603. Credit for certain home purchases.
- Sec. 604. Additional standard deduction for real property taxes for non-itemizers.

TITLE VII—EMERGENCY DESIGNATION

- Sec. 701. Emergency designation.

TITLE I—FHA MODERNIZATION ACT OF 2008

SEC. 101. SHORT TITLE.

This title may be cited as the “FHA Modernization Act of 2008”.

Subtitle A—Building American Homeownership

SEC. 111. SHORT TITLE.

This subtitle may be cited as the “Building American Homeownership Act of 2008”.

SEC. 112. MAXIMUM PRINCIPAL LOAN OBLIGATION.

(a) **IN GENERAL.**—Paragraph (2) of section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended—

(1) by amending subparagraphs (A) and (B) to read as follows:

“(A) not to exceed the lesser of—

“(i) in the case of a 1-family residence, 110 percent of the median 1-family house price in the area, as determined by the Secretary; and in the case of a 2-, 3-, or 4-family residence, the percentage of such median price that bears the same ratio to such median price as the dollar amount limitation in effect for 2007 under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(2)) for a 2-, 3-, or 4-family residence, respectively, bears to the dollar amount limitation in effect for 2007 under such section for a 1-family residence; or

“(ii) 132 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size (without regard to any authority to increase such limitations with respect to properties located in Alaska, Guam, Hawaii, or the Virgin Islands), except that each such maximum dollar amount shall be adjusted effective January 1 of each year beginning with 2009, by adding to or subtracting from each such amount (as it may have been previously adjusted) a percentage thereof equal to the percentage increase or decrease, during the most recently completed 12-month or 4-quarter period ending before the time of determining such annual adjustment, in an housing price index developed or selected by the Secretary for purposes of adjustments under this clause;

except that the dollar amount limitation in effect under this subparagraph for any size residence for any area may not be less than the greater of: (I) the dollar amount limitation in effect under this section for the area on October 21, 1998; or (II) 65 percent of the dollar amount limitation in effect for 2007 under such section 305(a)(2) for a residence of the applicable size, as such limitation is adjusted by any subsequent percentage adjustments determined under clause (ii) of this subparagraph; and

“(B) not to exceed 100 percent of the appraised value of the property.”; and

(2) in the matter following subparagraph (B), by striking the second sentence (relating to a definition of “average closing cost”) and all that follows through “section 3103A(d) of title 38, United States Code.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect upon the expiration of the date described in section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110-185).

SEC. 113. CASH INVESTMENT REQUIREMENT AND PROHIBITION OF SELLER-FUNDED DOWNPAYMENT ASSISTANCE.

Paragraph 9 of section 203(b) of the National Housing Act (12 U.S.C. 1709(b)(9)) is amended to read as follows:

“(9) **CASH INVESTMENT REQUIREMENT.**—

“(A) **IN GENERAL.**—A mortgage insured under this section shall be executed by a mortgagor who shall have paid, in cash, on account of the property an amount equal to not less than 3.5 percent of the appraised value of the property or such larger amount as the Secretary may determine.

“(B) **FAMILY MEMBERS.**—For purposes of this paragraph, the Secretary shall consider as cash or its equivalent any amounts borrowed from a family member (as such term is defined in section 201), subject only to the requirements that, in any case in which the repayment of such borrowed amounts is secured by a lien against the property, that—

“(i) such lien shall be subordinate to the mortgage; and

“(ii) the sum of the principal obligation of the mortgage and the obligation secured by such lien may not exceed 100 percent of the appraised value of the property.