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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, February 9, 2009, at 2 p.m.

Senate

THURSDAY, FEBRUARY 5, 2009

The Senate met at 9:30 a.m. and was called to order by the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by Rev. Henry Wilkins IV, from St. James United Methodist Church in Pine Bluff, AR.

The guest Chaplain offered the following prayer:

Good Morning. Let us pray.

Almighty God of love and mercy, God of power and grace, today we pray for the understanding to always seek Your wisdom and justice. It is through Your authority, righteously administered, that our leaders are enabled to govern through the laws enacted for our betterment.

So we pray for Your spirit, that these Members might be properly guided by Your divine charity and by an undaunted faithfulness. In these difficult times, may a hope that springs from Your divine well of blessings sustain and direct us, give counsel and courage to the leaders of this great body and its Members. May they always seek Your purpose and the well-being of this great people. Bless the leaders of this group of Senators. Bless the President of our great Nation. Grant now Your unfathomable protection that they may lead our country with the honesty of providence and the integrity of high ideals.

We ask all this in the Name of our Lord and Savior, Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

The Honorable EDWARD E. KAUFMAN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 5, 2009.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable EDWARD E. KAUFMAN, a Senator from the State of Delaware, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KAUFMAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to go back to work immediately on H.R. 1, the Economic Recovery and Reinvestment Act.

Yesterday, we reached an agreement on a number of amendments, and that was certainly done. After we completed the voting last night, the managers of the bill moved a number of other pieces of legislation. Senator MCCAIN is going to offer the first amendment today. This will be the 14th amendment that is pending, and I think we need to dispose of all or part of these amendments before we start adding more amendments. We are happy that was the agreement made last night—for Senator MCCAIN to offer his amendment. It is an important amendment, one that needs to be debated, and we look forward to that.

However, I would tell Senators, I think we should dispose of some of these amendments before we start on any more after Senator MCCAIN. There will be plenty of time to do that. Everyone has agreed to time agreements on these amendments, is what I am told, and I am confident that is right.

STIMULUS PACKAGE

Mr. REID. Mr. President, let me say a few words about the pending legislation. I hear comments all the time that this is the greatest financial crisis since the Great Depression. I have asked myself: Well, is this worse than the Depression that started in 1928? The answer is no. That situation was worse than what we find ourselves in today. In that period of time, the stock market dropped 89 percent, with more than 25 percent of the population without work, and there were millions of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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others who were underemployed. It was an extremely difficult time in the history of our country. We do find ourselves in a very difficult position now, and we need to do what we can to work our way out of this situation so we don't have a depression but just a bad recession, and I am confident and hopeful we can do that.

Now, as I mentioned last night, we are going to work our very best to complete this legislation as soon as we can. But I was terribly disappointed to see in the newspaper this morning ''GOP Reconsiders Use of Filibuster.'' It is a long article, but among other things it says:

> A number of Republicans say they believe leadership may need to bring back the use of procedural filibusters.

Well, all filibusters are procedural, so I don't know what that means. Then, on the carryover page, the headline, ''Filibusters May Be Back on Menu.'' And among other things, it says:

> Using a procedural vote muddies the issue for the public and can allow Senators to stick with their party and block a bill while still being able to say they didn't technically vote against the legislation.

President Obama has given the Congress a charge: Help America work our way out of the economic downturn we find ourselves in. Now, there isn't a Senator, Democratic or Republican, who doesn't acknowledge we have a tremendous problem, but the question is, How are we going to work through this problem? Of course, every one of us might suggest we could write a better bill. We all have an ego, and so we think we could do a better job than President Obama and his people. But we are at a point now where we have, as I have indicated, 13 amendments pending—soon we will have 14—and I have no problem with that—but there comes a time when we need to work to complete the legislation.

Now, I am not in a hurry to finish this legislation. However, I would like to get it done because we have to get to a conference report. I am a little troubled, I have to acknowledge, by seeing that a number of Republicans now are talking about the use of the filibuster. I can understand, when we were an evenly divided Senate, that people complained because they didn't have an opportunity to offer amendments. But no one can complain about that now. So I say to everyone who is reconsidering the use of the filibuster: What more in the world could we do to be cooperative than to try to move legislation through this body? We have not tried to use the power of numbers. We simply want to get this legislation completed.

I say to everyone within the sound of my voice there are only 58 Democrats. If they decide to have a filibuster on this or block it procedurally, we still need two Republicans, and I am hopeful and confident Republicans of good will recognize the hole we are in and will help us get out of this.

I feel pretty good about the work we are trying to do. There were some important amendments dealt with, as I indicated, last night, and I have been told more are going to be offered, one by the senior Senator from Arizona and another by the junior Senator from Nevada that are in keeping with the many statements the Republican leader has made dealing with fixing the housing problems in America today. So I don't know of more that we could do to try to make the Republicans feel a part of what is going on around here.

I do think most Republicans feel we are doing fine. But remember, it only takes a few to get started again and then we have to file cloture and have a cloture vote Saturday or Sunday. I think it would be a shame to do that and wait 30 hours, as we did about 100 times in the last Congress. I hope we don't need to go through all that. We have too much to do for this country that is so vitally important to get hung up on some procedural quagmire.

I only say this because I can read. I can read and I understand what appears to be coming at us on this legislation. I hope not because it would be a real shame, seeing what our problems are, but a few Republicans are bound and determined to throw a monkey wrench into President Obama's recovery plan. That would be too bad.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

STIMULUS—DAY 3

Mr. MCCONNELL. Mr. President, briefly, I didn't see the article the majority leader is referring to, but I will say again publicly today what I said publicly yesterday and privately to him as well. We are pleased with the way the amendment process is being handled. We have many additional amendments to be offered today.

The majority leader said earlier in the week, and I certainly agree, that we know that the final vote will meet the 60-vote threshold. But regardless of what the article may have said, my view is we proceed as we did yesterday, get as many votes as we can in, and later in the day we can discuss what the endgame might be.

Now, the effects of the economic crisis are inescapable. Every day we hear about some of America's most venerable companies slashing jobs. The longer we wait, the worse this crisis could become. But action simply for the sake of action is always unwise. What is needed is the right action. The stimulus plan that Democrats in the House and Senate have proposed is not the right action.

First, it is too costly. Including interest, the proposal before us comes to a staggering $1.3 trillion, a figure that makes most people's head spin. It includes billions in wasteful spending and it increases permanent Federal spending. Let me say that again: This bill, which is supposed to be temporary, timely, and targeted, increases permanent Federal spending by nearly $300 billion, locking in bigger and bigger deficits every year.

Apparently, the authors of this bill couldn't resist inserting scores of long-cherished pet projects. That is how you end up with $70 million for climate research, tens of millions to spruce up Government office buildings here in Washington, and $20 million for the removal of fish passage barriers in a stimulus package, as I indicated earlier, that was supposed to be timely, temporary, and targeted.

The President said Sunday night we need to ''trim out things that are not relevant to putting people back to work right now.'' It seems some in Congress haven't been listening. The bill's remaining defenders say it contains a number of projects essential to our long-term economic health. But with millions of struggling Americans learning to live with less, Congress needs to resist the temptation to load this bill with unnecessary spending that doesn't create jobs or which only touch on the problems that demand long-term planning and serious thought.

Yes, now is the time to act. But it is not the time to act foolishly. This week, Republicans have tried to improve this bill in a number of ways. One goal was to cut out the waste and bring down the total cost. So far, Democrats have rejected these efforts. Yesterday, they said no to cutting $25 billion from the bill. That used to sound like a lot of money, but in the context of this bill, it was a relatively paltry amount. They said no to turning off spending on newly created programs, and they said no to turning off spending once the economy recovers.

In fact, throughout this entire debate, the two parties seem to have been guided by two different philosophies. The Democrats, it seems, decided on a random dollar amount of about $900 billion and have spent most of their time either defending it or adding to it. Republicans, on the other hand, have thought all along that what we needed to do was to identify the core problem first and then see how much money it would cost to fix it.

In our view, and in the view of most economists, the root problem of the current crisis is housing—housing. It just so happens that fixing that problem would cost a lot less than $1 trillion. In his op-ed in this morning's Washington Post, the President wrote that in this debate we can ''place good ideas ahead of old ideological battles, and a sense of purpose above the same narrow partisanship.'' I couldn't agree more. But this bill doesn't do either one of those things.

Republicans remain committed to working with the President and with our friends on the other side to address this crisis. We agree something must be done, but it will require a lot more

work. Today, Republicans will present in greater detail our ideas for making this stimulus work. Our friend and colleague, Senator MCCAIN, is here now to explain his proposal.

Mr. President, with that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I know the Senator from Arizona is eagerly awaiting the opportunity to offer his amendment. I only have a couple of words.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1) making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for the fiscal year ending September 30, 2009, and for other purposes.

Pending:

Reid (for Inouye/Baucus) amendment No. 98, in the nature of a substitute.

Murray amendment No. 110 (to amendment No. 98), to strengthen the infrastructure investments made by the bill.

Feingold amendment No. 140 (to amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds.

Grassley (for Thune) amendment No. 197 (to amendment No. 98), in the nature of a substitute.

Baucus (for Dorgan) amendment No. 200 (to amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property.

Ensign amendment No. 353 (to amendment No. 98), in the nature of a substitute.

Dodd amendment No. 354 (to amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program.

Barrasso amendment No. 326 (to amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969.

Barrasso (for DeMint) amendment No. 189 (to amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A.

Baucus (for Boxer) amendment No. 363, to ensure that any action taken under this act of any funds made available under this act that are subject to the National Environmental Policy Act (NEPA) protect the public health of communities across the country.

Baucus (for Harkin/Stabenow) amendment No. 338 (to amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles.

Baucus (for Dodd) amendment No. 145 (to amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan.

Baucus (for McCaskill) amendment No. 125 (to amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government.

Baucus (for McCaskill) modified amendment No. 236 (to amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available.

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

Mr. BAUCUS. Mr. President, to set the stage a little for today, to give Senators an opportunity to know the lay of the land, yesterday the Senate put in quite a long day, as we all know. By my count, we considered 28 amendments, we conducted 8 rollcall votes, and we accepted a number of amendments by voice vote.

I want to highlight one amendment adopted, the Isakson-Lieberman amendment, which provides Federal income tax credit for home purchases. This amendment addresses one of the central points that Senators on the other side of the aisle have been raising, namely that we need to address the housing market.

I might say, Senators on both sides of the aisle are concerned about the degree to which we are addressing the housing market. We adopted the Isakson-Lieberman amendment that does just that, and I am proud we accepted their idea.

I want to clear up the record on the Cornyn amendment. Yesterday I raised a pay-go point of order against the Cornyn amendment. After the Senate failed to waive the budget provisions, the Chair ruled the amendment violated the budget.

The budget rules require both the Presiding Officer and myself to rely on the Budget Committee to determine whether an amendment violates the budget. Budget Committee staff advised my staff and the Parliamentarian that there was a pay-go point of order against the Cornyn amendment. But in reality the amendment did not violate the pay-go rules.

I apologize to the Senator from Texas for raising that point of order. But as the vote to waive the budget was 37 in favor, 60 opposed, raising the point of order did not change the result and I hope my statement now will clear up the record.

Looking forward, we expect another busy day today. I expect we will process a number of amendments. We may have rollcall votes throughout the day. We may well work late into the evening. But I have good reason to hope we might finish this bill this evening, and that is a goal toward which we are working.

For the information of Senators, 14 amendments are now pending. Those amendments are: the underlying Finance-Appropriations Committee substitute amendment, No. 98; the Murray amendment No. 110; the Feingold amendment No. 140, regarding earmarks—I might add, the Murray amendment No. 110 is with respect to infrastructure—again, the Feingold amendment No. 140 is with respect to earmarks; Thune amendment 197, that is a House Republican alternative; Dorgan amendment No. 200, runaway plants; Ensign amendment No. 353, substitute housing; Dodd amendment No. 354, executive pay; Barrasso amendment No. 326, environmental laws; DeMint amendment No. 189, religious freedom; Boxer amendment No. 363, environmental laws; Harkin amendment No. 338, auto trade-in; Dodd amendment No. 145, foreclosure mitigation; McCaskill amendment No. 125, CEO pay; McCaskill amendment No. 236, as modified—I think that is with respect to the inspector general.

That is it so far. This morning we expect to hear from Senator MCCAIN on his substitute amendment. Thereafter, we expect to hear from Senators ENSIGN, WYDEN, and CANTWELL about amendments they intend to offer. Once again, I ask Senators to let the managers know about amendments they intend to offer. The more we know, the more quickly and expeditiously we can proceed. A little notice helps a lot here.

We had a great day yesterday. I expect another one today. Mind you, we must move quickly because the recession is so deep. Americans are depending on Congress to act. Let's act, let's get the job done. Other problems that are very important can be pushed off to later dates, but today let's get this bill passed and in conference with the House so the President can sign it and people can get some relief.

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

Mr. MCCAIN. If the Senator has an urgent matter, I will be happy to yield.

Mr. SANDERS. Thirty seconds.

Mr. MCCAIN. For 30 seconds.

Mr. SANDERS. Will the Senator from Montana answer a question? We have an amendment with Mr. GRASSLEY that we wish to bring up. Can we get it in order as well?

Mr. BAUCUS. Senator, offer your amendment.

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

AMENDMENT NO. 364 TO AMENDMENT NO. 98

(Purpose: To propose a substitute)

Mr. MCCAIN. Mr. President, I ask the pending amendments be set aside and ask consideration of an amendment that I have at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself, Mr. GRAHAM, and Mr. THUNE, proposes an amendment numbered 364 to amendment No. 98.

Mr. MCCAIN. I ask unanimous consent the reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. MCCAIN. Mr. President, the amendment I have is a product of a lot of work from a number of Senators on this side of the aisle. I especially thank Senator MARTINEZ of Florida, a great leader on this issue, along with Senator THUNE, Senator GRAHAM, and many other Senators who have been involved in this discussion. This is an alternative we believe would truly create jobs and stimulate our economy. The total cost is around $421 billion.

I wish, before I describe the amendment—and I know others of my colleagues want to discuss this amendment—I wish to point out it is very clear that public opinion in this country is swinging against the proposal that is now before the Senate and was passed by the other body. They are opposed because they see now in the Senate a $995 billion package which could reach more than $1.2 trillion. Many Americans, certainly now a majority, do not see it as a way to create jobs and to stimulate our economy. They see it loaded down with unnecessary spending programs. They see it, very correctly, with policy changes which deserve extended debate and voting on their own, such as ''Buy American'' provisions, Davis-Bacon, giving Federal workers new whistleblower protections. Some of these policy changes may be laudable, others are not, at least in my view, but all of them deserve debate and discussion rather than being placed in a piece of legislation that is intended to stimulate our economy and create jobs.

I think it is time that we also understand how we got where we are. I have been around this body long enough to recognize that we are now entering the final phase of consideration of this package. Whether it be today or over the weekend or early next week, this bill will be disposed of one way or another by the Senate. So how did we get to where we are today, with a $995 billion package, at least, or $1.2 trillion, or perhaps more than that, with a bill that probably would create, in the view of the administration—and I do not agree with it—3 million jobs, which would mean that each job that is created by it costs the taxpayers $275,000. I do not think many Americans believe that each job created should cost $275,000 of their hard-earned tax dollars.

In fact, the response my office is getting borders on significant anger when we talk about many of the funding programs that are in the stimulus bill. I will go through several of them later on, but $400 million for STD prevention; $40 million to make park services more energy efficient; $75 million for smoking cessation. It is hard to argue that, even though these provisions, many of them, may be worthwhile, they actually create jobs. So we have strayed badly from our original intent of creating a situation in America to reverse the terrible decline and economic ditch in which we find the American economy, to the point we have had spending programs and policy provisions which have nothing to do with stimulating the economy and creating jobs. It may be Government—let me put it this way. It may be legislative activity, possibly, at its worst.

We are offering today an alternative at less than half the cost that we think creates jobs and stimulates the economy. I remind my colleagues, despite the rhetoric about bipartisanship, this bill originated in the House of Representatives, as is constitutionally appropriate. There was no Republican input whatsoever. It passed the other body on a strict party-line basis with the loss of 11 Democrats and came over to this body, where in both the Appropriations and the Finance Committees, almost every Republican amendment was rejected on party lines.

I appreciate very much that the President of the United States came over to address Republican Members of the Senate and Republican Members of the House. The tenor of his remarks I think was excellent. But the fact is, we did not sit down and seriously negotiate between Republican and Democrat. I have been involved in many bipartisan efforts in this body, for many years, that have achieved legislative result. The way you achieve it is not to come over and talk to a body. The answer is to sit down and seriously negotiate and come up with compromises which result in legislation which is good for the country.

That has not happened in this process. Again, the American people are figuring it out. I am confident, because of the way this process has taken place, that gap, which is now 43–37, the majority of the American people opposing this package, will grow.

A majority of the American people still believe we have to stimulate the economy and create jobs. I agree with them. But to spend $1.2 trillion on it, and have no provision for when the economy recovers to put us back on the path of fiscal sanity and stability—as the amendment that I had last night was rejected; we got 44 vote—does not provide the American people with confidence that spending will stop at some time.

One thing they have learned is that spending programs that are initially supposed to be temporary become permanent. They become permanent. That is a historical fact.

So we have initiated nearly $1 trillion—many in new spending, some hundreds of billions of dollars in new spending—with no provision, once the economy has recovered—and the economy will recover in America—this is no path to balancing the budget. Instead, we laid a $700 billion debt on future generations of America in the form of TARP, we are laying $1.2 trillion additional in the form of this bill, and another half a trillion dollars in the omnibus appropriations bill, and then we are told there will be a necessity for another TARP, which could be as much as $1 trillion, because of our declining economy. Yet there has been no provision whatsoever, once the economy recovers, to put us back on a path to balancing the budget and reducing and perhaps eliminating—hopefully eliminating—this debt we have laid on future generations of Americans.

I used to come down to the floor here, and have over the years, and argue against provisions in appropriations bills—which, by the way, has led to corruption. I notice there is another individual staffer who is being charged today, or yesterday, for inappropriate behavior with Mr. Abramoff.

There used to be hundreds of thousands and sometimes thousands. Now, they are in the millions and billions, tens of millions and billions. My how we have grown.

Do we need $1 billion for national security at the Nuclear Security Administration Weapons Activities to create jobs? We may need $1 billion for National Nuclear Security Administration Weapons Activity, but to say it will create jobs and will stimulate the economy is a slender reed.

There is nobody who appreciates more than this person the contribution that Filipino war veterans made to winning the Second World War. We are going to give millions of dollars to those who live in the Philippines. Do not label that as job stimulation.

Smoking cessation is something that we all support. How does $75 million for smoking cessation create jobs within the next years that would justify expenditures of $75 million?

This body, in the name of increasing health care for children, raised taxes by some $61 billion, I guess it is, on tobacco use. So we now hope people will use tobacco in order to pay for insurance for children. But the fact is, $75 million for smoking cessation should be an issue that is brought up separately and on its own. And the list goes on and on and on.

Our proposal—I am grateful for the participation of so many Senators—would allocate approximately $275 billion in tax cuts. It would eliminate the 3.1 percent payroll tax for all employees for 1 year and use general revenues to pay for the Social Security obligation.

It would allocate $60 billion to lower the 10-percent tax bracket to 5 percent for 1 year. It would lower the 15-percent tax bracket to 10 percent for 1 year. It would lower corporate tax brackets from 35 percent to 25 percent for 1 year.

We alarmed the world with the ''Buy American'' provisions which are included in this bill. The reaction has been incredible, and the fact is, jobs flee America for a number of reasons. But one of them is we have the highest business taxes of any nation in the world. We used to have among the lowest.

So if we really want to create jobs in America and attract capital and investment for the United States of America, we need to lower the corporate tax bracket. We need to have accelerated depreciation for capital investments for small businesses. We need to assist Americans in need, there is no doubt about that. There are Americans who are wounded and are hurting today. It is not their fault.

We need to extend the unemployment insurance benefits. That is a $38 billion pricetag. We need to extend food stamps. We need to extend unemployment insurance benefits, make them tax free. That is a $10 billion pricetag. And, of course, we need to provide workers with training and employment. That is a $50 billion cost.

We need to keep families in their homes. We needed, and we did adopt last night, the $15,000 tax credit. But we also need to fund the increase in the fee that servicers receive from continuing a mortgage and avoiding foreclosure. We need to have GSE and FHA conforming loan limits. That is $32 billion. We also, by the way, need to do more in the housing area.

You know, it is interesting in all of these spending proposals we have, there is not one penny for defense, not one penny. Obviously, we are going to have to reset our military. We need to replace the aging equipment that has been used so heavily in Iraq and will be needed in Afghanistan.

We need to improve and repair and modernize the barracks, the facilities and infrastructure that directly support the readiness and training of the Armed Forces. We do not have that in the now $995 billion package that is before us. Obviously, we need to spend money on military construction projects which will create jobs immediately. Those people who say that is not the case, I can provide for the record adequate information that many of our military construction projects could begin more quickly than those that are not on our military bases because of environmental and other concerns.

We need to spend $45 billion on transportation infrastructure. There are grants to States to build and repair roads and bridges, including $10 billion for discretionary transportation grants, and $1 billion for roads on Federal lands. Public transit, obviously, we need to fund, and airport infrastructure improvements are necessary, along with small business loans. That is about $63 billion in our proposal.

Finally, the American people believe, and I think correctly, spending is out of control in our Nation's Capital. We continue to spend and spend and spend. We not only have accumulated over a $10 trillion deficit, this will add another $1 trillion or more. I mentioned the TARP of $700 billion, all of which is being paid for—we are printing money in order to fund it.

At some point we are going to have to get our budget balanced or our children and our grandchildren are going to pay the bill. I recommend that this body hear as much as possible from David Walker, former head of the Government Accountability Office, in the Congress of the United States. He paints a stark picture. In my view, it is also time that we establish entitlement commissions: one for Social Security and one for Medicare-Medicaid and make recommendations so we can act on what is a multi-trillion-dollar deficit in Social Security and over a $40 trillion debt on Medicare and Medicaid.

Unless we address these long-term entitlement issues, there is no way we are going to be able to prevent the majority of Americans' taxes from being devoted to those two programs. So we need to establish those commissions and we need to put them to work and we need to put them to work right away.

Now, I am told there is general agreement. Why not do it now? Why not do it now? We also need better accountability, better transparency, better oversight, and better results. Among many disappointments we have over TARP, one was that we were told the Congress and the American people would have oversight and transparency, and they would know exactly how that initial $350 billion was being spent.

The American people and Members of Congress have been bitterly disappointed as TARP shifted from one priority to another. Funds went to the automotive industry, which none of us had anticipated when we voted for and approved it. We need more transparency and accountability and oversight of how this, probably the biggest single emergency spending package in the history of this country, is being spent.

I notice I have other Members here who wish to speak on this issue. I hope we can pass this alternative, some $421 billion, to what has now surged to over $1 trillion. It probably may not pass for the reasons of numbers, but if we do not sit down and negotiate and come up with a package that is more than a $50- or $60- or $80 billion reduction, when we are talking about $1.2 trillion, the American people will not be well served.

They will not be well served by requiring Davis-Bacon, they will not be well served by requiring ''Buy American,'' they will not be well served by spending their hard-earned dollars on unnecessary programs that even though in the eyes of some may have virtue, have no or very little association with job creation and relief for Americans who are struggling to stay in their homes and either keep their jobs or go out and find a new one.

I believe the United States of America will recover from the economic crisis. I have a fundamental faith, belief, that American workers are the most productive, the most innovative, and the best in the world. But they need some help right now. What they need is the right kind of help.

I urge my colleagues, when you see the money that is being spent in the name of job creation and stimulus that is laying a debt burden on our children and our grandchildren, we need to have serious consideration of this kind of spending because it is not fair, not only to this generation of Americans but to future generations as well.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority whip.

Mr. DURBIN. Mr. President, I would like to respond to the Senator from Arizona, in particular on his amendment, but I also would like to respond in a most general way.

Let's have the right starting point. Barack Obama has been President of the United States for 2 weeks and 2 days. He did not create this economic crisis; he inherited this economic crisis. This economic crisis we face in this country has brought down growth of our gross domestic product, which is the measurement of the value of all goods and services in the United States, to the lowest point of growth in 25 years.

Did Barack Obama create that? No, he inherited that. We know we have lost jobs, dramatic losses of jobs—500,000 in December, 600,000 in January. I do not know where this will end. Did Barack Obama create that situation? No, he inherited that situation.

What led us to this point? Well, there are a litany of things to which you can point. Some of it goes back to the failed policies of the previous administration. When we identified the weakness in the American economy last year, President George W. Bush came to the Democratic Congress and said: I know the solution. It has been the solution all along. It will work again. We need tax cuts. If we can send $300 to every American citizen, the economy will recover. The Democratic Congress accepted George W. Bush's solution for the problem, enacted a program of tax cuts, $150 billion worth of tax cuts, sent the money to families across America, who I am sure appreciated it.

How much did they spend? About 15 percent. They used the remainder of the money to put into savings and to pay off their credit cards. Well, for each family that was a blessing. It was helpful. From the viewpoint of the economy, it did not work. We continued to go downhill.

This notion from the other side of the aisle that tax cuts solve everything has failed. It is part of the failed policies of the previous administration that have brought us to this moment in history.

When President Bush was elected to office, he inherited a surplus in the Federal budget from the Clinton administration, a surplus. And he inherited the accumulated debt of the United States of America from George Washington until George W. of $5 trillion.

What happened to the national debt under the Bush administration's 8 years? It more than doubled. It more than doubled because the President insisted then in sending tax cuts to the wealthiest people in America and in waging a war without paying for it. We dragged ourselves deeply into debt with not only the complicity but the cooperation and with the enthusiastic approval of the other side of the aisle. That is where we are today, with a debt over $10 trillion, with an economy flat on its back, with the failed policies of the last 8 years creating the economic crisis we face today. President Barack Obama, in office for 2 weeks and 2 days, did not create this crisis. But the people of America said last November 4: Do something about the way you are running the Government. Bring real change to this town. Find solutions to our problems and, for goodness' sake, work together. We are tired of all the squabbling on Capitol Hill between Democrats and Republicans. Finally, accept this challenge of setting the economy straight and work together.

President Obama in 2 weeks and 2 days in office went to the Republicans in the House of Representatives asking for their cooperation and their assistance. When this measure of stimulus recovery was called in the House, not one single Republican Representative would join in that effort.

Now it comes to the Senate, where we need 60 votes. We will need several Republicans to step up and hear the lesson from the last election and help us move forward. This is the measure before us. It is voluminous. It costs about $900 billion, a substantial sum of money. But it has been calculated to try to get the economy moving forward, to try to save and create 3 to 4 million jobs in America. It is about the jobs.

Now we have a proposal from Senator MCCAIN to spend less than half. What will that cost us—1.5 to 2 million American jobs. They are prepared on the other side of the aisle to accept what I consider a halfway response to a major American problem.

Then they have their bill of particulars, their objections to this measure, President Obama's recovery plan. I have listened carefully and measured and added up their arguments against these measures. It turns out, if I could do this in a symbolic way, that their measures account for one page of this bill. Listen to the things they list that they find so objectionable. They account in dollar terms to about one page of this bill. Listen to what they have to say. Let's go into some of the particulars we have heard repeatedly. Smoking cessation, $75 million. I happen to believe passionately in this issue, passionately because I lost my father to lung cancer when I was a little boy, passionately because I have fought the tobacco companies as long as I have been in public life, passionately because I know tobacco-related disease is the No. 1 killer in America. I believe in this. I have given my public career to it. But we decided, because of the objection to one page, to remove it.

My message to the Republican side of the aisle is: Read the bill. Smoking cessation programs are no longer in the bill. That is a fact.

Let me also note, Senator MCCAIN said something which is not accurate. I want to call his attention to it, as he is in the Chamber. Senator MCCAIN said there is not one penny for defense in this bill.

Mr. MCCAIN. Will the Senator yield?

Mr. DURBIN. I yield for a question.

Mr. MCCAIN. Mr. President, I was incorrect in that statement. I was only speaking about the reset. We need a lot more. I would like to acknowledge that I was incorrect in that statement.

Mr. DURBIN. I thank the Senator.

Senator MCCAIN suggests $4 billion in defense spending in his amendment. The bill contains $4.5 billion in defense spending already. I acknowledge that we all make mistakes, but we have done well by defense. We can do better, but we have not ignored our national security nor the men and women in uniform in this important stimulus package.

Let me also say, there have been arguments made that we need more oversight in this bill. I don't want to waste a single taxpayer dollar. I want to make sure that money is well spent. I call the attention of Senator MCCAIN and the Republican side of the aisle to page 9 of the bill. On page 9—and those that follow—there is item after item where we are providing additional funds to inspectors general in each of the departments to keep an eye on the spending in this bill.

Let me read what it says:

> In addition to the funds otherwise made available, hereby appropriated are the following sums to the specified offices of inspectors general to remain available until September 30, 2013, for oversight and audit of programs, grants, and projects funded up under this act.

Oversight is important, but oversight is included in this bill.

I heard Senator MCCONNELL. I have heard Senator MCCAIN. They object to the idea of making Government buildings more energy efficient. How shortsighted can they be? If you own a home, is it worth insulating the home, if it costs a little bit of money this year, knowing that it will save you money in heating costs for years to come? Would you put in thermal windows? Would you insulate your home? It is a practical decision made by families every day. When we suggest including money in this bill so that the Government buildings we pay for and the heat and air-conditioning in these buildings we pay for is done in an energy-efficient way, it is ridiculed—in the words of Senator MCCONNELL, ''money to spruce up buildings.'' We are not talking about planting flowers, we are talking about energy efficiency. The notion that that is wasteful? Is it wasteful for your family if you get rid of the incandescent bulbs and buy fluorescents? No. It is smart. We need that kind of approach when it comes to energy.

Then Senator MCCONNELL criticized $70 million, using the money for research in climate change. There is at least one Republican Senator who calls climate change a hoax, but I think only one. Most of us understand something is happening in this world. The climate is changing and not for the better. Global warming is happening, and it changes weather patterns—hurricanes in months of the year when we have never seen them, storms we have never seen before. Should we just ignore this and say: Maybe God will take care of it or do we have an obligation to do something about it? Will it affect our economic future? Of course it will. They ridicule the $70 million in this bill for global warming and climate change. I don't understand that.

Let me also say, Senator MCCAIN has suggested in his bill that there will be $276 billion in tax cuts. I say to him, in the bill we have before us from President Obama, there is $370 billion in tax cuts already. Senator MCCAIN is reducing tax cuts for American families. Does that make it a stronger bill, a better bill for revitalizing the economy? I don't think so.

The bottom line is this: President Obama inherited the worst economic crisis in 75 years. It is the product of many factors, but it also clearly is the product of failed policies of the past. Returning to those policies over and over is the definition of insanity, to do the same thing over and over when it fails. That is what this amendment does. It returns to the same worn, unfortunately, unsuccessful concepts from the past.

What President Obama brings us today is an opportunity to step forward, to work together and do something about this economic crisis. This bill not only provides a helping hand to the unemployed, giving them additional money each week, it provides an opportunity for many of them to have health insurance which they have lost when they lost their jobs. It provides a helping hand for the poorest among us who are struggling to get by in areas such as food stamps. It provides a safety net for the most unfortunate circumstances facing Americans. But it invests in good-paying jobs, too, building roads and bridges and highways, the infrastructure that builds the economy of the 21st century, making certain we invest billions of dollars into health care technology so we can computerize medical records so that we have better outcomes in medical care and so that it is a safer experience for

most Americans. There is more money as well in education. If we don't put money into education, how can we ever believe we are going to have the leaders we need tomorrow? There is more money for 21st-century libraries and laboratories and classrooms. Isn't that what we want for our children and grandchildren? There is money for energy research and energy efficiency so we can lessen our dependence on foreign oil and build this economy with homegrown energy. These are the things included in the Obama plan.

This plan will fail without the help of Republican Senators. At some point, I am hoping that at least a handful of Republican Senators will say: We are willing to step forward and help.

They have 1 page of grievances out of a bill of more than 900 pages. They should remember what one of the patriarchs and saints of the Republican Party, Ronald Reagan, used to say. Ronald Reagan used to say: If I can go into a negotiation and end up with 80 percent of what I wanted, it is a successful negotiation. Now we have Republicans, who say kind words about the Gipper, the former President, saying that 80 percent isn't enough; 99 percent isn't enough. It has to be 100 percent. If we can find one page of grievances in this bill, it is good enough for us to walk away from it.

We cannot walk away from this crisis. We cannot walk away from this challenge. If there was ever a time for us to come together with a solution—not just a debate, bold action instead of tentative action which will accomplish half the job when we need to do the whole job, to bring about real change and reform—this is the day to do it.

I encourage colleagues on the other side of the aisle, please don't let the perfect be the enemy of the good. Let's work together as the American people asked us to on November 4 and do something about this crisis. Let's not leave this effort on the floor of the Senate at the end of the day undone. Too many Americans are counting on us.

I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Montana.

Mr. BAUCUS. Mr. President, in an effort to get some order and move things along, I would like to lock in the order of speakers, continuing our practice of alternating back and forth. I ask unanimous consent that the next speakers recognized be the following Senators in the following order: Senator KYL, Senator SANDERS, Senator THUNE, Senator BAUCUS, then Senator GRAHAM—actually, Senator GRASSLEY.

Mr. GRASSLEY. I am here to speak in favor of the Sanders amendment. I would like to speak right after him for a couple minutes.

Mr. MCCAIN. Mr. President, reserving the right to object, with all due respect to the Senator from Vermont, we should stay on this amendment and have the speakers on this amendment, then move to the Sanders amendment. The pending business is my amendment before the Senate.

Mr. SANDERS. If I may ask the Senator from Arizona, Senator GRASSLEY and I will be pretty brief. I don't think we need more than 10 minutes.

Mr. MCCAIN. I am sorry, but I will object. We are on this amendment, and the regular order of the Senate is this amendment at this time.

Mr. SANDERS. We would like some definitive time.

Mr. BAUCUS. Mr. President, I will withdraw the request, and we will work that out while Senator KYL is speaking.

Mr. MCCAIN. For the information of the Senator from Vermont, we have a number of speakers over here, so I am not prepared to enter into a time agreement on the debate on this amendment at this time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, if the Chair would please notify me when I have spoken 4 minutes, I will be, in fact, that brief.

The Senator from Illinois quoted the Gipper, Ronald Reagan. That always gets Republicans' ears perked up. When he said: I am always happy to take 80 percent; I don't need 100 percent—Republicans would be happy to take 80 percent. We would be happy to take 50 percent. In fact, probably most of us would be happy to take 30 percent. But so far, virtually every Republican amendment has been defeated.

So when there is talk about the President ushering in an era of good feeling by having us down to the White House and talking to us and listening to us, that is great. We have all commented on our appreciation for the President's efforts. At some point, however, since Republicans do have some good ideas, that has to be translated into some of our ideas being a part of this bill.

I think the American people agree with us. A Gallup poll, a week ago, said 38 percent of the people would pass the bill; 54 percent would either reject it or require major changes in the bill. We are reflecting the mood of the Republic.

According to a Rasmussen survey, a poll from February 4: Support for the stimulus has fallen now to 37 percent; 43 percent oppose. Two weeks ago, 45 percent supported it. Last week, 42 percent supported it. Now it is down to 37 percent, and 43 percent oppose it.

So that is the reason Republicans are standing before this body asking that—because the American people want major changes in it, because a majority now oppose it—we should not have to take 100 percent or even 98 percent of the bill and then be accused of partisanship.

Republicans have good ideas, and one of them is the amendment pending by my colleague from Arizona. Without going through all of the elements, since I am very limited in my time, let me just note one of the most important.

The Democratic Speaker of the House has said over and over, this bill needs to be timely, targeted, and temporary. The Senator from Arizona is focusing on temporary. What he says, very briefly, is, when the economy begins to recover, then all of this spending that otherwise would be permanent should cease. So the amendment he has pending would require that once we have had two consecutive quarters of economic growth greater than 2 percent of inflation-adjusted GDP, then all of the stimulus spending would cease and the unobligated funds would return to the taxpayer. At that point, then we would need to reduce spending to accommodate the huge cost of this legislation.

Now, that is a real test of where we are in this legislation. Is this a question of getting all of this spending we wanted for the last 8 years and we are going to spend out the majority of that spending after the year 2011 or is this truly a stimulus bill that is targeted at getting the economy moving again, and once that happens, then the spending for the future under this legislation ceases?

There are 34 new programs in this bill, new Government programs. There is $180 billion-plus on mandatory—in other words, permanent—spending. That is not temporary. One of the things Senator MCCAIN's amendment stresses is, let's focus on the temporary. Once we begin recovering, then stop spending all of this stimulus money.

Mr. President, there is a reason Republicans want an opportunity to have our amendments debated and, hopefully, accepted, and that is because the American people have told us they want this legislation fixed. That is why I support the amendment of my colleague from Arizona, which will go a long way toward that end.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, later today I will be offering an amendment with Senator GRASSLEY, which I think is an extremely important amendment, which, in fact, deals very fundamentally with the unemployment and job crisis facing this country. There is no debate the American people are furious at what happened on Wall Street, where a small number of executives have acted in an incredibly greedy manner, with extreme recklessness, and perhaps illegal behavior, in plunging our country into a major and very deep recession.

As every American knows, we are losing huge numbers of jobs. What we are trying to do now on the floor of the Senate is do everything we can to prevent this country from falling into a deep depression. In the middle of all of this, in the middle of the greed and recklessness being shown by the major financial institutions of our country,

at a time when the taxpayers of this country are spending $700 billion on a bailout, when the Fed is lending out trillions of dollars, what we see is many of those bankers are providing huge bonuses to themselves. They are furnishing their offices in lavish ways. They are buying jet planes. They are doing all of these things which suggest to me they do not know what world they are living in; they do not know what is going on in America.

I want to point out today, with Senator GRASSLEY, another part of this terribly destructive behavior on the part of these financial institutions. During the last 3 months of 2008, the largest banks in this country—because of the economic downturn especially on Wall Street—have announced 100,000 job cuts within the financial industry itself. So 100,000 Americans are out on the street. What has been the response of Wall Street to the loss of 100,000 of their own workers? Do you know what they have done? What these banks have announced is they are requesting 21,000 foreign workers over the next 6 years through the H–1B program to fill those jobs.

So let me repeat, Wall Street causes a crisis, causing millions of people to lose their jobs, including 100,000 in financial institutions as well, 100,000 people who on average were making quite good wages with decent-paying jobs. So what they are now trying to do is bring in foreign workers through the H–1B program, and they have requested 21,000 H–1B visas over the next 6 years. Talk about adding insult to injury.

The amendment Senator GRASSLEY and I are offering is pretty simple. It is essentially saying there will be a suspension of the H–1B program for any institution that is receiving TARP funds for just 1 year. I would have gone further, but we are just going to make it for 1 year.

Let me finish my remarks by quoting from a recent AP article just published on Monday. This is what the AP writes:

> Even as the economy collapsed last year and many financial workers found themselves unemployed, the dozen U.S. banks now receiving the biggest rescue packages requested visas for tens of thousands of foreign workers to fill high-paying jobs. . . . The major banks, which have received $150 billion in bailout funds, requested visas for more than 21,800 foreign workers over the past six years for senior vice presidents, corporate lawyers, junior investment analysts and human resources specialists.

Presumably Americans are unable to do these jobs.

The article continues:

> The average annual salary for those jobs was $90,721, nearly twice the median income for all American households. During the last three months of 2008, the largest banks that received taxpayer loans announced more than 100,000 layoffs.

The amendment is pretty simple. I hope we will have bipartisan support.

Mr. President, I see Senator GRASSLEY standing, and I would be happy to yield for him.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the amendment that has just been described by the Senator from Vermont prohibiting banks which get TARP funds from hiring H–1B guest workers for this year. I support the amendment because these companies should be hiring American workers during these tough economic times, particularly when there are so many qualified Americans on the streets looking for jobs. The American taxpayers who will be footing the bill on the stimulus money would agree with me. Banks that are getting taxpayer funds need to hire qualified Americans first before hiring foreign guest workers.

Many banks participate in the H–1B visa program. Over 6 years, the banking industry has requested visas for over 21,000 foreign guest workers. The purpose of the H–1B visa program is to assist companies in their employment needs where there is not a sufficient American workforce to meet their technology and expertise requirements.

I am very OK with an H–1B program if American companies cannot find enough qualified Americans to do certain jobs that need that particular expertise. Then we need to help those companies with those resources. However, H–1B and other worker visa programs were never intended to replace qualified American workers. We do not want to put Americans at a disadvantage. And now that many qualified, hard-working American bank workers are unemployed, banks that want to hire workers will not have a hard time finding what they need from the American workforce.

I am concerned companies going through layoffs that currently employ H–1B workers will be retaining those guest workers rather than similarly qualified American employees. We hear announcements every day about companies cutting large numbers of jobs. Yet many of these companies continue to advocate for H–1B visas and apply for them.

I am pretty sure these work visa programs were never intended to allow companies going through layoffs to retain foreign guest workers rather than similarly qualified American workers. I think in implementing layoff plans, companies should ensure that American workers have priority in keeping their jobs over foreign guest workers on visa programs. I recently sent a letter to Microsoft asking a series of questions about the makeup of their layoff plan and encouraging the company to ensure that Americans are given priority in job retention.

Our immigration policy is not intended to harm the American workforce. I firmly believe companies going through layoffs that employ H–1B visas have a moral obligation to protect American workers by putting them first during these difficult economic times. So I plan on looking into this issue further and exploring whether legislation is necessary there.

Again, I support the amendment Senator SANDERS and I have put in. The bottom line is, employers should recruit qualified American workers first before hiring foreign guest workers. If banks are going to be getting TARP money from the American taxpayers, then they should be hiring American workers. I want to emphasize, once again, I am not against the H–1B program. I think when we do not have workers in this country, we need to keep it going, but it is how it operates. That is also why Senator——

Mr. SANDERS. Mr. President, will the Senator yield for one moment?

Mr. GRASSLEY. After one sentence. That is why I also support Senator DURBIN and I working together on a reform of the H–1B program.

Mr. President, I will yield the floor for a question or whatever the Senator might want.

Mr. SANDERS. Mr. President, I ask unanimous consent that when the debate has concluded on the McCain amendment I be allowed to set aside the McCain amendment so I can call up the Sanders-Grassley amendment No. 306.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I feel constrained to object because there was an understanding, an agreement, that the Ensign amendment would be the amendment that would come up after the McCain amendment.

Mr. SANDERS. Can we come up after the Ensign amendment?

Mr. BAUCUS. I say to the Senator, let me work this out with you privately. I will find a way to accommodate the Senator.

Mr. SANDERS. I yield the floor.

The PRESIDING OFFICER. Objection is heard.

The Senator from South Dakota is recognized.

Mr. THUNE. Mr. President, I rise in support of the McCain amendment. Before I speak a little bit to the amendment itself, I want to remind my colleagues why this debate is so important and why the McCain amendment is so important to this debate.

Again, we are talking about a $1 trillion bill—$800 billion, up now into $900 billion. When you add in interest, it is $1.2 trillion and change. It seems as if every amendment that has been offered—we have had a lot of Republican amendments that have attempted to cut out some of the wasteful spending, eliminate some of what I think is probably most egregious about the bill, none of which has been accepted, ironically. Ironically, the only amendments that have been accepted so far have not decreased the size of the bill. They have added to the size of the bill. This bill has gotten bigger.

I remind my colleagues—and I think it is important for the American people to tune in because we throw numbers around here in Washington in an abstract way: millions, billions, trillions of dollars—exactly what the dimensions are of what we are talking about.

A trillion dollars: If you took one-hundred-dollar bills and lined them end to end, you could literally go around the Equator almost 39 times; 969,000 miles of one-hundred-dollar bills lined end to end, going around the entire Earth right at the Equator almost 39 times. That is what we are talking about when we talk about the dimensions of $1 trillion. I might also add that if we look at where this is coming from, we are borrowing. Let's be honest with the American people. We are borrowing this money from future generations. A lot has been said on the floor about who is going to get hurt if we don't do this, and I agree there are a lot of people hurting. Unemployment is high. Frankly, let's think about the people who are going to be hurting the most, and that is the next generation of Americans who are going to inherit this enormous debt we are passing on to them.

To put it into perspective, between the Revolutionary War and Jimmy Carter's Presidency, the United States of America borrowed $800 billion. From the entire time of the Revolutionary War to the Carter Presidency, there was $800 billion worth of borrowing. We are borrowing more than $800 billion for this one piece of legislation, not to mention what comes next. We know we have a $1 trillion catchall spending bill coming at us which is the first time that the discretionary appropriations bill is going to exceed $1 trillion. We know we are going to have a request for additional moneys coming from Secretary Geithner to stabilize the financial markets to the tune of several hundred billion dollars. We know there is going to be a supplemental spending bill request for the ongoing conflicts in Iraq and Afghanistan. Ironically, according to CBO, the bill that was passed previously on SCHIP actually leads to $41 billion of deficit spending.

So all this spending we are doing, all this borrowing we are doing is being passed on to the next generation, and they are the people who are going to feel the brunt and the impact and hurt the most if we don't do the responsible thing here today.

I think it is important that this particular amendment Senator McCAIN has put forward and a number of us are cosponsoring be heard and fair consideration be given because I think there are several things about it that differentiate and distinguish it from the bill we are debating, the Democratic proposal that is on the floor.

One of the most important distinctions—and Senator McCAIN already mentioned it—is it comes in at less than half the cost: $421 billion. So we are talking about borrowing over $800 billion—all the time from the Revolutionary War to the Carter Presidency is the equivalent of what we are doing here—versus a much smaller approach and, in my view, much more fiscally responsible approach and, frankly, much more targeted. Because the criteria that has been laid out at the beginning of this debate for what makes sense in terms of a stimulus is it should be targeted, temporary, and timely. What we have before us is none of the above. It is slow, it is unfocused, and it is unending. Mr. President, $140 billion of this bill is going to be very difficult to shut off because it adds to the baseline as a lot of mandatory spending is included.

I wish to also show my colleagues what the President's chief economic adviser, Larry Summers, said. He said this in the Financial Times on January 6 of this year: ''Poorly provided fiscal stimulus can have worse side effects than the disease that is to be cured.''

Now, we have all talked about what is in this bill, and all the spending in it, including the $600 million for cars for Federal employees, the money that goes into the seven-point-whatever-billion-dollars it is here that goes into Federal buildings—all good things. Senator McCAIN talked about smoking cessation. That is something we all support and believe in. But that ought to be handled in regular order. Those are not stimulus. Those are things that do nothing to contribute in the short term to creating jobs and helping get our economy back on track. In fact, the CBO said that 12 percent of the total amount in the bill we have before us would be spent in this year—2009—and less than half in 2009 and 2010, so much of what we are talking about is going to be pushed off into the future when it is not going to do anything to stimulate the economy.

It does create some jobs—most of them are jobs here in Washington, DC—at great cost. For example, there are some jobs created at the State Department. The average cost per job created at the State Department according to this is over $1 million. On average, you take $900 billion and you divide it by about 3 million jobs, which is the estimate of what this would create, and we are talking about $300,000 per job.

Now, I might add that the average annual salary in my State of South Dakota is under $30,000. Imagine how difficult it is to explain to my constituents that we are going to borrow $1 trillion from their children and grandchildren to create jobs at a cost of $300,000 per job. That is an awfully difficult sell, particularly when they look at how a lot of this money is spent. We have some requests from mayors and city officials around the country, and these are all good things. I am not downplaying at all the importance of many of these projects, but there are requests here for 42 swimming pools, water slides, golf courses, all sorts of things that you can't argue we ought to be borrowing $1 trillion from our children and grandchildren to fund and to support. So it is important we have something we can be for and that does, in fact, create jobs; that does, in fact, add to the economic recovery, and that is fiscally responsible.

I wish to point out, as Senator McCAIN mentioned in his opening remarks, some of the things that are in his bill. It is appropriately focused on housing because we believe—and I think rightly so—that housing got us into this recession and housing is going to lead us out of this recession. It is focused on getting dollars into the hands of the American taxpayers. The debate about whether you want to have government spend the money or the American people spend the money is a very simple one. I happen to believe if you allow the American people to spend the money, you get a much better return. When we get money back into the hands of Americans, they will help grow the economy. Two-thirds of our gross domestic product is in the form of consumer spending. You provide incentives for small businesses which create two-thirds or three-fourths of the jobs in our economy and that helps get the economy back on track. That is in this bill.

Reducing marginal income tax rates from 15 down to 10, 10 down to 5, cutting the payroll tax in half for a year for employees gets money back into the hands of the American people so they can go out and help stimulate the economy and create jobs.

It also, as was noted earlier, makes some changes with regard to the underlying bill where defense is concerned. We have some very serious needs. Senator McCAIN mentioned this in his remarks and he talked about the defense spending in his bill. There is some, frankly, defense money in the Democratic proposal—about $10 billion—mostly for military construction projects, but there is no money for reset. We have serious needs out there. Senator McCAIN's amendment adds $7 billion for reset, to repair military equipment and replace direct battle losses, including $6.5 billion for the Army, $600 million for the Marines, $62 million for the Navy, and $83 million for the Air Force, which adds money for direct repair of military infrastructure and facilities. These are things that need to be done and can be done quickly that will put money to good use, that do create jobs and serve an important national purpose.

Now, the other thing his bill does is it puts money in for infrastructure. Infrastructure arguably is something that does create jobs out there, if they are shovel-ready projects that you can actually get going quickly. I think that is a good use in a reasonable way, not adding all kinds of projects that you are not going to do for many years to come. But if you are getting money out there that actually can help fund projects that can get done in the short term, that is a good thing.

Unfortunately, much of the money in the Democratic proposal, as I said earlier, isn't going to get spent out for years. I offered an amendment last night not to fund new programs, assuming it was going to take new programs a long time to get implemented and up and running. That amendment was defeated. The point of all this is to

do things that in the short term create jobs. So there is $45 billion in the McCain proposal for infrastructure.

The other thing I will say, which I think is critical—critical—in this debate, because I said earlier that if we don't put some restraints or some safeguards in here, this is going to get—the spending is going to go on forever. Senator MCCAIN's proposal includes a hard trigger so that when we recognize two consecutive quarters of economic growth, positive GDP, this funding terminates. It is a fiscally responsible approach. He offered a freestanding amendment last night that received 44 votes. I haven't seen any evidence in this Chamber yet that anybody here is serious about adding any measure of fiscal responsibility or sanity to spending $1 trillion of our children's and grandchildren's money.

I think it is important that this amendment get a vote. I urge my colleagues on both sides to support this amendment, to try and do something that is fiscally responsible, that reduces the overall size of this, that addresses substantively the things in the bill—the shortcomings in the Democratic proposal—and do some things that actually will help stimulate the economy and create jobs. Senator MCCAIN's proposal represents a much better direction in which to head. It costs a lot less, it does a lot more, so I hope my colleagues will be able to support it.

One of my colleagues on the Democratic side got up a little earlier and said, Well, if it costs a little bit of money this year to do this or that, there isn't anything in this bill that costs a little bit of money. Everything in this bill costs a lot of money, and the people who are going to get hurt the most are the next generation who are going to be handed the bill.

I hope my colleagues will, in fact, support the McCain amendment, and I yield the floor.

Mr. REED. Mr. President, I rise in support of the bill that is before us, the American Recovery and Reinvestment Act. It is designed to save jobs, create jobs, and restore a sense of confidence and hope to the people of this country.

We have seen extraordinary deterioration of the economy in this country. This morning, job figures released revealed an additional—over 600,000 jobless claims. In the last two months, we have lost 500,000 jobs in each of the two preceding months. We have to act decisively, dramatically, and with a scale that will have an effect on the overall economy. That is I think inherent in the proposal President Obama has sent us.

I salute Senator INOUYE, the Appropriations Committee chair, and the subcommittee chairmen and Chairman BAUCUS for their work in bringing this bill to the floor. We have to not only revitalize our economy but restore hope to the American people.

President Obama has set out a very ambitious goal. He wants to weatherize 2 million homes. It is not only to put people to work in America with the skills of craftsmen and craftswomen, but in the future it is going to save us money. So this is not only an immediate response to a problem, but it is a long-term increase in our productivity and our ability to be competitive in a very difficult world economy.

I have also introduced an amendment which I will not call up, but it would increase the weatherization funds and the LIHEAP funds and other funds, but I hope in conference we can raise those totals.

We need these investments. This is the most perilous economic situation a President has ever faced since the 1930s. This is the inheritance of 8 years of poor policy. This is the inheritance of a huge increase in our national debt in the last 8 years. Under President Bush we have seen our national debt explode. That is the legacy that is facing the next generation of Americans today, and unless we revive this economy, this situation will deteriorate, it will not stabilize, and it will not grow. That is our challenge. It is a more difficult challenge today than it has been at any time in the last several decades.

This is not a cyclical downturn. This is not an imbalance of supply and demand. This is not a situation where it will work itself out. We have to take decisive action, and that is a big part of President Obama's plan. Our crisis today has its roots in the last 8 years of mismanagement: an economic doctrine of tax cuts funded by deficit spending, skewed toward the rich, not toward working Americans; inadequate supervision of our financial markets; a lack of adequate risk assessment by financial institutions throughout not only the United States but the world; and the very difficult and costly and unfunded war in Iraq and operations in Afghanistan.

We have to focus our attention on the present, but it is important to understand how we got here. President Bush inherited a $236 billion Federal budget surplus. His first order of business was to cut taxes which benefitted proportionately the wealthiest Americans, enacting three major tax cuts between 2001 and 2003. These tax cuts added to the national deficit, reduced our capacity to make much needed investments in infrastructure, education, and health care, and exacerbated income inequality. The median family income actually fell $2,000 between the year 2000 and the year 2007. Families lost $2,000 of their income, despite strong productivity and growth. Americans were working harder, being more innovative, more creative, and yet average families were losing income.

In terms of jobs creation, the 2003 tax cut actually reduced job growth below the estimates the President was using to justify his tax proposals. As the wealthy thrived and corporate earnings skyrocketed, capital investments did not keep pace. Instead, many corporations decided to dole out handsome salaries and use their profits to buy back stock in pursuit of short-term boosts to share prices. This made the options these executives enjoyed that much more valuable.

Corporate profits grew by 66 percent between 2000 to 2006, despite the fact that annual national investment in nonresidential structures—largely commercial structures such as factories and office buildings—fell by $130 billion or more than 30 percent. Overall investment in buildings, equipment, and software grew by less than 6 percent.

Not only is there a fiscal deficit, there has been an investment deficit in the United States in the last 8 years.

Over the past year, we have witnessed the long-term consequences of these failed economic policies. Since the start of the recession, in December 2007, the number of unemployed individuals has grown by 3.6 million, and the national unemployment rate has risen to 7.2 percent.

In Rhode Island, it is particularly difficult. We have an unemployment rate of 10 percent, second only to Michigan. We have lost a huge number of jobs. In fact, we have also seen a complementary increase in foreclosures; as people lose their jobs, their ability to pay their mortgages declines.

The lack of oversight in the financial markets in many ways fueled the subprime mortgage crisis and led to the failings of Wall Street. We saw rating agencies deficient and negligent in judgment and lacking independence, which in turn led to a poor assessment of bond rating risk. Investment banks took advantage of this system reaping windfall profits through the creation of complex financial instruments, such as collateralized debt obligations, which hid underlying risk. All of this financial engineering did not provide opportunities and hope for working Americans.

Throughout this process, where were the principal regulatory agencies, such as the Securities and Exchange Commission? Simply put, they were asleep at the wheel.

The environment of lax oversight and poor lending practices created a bubble in housing prices. The collapse of that bubble resulted in home loan defaults and falling housing values. The companies that owned these assets saw their value plummet. All of this is contributing to the dilemma and the crisis we see today. We are in a very dangerous situation, with weak housing markets, stagnant wages, impaired consumer spending, which leads to further erosion of housing prices and further erosion of the economy. It is a vicious cycle and we have to break that cycle. We have to do it with this legislation.

We have seen a situation where Americans have to put off essential and important purchases, such as medicine, and they may have to defer education for their children. They have to make these very difficult choices. We have to make difficult choices. Spending on durable items, such as cars, appliances,

and furniture has plunged at a rate of 22.4 percent last quarter.

We have to get the economy moving again. We are in a situation where this is not only our problem, it is an international problem. The global economy is in uncharted waters. According to the IMF, in 2009, economic growth across the world will fall to 0.5 percent from 3.4 percent in 2008—the lowest rate since World War II. It is a worldwide phenomenon.

In response, we have to act quickly and decisively to pass this legislation. It is estimated that with the plan President Obama has suggested, we can provide 13,000 additional jobs in Rhode Island. That will be good news.

With banks failing, automakers on the verge of bankruptcy, and pervasive unemployment, the American people are rightfully asking us to respond, and do so quickly and decisively. We have to also recognize that this action is integrally related to the financial markets, the banking system, the financial system, and without increased consumer demand and increased consumer confidence they will fall further and require additional help. In order to provide support to financial institutions, in addition to the TARP funds, we have to pass this legislation to get people back into the marketplace. We also have to recognize that as we get the economy moving, we have to modernize our regulatory system. Our regulators need to have the tools and resources to get the job done. We have seen the problems with the unregulated hedge funds, private equity concerns, and the lack of enforcement by the Securities and Exchange Commission. That has to be changed. The American people will not tolerate business as usual. The first act is to get our economy moving forward. This legislation proposed by the President will begin to do that.

The Congressional Budget Office estimates that 78 percent of the funding in this bill could be spent in the next 18 months. This is timely; it is responsive.

According to JPMorgan Chase economist Michael Feroli, the Recovery Act would add about 4 percentage points to the second and third quarter GDP growth. He recognizes that a lot of infrastructure projects we are proposing will take some months to get off the ground. The first major input will be the tax breaks, transfer payments, and State and local government aid. We will see a growth in terms of the GDP. We will also see the effect of this program taking hold in our economy. It is necessary to pursue this approach.

This bill gets the most ''bang for the buck,'' with funding to modernize unemployment insurance, increase unemployment insurance benefits, and extend the existing Federal unemployment insurance extensions on the books to cover those recently laid off. It will provide immediate help to unemployed Americans and provide an immediate boost to consumer spending.

Tax cuts comprise about one-third of this legislation. But unlike the Bush tax cuts, this legislation provides targeted relief to 95 percent of working Americans. An estimated 470,000 Rhode Islanders alone would receive tax relief. This is all extremely important.

We also are going to make improvements to a whole range of infrastructure—roads, bridges, highways, public housing. All of these programs will receive additional attention. We are going to bolster State and local governments, because if we don't provide them additional resources, they will begin to cut back vital programs and it will be contradicting what we are trying to do at the Federal level. If they cut back, that won't help us move the economy forward. This assistance to State and local governments is important.

Rhode Island is prepared to receive, under this legislation, $220 million to help local school systems and communities pay for critical services, $46 million to improve local drinking water and sewer systems, and $132 million for road and bridge repairs. Right now, regarding the major interstate highways through Rhode Island all tractor-trailers are required to detour, get off the road, and drive miles out of the way through local streets and then get back on the highway; and at the same time it is required that the State provide State police officers in both directions 24 hours a day to ensure that they do that. That is inefficient. That is a waste of resources. If we can fix those roads and bridges, we can provide for a more efficient use of our highways and put the money more appropriately to generate jobs and productivity. That is one example.

Also, there is going to be strict accountability and transparency in this proposal. Part of this legislation will provide for hiring additional auditors to track where the funds are going. There will be public acknowledgment of what projects are funded and the process of the projects.

This legislation is absolutely essential. We have to do it. We have to move decisively, quickly, and I hope we can do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, while we are debating this trillion dollar bill, we need to keep our eye on the ball. We have a preliminary study that I have referred to a couple times in previous debates by the Congressional Budget Office, which shows that jobs created by the economic stimulus legislation being debated in the Senate would cost the taxpayers between $100,000 and $300,000 apiece.

These numbers should be contrasted to those under the January baseline of the Congressional Budget Office, in which there is no stimulus, that shows that the gross domestic product per worker is about $100,000. In other words, without the bill, the new analysis indicates that the cost of each stimulus job to be as much as three times more than jobs created without the stimulus bill.

There has been a lot of talk about getting the most ''bang for the buck,'' but there is no talk about actually making sure it happens so that Americans get the help they need. Before Congress spends another trillion dollars, we ought to make sure we are getting our money's worth. I will reiterate a caution that I gave the other day. Before this bill passes the Senate, we ought to have the full analysis of the Congressional Budget Office that they said would take a few days to get done. We need to know what these jobs are going to cost so we get our money's worth. We are the caretakers of the taxpayers' dollars—tossing money at a program, when you figure that our gross domestic product would produce about $100,000 per worker—and we have in this bill these jobs costing up to $300,000 apiece.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. BURR. Mr. President, I rise today to enthusiastically support the bill of my good friend and colleague Senator JOHN MCCAIN. Let me address one thing that was said. My good friend Senator JACK REED said we are in this deficit problem because of the way George Bush spent money. I happened to look back at the last two Congresses. There was not an appropriation bill that Senator REED voted against.

The President cannot spend money; only the Congress can spend money. That is one of the reasons we are here today having alternatives presented; it is because Congress is in charge of the purse. There are objections and disagreements and different ways of looking at everything. I think most Members want to look at this legislation called a ''stimulus''—I call it a ''spending'' bill—and try to get it back to something that is targeted, timely and, more important, temporary. That is what Senator MCCAIN's substitute proposal does.

As a matter of fact, the differences we have today are over economic recovery. The question that Americans should ask is: Is economic recovery the result of how much Congress spends or is economic recovery about how targeted our spending is and how we use those dollars to leverage job creation and investments in job creation? I believe it is the latter. I believe we have to encourage investment.

Senator THUNE did a great job of talking about the trillion dollar-plus on this bill—$900 billion plus in spending, at a very crucial time, plus interest, comes to about $1.2 trillion. I point out to my colleagues that several weeks ago, we appropriated $350 billion to the TARP. This week, I am convinced that this Senate and this Congress will hand to the President that $1.2 trillion spending bill. It is my understanding that appropriators plan to

come to the floor in the next couple weeks with an omnibus spending bill of a trillion dollars. It is also my understanding that the Secretary of the Treasury will suggest to the President that the administration come back to the Congress in the very near future to ask for at least a half trillion dollars in additional TARP money, meaning that over a 60-day period this Congress could spend almost $3 trillion.

Let me put that in perspective. If you extrapolate that almost $300 billion is the interest on this bill alone, that means that the commitment, the obligation, the debt to the next generation that we will do in this Congress over the next 60 days is almost a trillion dollars in interest. Ask yourself, can your children retire that debt over their lifetime, much less pay back the money we have spent?

It is clear that the McCain proposal will fail. I hate to start a debate with an admission that that is going to happen. But when one of the key elements of this bill is rejected, with only 44 members supporting it, I think the die is pretty well cast.

What was that key point of the McCain proposal? It simply said this: After two quarters of positive growth over 2 percent, adjusted for inflation against GDP, that an amazing thing would happen in Washington: we would stop spending money. If for some reason we still had money left out of the $1.2 trillion commitment, it would stop; that there is no longer a reason to fuel growth if, in fact, we have growth that is happening and that we would do a rescission on the rest of the money. In other words, we would pull back the commitment we made, and we would reserve that money for reduction of our debt.

In addition to that, he said we will automatically go in and make sure that every new program that was created, 30-plus programs, were no longer there, they would be eliminated. For the people who follow inside-the-park way we do things in Washington, we would go to the baseline of spending and we would take all of that new spending out of the baseline so we did not automatically start next year's appropriations at a higher point, reflective of what is supposed to be targeted, timely, and temporary. It did not pass.

More Members said: We understand we said we want it targeted, timely, and temporary, but we really didn't mean it on the temporary part; we want to expand permanently the size of spending for the Federal Government. When we do that in a deficit situation, we have compound interest. Just as many of us as we grew up understood and learned, compound interest was something we gained on deposits. This is compound expenses, obligations to future generations.

What Senator MCCAIN's substitute does is it focuses how much we spend and where we spend it.

We have been criticized because Senator MCCAIN's substitute proposal only spends a little over $400 billion. You have to ask yourself: Who came up with $900 billion? I haven't heard an economist saying: If you spend $900 billion, you will solve the economic crisis in America. This is a number that has been pulled out of the sky. It was constructed based on where people wanted to spend money.

I compliment the chairman because last night he accepted—this body accepted by voice vote an amendment in Senator MCCAIN's substitute which jump-starts housing again, and this bill was deficient on jump-starting housing. I think this is a good amendment they accepted. It is part of the core of the McCain substitute.

Part of the core of the McCain substitute, though, is also making sure we leave money in the pockets of the American people—$275 billion that has been proven over time to stimulate growth, to go into the economy, not targeted at rich people. We have had that debate way too much. It is targeted at individuals by eliminating the payroll tax for 1 year going away. It is targeted at people at the 15-percent tax rate going to 10 and the people at the 10-percent tax rate going to 5. It is targeted at the individuals who have an income, who are likely to spend.

I agree with my colleagues on both sides of the aisle. What we have to do, in addition to stabilizing the financial markets, is get us participating in the U.S. economy again. This alternative proposal is targeted to leave that $275 billion in the pockets of the American people. It is targeted to put $50 billion into programs that help those who have been most affected by job loss, by the need to feed their families. It has targeted $32 billion to restart this housing market, and it has targeted $64 billion in a combination of infrastructure in communities across this country and our military installations and the reset of programs that are absolutely vital.

Let me end where I started by saying that the single most important thing the McCain substitute does is it has a 3-year sunset. It says that in 3 years, everything goes away. If, in fact, this bill accomplishes what its author says it will, then we will not wait 3 years, if you accept this spending proposal, because after two consecutive quarters of economic growth, everything would stop.

I believe the American people deserve sunsets such as this. They deserve triggers in bills that say once we accomplish what we set out to accomplish and we all agree we need, let's stop it there. Let's not just consider because we authorized it to be spent that we are going to continue to open the spigot and the next generation suffers. We will not be here. I don't think there is a parent in America or a grandparent in America who is not willing to make sure the next generation and the next generation and the next generation has as good an opportunity as we had.

I am going to tell you, Mr. President, over the next 60 days, we will spend, we will appropriate, we will authorize over $3 trillion. If we look at the portraits that are around the Senate and the Capitol, our forefathers would be turning in their graves today if they could. They did not even envision what a trillion dollars was, much less that Congress would talk about spending over $1 trillion in one bill or $3 trillion in 60 days, almost a trillion dollars' worth of interest obligation to the next generation. But we are doing it like routine business. We are going to rush through this in less than a week.

I remember when there was an energy bill in the Senate. We spent 3 weeks, not stalling but debating different types of solutions to the problem. That is what we are doing today, offering substitutes, offering amendments. But the die is cast. They are not going to be accepted. As NANCY PELOSI, the Speaker of the House, said, and I think her remarks are embraced over here: We won; therefore, we have a right to do it exactly like we want to do it.

It is time for bipartisanship. It is a time for compromise. Compromise is not ''take ours and not have yours heard.'' Compromise is also not ''you can offer all of yours, and we will just routinely object to them, vote them down.'' Who loses then? It is not me. It is not the minority. It is the American people. This is a debate that is worth having. It is a debate for the American people and for the next generation. So understand, if changes are not made, it is not that the minority lost, it is that the American people lost. What we are trying to do is targeted, it is temporary, and it hopefully is timely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following speakers be recognized in the following order, honoring our time-honored tradition of going back and forth: first, the chairman of the Appropriations Committee, Senator INOUYE; second, Senator GRAHAM; third, myself; fourth, Senator ALEXANDER; fifth, Senator SCHUMER; next is Senator COBURN; next is Senator CANTWELL; next is Senator INHOFE; followed by a Democratic Senator; followed by Senator HUTCHISON from Texas.

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

The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, in the presentation of the bill before us, the Senator from Arizona singled out one group—Filipino war veterans—and suggested that these were men from foreign countries and that we are providing funds for them. If I may, I would like to spend a few moments discussing this matter.

On January 26, 1941, the President of the United States, Mr. Roosevelt, issued a military order through General MacArthur calling upon Filipinos to volunteer to serve in the Army, to

serve in the Navy, to serve in the Air Force, because the President sensed, correctly, that there was much instability and much violence in Asia. He felt the time had come for the United States to be prepared for any eventuality. As a result of that call, 470,000 Filipinos stepped forward and volunteered to serve in the military, under the command of General MacArthur.

As we all know, on December 7, 1941, war came to our shores, to my State of Hawaii. Pearl Harbor was bombed, and then the forces of Japan began advancing toward the Philippines. The first major target was the Bataan Peninsula. The 14th Japanese Army surrounded the peninsula. That peninsula contained at that moment 80,000 troops. We all assumed that the 80,000 were American troops. No. About 18,000 were American troops; the rest were Filipinos. Yes, the majority of the troops in Bataan were Filipinos, but somehow, if you look at Hollywood on the Bataan death march, you hardly see a Filipino marching. Of the survivors of the Bataan, 15,000 were Americans, 60,000 were Filipinos. The march took a little over a month. They were not given medicine or water. By the time it ended, 54,000 survived. Very few Filipinos survived.

Then we had Corregidor. The same thing.

So in March 1942, the Congress of the United States—the Senate and the House—passed a measure thanking the Filipinos for their gallantry, for their heroism, and said: If you wish, you may become a citizen of the United States and get all the benefits of a U.S. veteran.

The war ended, and in February of 1946, this Congress passed a bill rescinding, repealing that act of 1942. Believe it or not, it declared that the service the Filipinos had rendered was not Active Duty. I don't know what it meant by that. It was not Active service.

The Filipinos have been waiting all this time. We have had measure after measure presented. We did so in the proper fashion, and we got filibustered, we got ruled out, and everything else.

At this moment, out of the 470,000 who volunteered, 18,000 are still alive—18,000. The average age is 90. At this moment, while I am speaking, hundreds lie in hospitals on their death beds. And I am certain, while I am speaking, some are dying. Two weeks from now, we will have 17,000 surviving.

I agree with the Senator from Arizona. This is not a stimulus proposal. It does not create jobs. But the honor of the United States is what is involved.

It is about time we close this dark chapter. I love America. I love serving America. I am proud of this country, but this is a black chapter. It has to be cleansed, and I hope my colleagues will join me in finally recognizing that these men served us well. They died for us. They got wounded for us. And they deserve recognition.

Incidentally, this bill doesn't contain a penny for the Filipinos. It recognizes them. And we will provide the money later.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. I thank the Chair.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Absolutely.

Mr. MCCAIN. Is the Senator aware of my strong support for the compensation that our great Filipino allies in World War II rendered to this Nation and to the country?

Mr. GRAHAM. Yes.

Mr. MCCAIN. And is it also clear that there are many wrongs that need to be righted through funding, including our own veterans, including hospitals, including medical care, including PTSD?

Mr. GRAHAM. A long list.

Mr. MCCAIN. So does the Senator believe that compensation for that which is not under the label of stimulus to our economy and restoring our economy or creating jobs is not what is needed to be addressed in this bill?

Mr. GRAHAM. I could not agree with the Senator from Arizona more.

Mr. MCCAIN. So could I finally ask the Senator, is there any question of anybody's patriotism or love of country or the outstanding and magnificent service rendered in World War II by our brave Filipino allies?

Mr. GRAHAM. No.

Mr. MCCAIN. I thank the Senator for answering my questions.

Mr. GRAHAM. Now, Mr. President, if I may ask the Chair to let me know when I have used 15 minutes.

The PRESIDING OFFICER. The Chair will do so.

Mr. GRAHAM. Mr. President, this is one of the most important decisions the Congress is going to make and that the new administration is going to make in the first 4 years of the Obama administration and the Democratic-controlled Congress.

My good friend Senator DURBIN, from Illinois, whom I look forward to working with in solving hard problems, came to the floor and said some things to which I would like to respond. Knowing that we are going to get this behind us one day and go on to other hard subjects, such as Social Security and Guantanamo Bay, and try to find some bipartisanship there, I would say that to talk about inheriting Bush's problems is relevant to a certain extent. But this is America's problem. And you can blame George Bush all you want, but he didn't write this bill. You all did. This is your bill, and it needs to be America's bill.

Now, you may get three or four Republicans to vote with you, but let me tell you what the country is going to inherit if we pass this bill in terms of substance and process. We are going to lose the ability as Members of Congress to go to the public and ask for more money—let us borrow more of your money to fix housing—because this bill stinks. The process that has led to this bill stinks.

The House did not get one Republican vote. Maybe every Republican is just crazy, but I don't think so. I think there are some Republicans in the House who understand we need a stimulus package and believe we have to do more than cut taxes. I believe we have to do more than cut taxes. But the reason you didn't get a Republican vote in the House is because NANCY PELOSI's attitude is: We won, we write the bill. Well, let me tell you, this ain't about one party winning, this is about America. And America needs the Congress and the new President to be smart and work together. We are not being smart. We are spending money on things that have nothing to do with creating a job in the near term, and the spending will go on long after this economic crisis is solved. It is not smart to say no to an amendment that would stop the spending when the economy gets back on its feet.

I want the American people to know there was an amendment offered yesterday that said when the economy starts to grow again—2 percent over inflation for two quarters in a row—we are going to stop any spending that is left to be done in this bill and reevaluate where we go. If we don't have a trigger or some brakes, we will keep spending the money no matter what the economy is doing because there are some people in this body who cannot spend enough. Now, if you feel Republicans spent too much of your money, guilty as charged. But this is not the solution. This makes us look like misers.

America believes—75 percent of the American people—that we need a stimulus. Almost 60 percent of the people believe this bill needs to be changed. Count me in that group. We need to be smart and we need to work together. We are doing neither. We are not working together.

There are 16 of my colleagues in a room somewhere in the Capitol—5 Republicans and the rest Democrats—trying to find a compromise. God bless them, but that is not the way you spend $800 billion. You don't get 16 people in a room trying to find a compromise to get to 60 votes and say that is good government.

Ronald Reagan had a saying: If I get 80 percent of what I want, then I should be satisfied.

LINDSEY GRAHAM is an 80 percent guy. I hope you believe that because I have tried to show you that I am an 80 percent guy, when you negotiate. There is no negotiation going on here. Nobody is negotiating. We are making it up as we go. The polling numbers are scaring the hell out of everybody and they are in a panic. They are running from one corner of the Capitol to the other trying to cobble votes together to lower the cost of the bill in order to say we solved the problem.

This is not the way to spend $1 trillion. This will come back to bite everybody in this body because when we go

to the public and say: We need money to get rid of toxic assets that are clogging up the banking system, they are going to say: Why should I give you a penny more; look what happened with TARP and look what happened in this monstrosity of a bill. And I think, quite frankly, we are going to need to go back.

But this $800 billion, $900 billion process has done little for housing and nothing for banking. So we are destroying the one thing I hoped we could regain: credibility, confidence, and trust.

As to President Obama—nice man, great potential—he really has a big plate of problems. And I wanted to help him. I want him to succeed, where we can find common ground to make America succeed. I am begging him to get involved. Doing news shows and coming to lunch is not what Ronald Reagan and Tip O'Neill did to solve the Social Security problem. I know we have to act urgently, but I also know the public is not going to let us do this over and over and over.

We need a timeout—not months; days, hopefully; not weeks—where we can get in a room, and not with 16 people but with the leadership of the House, the Senate, Republicans and Democrats, and the White House, to find a way to spend less and do more because this will not be the end of the spending required to get this economy back on its feet.

There is so much in this bill—not 1 percent. There is $75 billion in this bill earmarked to the States that has no strings attached, and what has that to do with stimulating the economy? I know my State has a budget shortfall, but if we are going to take a bankrupt Congress and borrow money to give to States and take care of their economic problems, that is one politician helping another with their political problems, but it is not creating a job for you and your family.

We are not being smart, we are not working together, we are making this up as we go, and we are losing the good will and the trust of the American people.

Mr. DURBIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. DURBIN. I wish to call to the Senator's attention two amendments that have been adopted, both of them initiated by Republican Senators and both of them now in the bill, the first by Senator GRASSLEY and Senator MENENDEZ in committee that added about $70 billion in cost to the bill—the alternative minimum tax relief. It is something we both support, but it clearly was an effort to engage Republican Senators in changing the bill in a positive way. The second amendment adopted yesterday was by Senator ISAKSON of Georgia relative to a tax credit for home purchases, and I believe the cost of that is $19 billion. Those two amendments account for $89 billion out of the $900 billion in the bill. So about 10 percent of the bill comes from Republican amendments.

To suggest that we are not open to amendments from the Republican side, I would say to my colleague, I think we are trying. We could do more and we want to do more, but we don't want to lose what we hope President Obama is asking for here—something that will have a substantial and dramatic impact on the economy.

Mr. GRAHAM. I thank the Senator for his comments. If you believe this is a good process, to spend $800 billion, we are on different planets. We are literally making this up as we go. If this is such a good process, why are 16 Senators meeting in a corner trying to figure out how to keep this from stinking up with the public? The idea that the markup lasted 1 hour 40 minutes and one amendment is accepted—is this the way we are going to solve Social Security?

Look at this bill. This bill has to be done by tonight, and we are figuring out as we go what is in it. There is a COBRA provision in this bill. What is COBRA? Well, if you lose your job, there is an ability to maintain health care insurance through a program called COBRA. People are losing their jobs, and they may need COBRA benefits. The bill says we will pay 65 percent of the COBRA premium for anybody who loses their job. That makes sense to some extent, but what if you are the CEO who has been fired from one of these banks and you are worth $20 million? Should we pay 65 percent of your premium? That is not smart.

Mrs. BOXER. Would the Senator yield for a question?

Mr. GRAHAM. Yes.

Mrs. BOXER. Mr. President, I think it is amazing that the Senator is holding up a bill—holding up a bill. Very theatrical. Did you ever do that when George Bush was President and he sent down a bill twice as big as that? Did the Senator ever do that? Because you can do that. That is theatrical. You can do that.

Mr. GRAHAM. Mr. President, I will put my ability to speak my mind to my party up against anybody, including you, Senator. I have been on this floor many times arguing with the past administration about policies I disagreed with. I don't recall you doing that a lot, but I don't question your motives as to why you are doing what you are doing.

I am here today——

Mrs. BOXER. Will the Senator yield?

Mr. GRAHAM. No, it is my time.

I am here today to point out the fact that this is not bipartisanship. This process we are engaging in is not smart. We are not working together. We are about to spend $800 billion or $900 billion and nobody has a clue where we are going to land, and we have to do it by tonight.

So I am telling you right now that if this is the solution to George Bush's problems, the country is going to get worse. If this is the new way of doing business, if this is the change we can all believe in, America's best days are behind her.

I want to meet you in the middle. I want to find a way to spend money beyond cutting taxes that will help people who have lost their jobs. But I don't want to throw a bunch of money into a system that is not going to create a job in the near term, knowing that I have to work with you and the Senator from Illinois to put money into the housing market because people are losing their houses; knowing that I have to come back and ask for more money from the American people to fix the banking system when we have done nothing with banking.

There is plenty of blame to go around here. There is plenty of blame. If you want to look back and say this is all George W. Bush's fault, you can do that. I am choosing not to do that. I am urging this body to sit down in some methodical way, with a sense of urgency, to come up with a product better than this. I am urging a rejection of the mentality ''we won, we write the bill.''

Now, if you want to do it this way, we are going to lose the ability to go back to the American people. The American people understand this bill is not working for them. The process we are creating is not working for them. I want to work with you to work for them. I feel shut out. Maybe it is just me. Maybe I am the problem. But I don't think so. I think people are figuring out pretty quickly that this Congress, the old one and the new one, is making this up as we go, and we are running out of good will. We are running out of capital. We don't need any more news conferences. What we need is getting more than 16 people in a room. We need to slow down, take a timeout, and get it right.

I support the McCain amendment, but I am willing to do more. I am willing to spend more if it makes sense. I am willing to cut taxes more if it makes sense. But I know this: What we are doing in this bill does not make sense and we are not doing it together. We are going to miss a chance to start over again, I say to my good friend from California, to wipe out the past, and to start with a new way of doing business. What we are engaging in, in my opinion, is all of the wrong things of the past. There is nothing new about this bill or this process. Finally, America wants something more. America deserves something new. This is not it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized, under the previous order.

Mr. BAUCUS. Mr. President, first I want to correct—I know it is a very minor mistake the Senator made—the markup of the Finance Committee took over 11½ hours, not 1½ hours, as the Senator represented.

But, frankly, the main question is, how do we get people back to work?

How do we get our economy moving? That is the question.

There are lots of ideas. A lot of people have spent a lot of time working, trying to find the best solutions—a lot of economists, a lot of experts. It is true we are in, probably, the deepest recession this country has faced since the Great Depression. That is true. It is also true the economy is much different now than it was back in the 1930s. That is also true. The banking system is different. We now have an international dimension. It is greater today than was the case back in the Great Depression. So, therefore, it is true to some degree we are kind of learning as we are doing. Nobody has all the answers—nobody does. Most of us working on this recognize that. All of us are doing the best we can, on both sides of the aisle. We are trying to figure this out and do the best we can with the resources we have and with the Government we have.

Different people, of course, have different estimates. Let me tell you what the basic estimates are from the people I have talked to. They say there is about a $1 trillion gap between the potential American economy and the actual economy—about a $1 trillion gap. The real question is, how do we fill in that gap? What do we do to make sure the real economy matches up to the potential economy?

There are three basic components, most people agree: One is to do what we can to unfreeze the credit markets. Banks are not loaning. It is an issue that has been discussed at length in the last many months. The question is, what do we do to unfreeze the credit markets in this country so banks start to loan money, start to loan money to creditworthy borrowers? That is one challenge, and that is the reason for all these programs, such as TARP.

We can debate whether they are perfect. They are probably not perfect. But that is a part of the solution, do what we can to get banks to unfreeze the credit markets.

Another component is housing. What do we do about all these houses where the mortgage is much greater than the actual market value of the house? The common term, it is called ''underwater.'' Estimates are between one in four, maybe one in five American houses is underwater. What do we do to help address housing? We are working on that.

There are many features in this bill that address housing. For example, the $15,000 tax credit offered by the Senator from Georgia, Mr. ISAKSON, and the Senator from Connecticut, Mr. LIEBERMAN, adopted by the Senate—that is going to help. It is a $15,000 tax credit for the purchase of a home. There are many other housing provisions enacted by the Banking Committee. Some are in this bill. Others are in other bills. Of course we have to go further.

The third component is consumer demand. What can we do in this country to help people feel a little better about things so they can start spending—people can start spending some money? First, they have to have money, and that gets to jobs. We also want to encourage people to spend money so the economy starts to loosen up, and that also creates jobs. That is the problem to which the bill is addressed. That is the third component, which is basically on the demand side, to help people spend money.

How do we do that? One way is to get measures passed to create jobs. It is bridges, it is roads and infrastructure, and so forth.

Without being too simplistic, what has happened in this country in the last several years is, we have become way over leveraged. Banks have borrowed way too much. Hedge funds, private equity funds have borrowed way too much—leveraged maybe 30, 40 times. American credit card debt has gone up. Individuals have become overleveraged. Businesses have become overleveraged. When you borrow much more than your assets, clearly when times start to constrict a little, it is a huge problem to pay off your loans, to pay off your debt, especially when you are leveraged in an amount that is 40 times your assets. That is really a problem.

That is what has happened in this country. So in a certain sense, while the private sector is deleveraging, the public sector is starting to leverage to fill the gap, to keep things going. That is the reason for the borrowing.

We are all concerned about how far this is going to go, how much debt it will be. Will we be able to pay off the debt? Is it going to work or is it not going to work? The answer to that is, first, we have to spend to make things happen. I do believe, frankly, it is better to spend more than less because if we spend more, there is a psychology, in addition to an actual multiplier dollar effect, that there is light at the end of the tunnel, and we are going to find a solution—compared with being tepid, being timid, just putting our toe in the water a little bit. I think that is not a good idea.

So the $800 billion—this bill is close to $900 billion right now. Some suggest maybe $800 billion is where we should end up. I think that would be fine. But will this help create jobs, this $800 billion? That is the basic question. And how do we fill the $1 trillion gap between the potential economy and the real economy? Most people I think, and most economists who are reputable, I think, will say that if we do nothing, that $1 trillion gap will double to about $2 trillion. These are rightwing economists, leftwing economists—there is a basic agreement among almost all economists that we have to spend some money to get things back on track again.

I have a summary of a letter from the Congressional Budget Office—released yesterday—trying to determine the effects of this bill on jobs. What is the effect of the bill we are considering on gross domestic product? Let me just give you some highlights. This is a letter from the Congressional Budget Office. It is a nonpartisan organization.

Let me say, a lot of economists have their incomes paid for by people on one side of an issue or the other. That is one reason things get slanted sometimes. But this is the Congressional Budget Office. They don't make a lot of money, but these guys and women are very good, and they are public servants. They want to do this job. What do they say?

They say between now and the fourth quarter of 2010, the number of jobs created under the underlying bill, plus the number of jobs saved, is in a range between 1.3 to 3.9; basically between 1.3 million to 4 million jobs created and saved between now and the fourth quarter of 2010. That is CBO's best estimate. Granted, there is a range. We don't have a precise number, but it is a range.

The amendment offered by the Senator from Arizona cuts that in half. So let's cut it in half; the resulting range is 0.6 million jobs to about 2 million jobs, roughly. That is not close to beginning to fill the $1 to $2 trillion gap between the real economy and the potential economy.

CBO also says that under the Senate bill, GDP would increase by 1.2 percent to 3.6 percent by the end of 2010. The unemployment rate will decline between 0.7 percentage points and 2.1 percentage points. Let's take a midpoint. That is roughly a 1.5-percentage point reduction in the unemployment rate. The midpoint for the increase in GDP is about 2.4 percent. And the midpoint for the number of jobs created or saved is about 2.6 million. It is 2.6 million jobs created or saved under this bill.

Let me just read a sentence from the letter. The letter says:

> For all of the categories [of spending or taxes] that would be affected by the Senate legislation, resulting budgetary changes are estimated to raise output in the short run, albeit by different amounts.

That gets to my next point. Different dollars spent differently have different effects. They all are stimulative, some more stimulative than others. The letter goes on to say:

> . . . direct purchases of goods and services [by Uncle Sam] tend to have large effects on GDP.

The letter then lists the numerical stimulative effect of each category of new spending and tax cuts. For purchases of goods and services by the Federal Government, the multiplier effect is between $1 and $2.50. The midpoint is $1.75. For transfers to State and local government used for infrastructure, the effect is about the same: between $1.00 and $2.50. For transfers to State and local governments for programs other than infrastructure, it is less, from 70 cents to $1.90 on the dollar.

For transfers to persons who are receiving unemployment benefits the return on a dollar is higher. Transfers to

people who are unemployed are most likely to be spent, not saved. The return on a dollar is between 80 cents and $2.20.

For Making Work Pay—that tax cut is a key feature of this bill—the multiplier effect is between 50 cents and $1.70 on the dollar. The midpoint of the return on the dollar is $1.10

I might say, the effect for the 1-year patch to the AMT, the return on a dollar is between 10 cents and 50 cents. There is not a lot of multiplier effect for the AMT. And for the loss carryback business provisions, the multiplier effect is between zero and 40 cents.

Basically, what CBO is saying is what a lot of us intuitively believe: a dollar spent on roads and bridges and infrastructure will have a pretty high effect. Dollars transferred to low-income people, such as dollars for unemployment benefits, also have a very large effect.

Why do I say all this? I say this in part because I think it is helpful for us to know what the Congressional Budget Office believes. There are so many opinions here in Washington, it is just up to us to separate the wheat from the chaff, to listen to the music as well as the words, to try to read between the lines, to try to figure out what is really going on, and I think the Congressional Budget Office's estimates are a pretty good indicator.

We are concerned about the long-term debt—clearly, we are. There is not a Senator here who is not concerned about the long-term budget effects of what we do. We don't know exactly what the long-term effects are going to be, but we are concerned about them.

The President is going to have a fiscal summit on this very issue. He is inviting a good number of people; it will probably last 3 or 4 or 5 weeks. It is obviously a concern to the President, and it is obviously a concern to all of us.

Let's also remember the President is going to submit a budget sometime this month. It is going to be a blueprint for the President's programs and plans. Clearly, he is going to have to be thinking about the long-term debt too. Obviously, I think it will be very important for us to see what the President's budget is, and then to work with the Budget Committees, in this body and in the other body, to put together a blueprint and to try to get a handle on long-term debt.

This amendment offered by the Senator from Arizona, Mr. MCCAIN, tries to get at this long-run debt problem by setting up two entitlement commissions. One is to address Social Security and the other is to address Medicare and Medicaid. I think on the surface that is interesting, but let's look at the facts. These entitlement commissions could make recommendations which Congress could amend but on which debate could be limited. The limit on debate greatly concerns me.

And let's look at the basic entitlements people talk about. What are they?

One is Social Security. Back in 1983, I think it was, the Social Security trust fund was about to go belly up. It was going kaput. I think there were enough funds in the Trust Fund that when added to new taxes coming in, full benefits could be paid for only 6 months. There was that little in the Social Security trust fund. The idea of a commission was raised. President Reagan called it together, it had both Republicans and Democrats on it. At the end, they agreed to do about the only thing they could do, and that was to cut benefits and raise taxes. That was put together based on a handshake between Tip O'Neill and Jim Baker.

There was a famous telephone conversation—hey, Mr. Speaker, if you agree to lower benefits, we will agree to raise taxes. We will greet each other, shake hands on it, and neither will attack each other. That was the deal. They didn't attack each other. That is what happened: benefits were cut a little and taxes were raised a little. Again, there was the gun at the head of everybody, especially seniors, because Social Security was about to go belly up in 6 months.

What is the situation today? Is the Social Security Trust Fund in dire jeopardy? No.

The Social Security trust fund is solvent, all of the actuaries say, to the year—I do not know the exact date—2041, 2042, something like that. So I wonder. Sure, we should start early on things. But there are only two ways to make the Trust Fund solvent beyond 2041, to say 2090 or 2100, and that is by cutting benefits and raising taxes.

Now, when times are tough—we are in a recession right now—I do not know how wise it is to talk about raising taxes and cutting benefits for a problem that is not real, not now. Maybe in a couple of 3 years when the economy is doing better, then we could tackle the Social Security trust fund. I do not think it is wise to have an entitlements commission tackling Social Security at this point.

What is the bigger problem? Medicare. That is the big problem. The Medicare trust fund is not going to last much longer, 6, 8, 9, 10 years, something like that. And what is causing such a problem? We have such a problem because health care costs in this country are rising at such a rapid rate, close to two times the rate of inflation. And, as you know, we spend about twice as much per capita in health care in America than do people in other countries.

So does an entitlements commission cutting Medicare make a lot of sense? Well, on the surface, yes. The costs have gone up, so the commission would cut Medicare. But the only way to cut Medicare is to cut benefits. I do not know if that is wise because health care costs are already such a problem for seniors and others today. Similarly, I don't know if it is wise to do a myriad of other things to the Medicare program that one might be able to do.

My point is, an entitlement commission is not qualified to address health care reform. Health care reform is an incredibly important, incredibly complicated matter. If we get health care reform on track, that is, legislation to start to reform our health care system, that will include getting significant reductions in cost. That is the way to address Medicare. Health care reform includes coverage of 46 million Americans who do not have health insurance, it includes health care delivery reform, it includes a lot of reimbursement reform. There are lots and lots of ways we should embark upon to address health care reform.

In fact, I asked the President yesterday about his agenda. After, this bill before us, we will probably get involved in some financial regulatory reform. The health care reform is one of his top priorities. He wants it done this year. And it has to be done this year, because part of economic recovery is health reform.

Look how much in costs this health system is adding to the problems of individuals in our economy, because their costs are going up. And there are costs to companies that have to lay off people, not hiring people, to some degree because of health care costs, and certainly not increasing health benefits for employees. There also are costs to budgets for the States, localities, and the Federal Government.

I suggest it is not wise, the provision in the McCain amendment, to set up a Medicare commission but, rather to tackle head-on health care reform. I do believe the President is going to announce a health care summit in the not too distant future as a way to get this going. Senator Daschle is all lined up and keyed up to get health care reform going. He wrote a book on it. I know the administration is dedicated to making sure that health care reform does not slip, that it is very much front and center.

Another provision I want to touch upon in the McCain amendment which I think Senators should know about, because it has a real effect, is this provision: essentially, the McCain amendment lowers the tax in the 10- and 15-percent brackets. So as a consequence of this McCain amendment, were it to be enacted, then people who pay income taxes today would pay less in incomes taxes. All Americans would—all Americans who pay income taxes, that is. Americans who pay income taxes would not necessarily in all brackets pay less because of the way our system is set up. Well, that sounds good. But what is of concern here?

The concern here is about 49 million Americans who would get no reduction in their taxes, none. Who are they? Well, they are people who do not pay income taxes, who tend to be low-income people. The underlying bill before us reduces taxes for those people who

work. It is payroll tax related. If you work, under the underlying bill, you are going to get a reduction in your taxes, your income taxes. You will get a check basically, if you do not pay income taxes. And if you work, you get a reduction in your income taxes.

There are 49 million Americans who will not receive a tax break under the McCain amendment but who do receive a tax break in the underlying bill. And those 49 million Americans are lower income people basically, because they are not earning enough to pay income taxes. They pay payroll taxes, because they are working, but they do not pay income taxes.

I do not think that is fair. CBO and others point out lower income people, middle-income people who get a rebate or break will spend the money to stimulate the economy. Again, we are trying to address the demand side here in this bill, getting people to spend the money.

Credit markets are one issue; housing is another issue. But this bill basically addresses the demand side. I think we do not want to shift dollars away from those 49 million people over to the higher income people as is accomplished in this amendment.

The underlying bill has what is called an alternative minimum tax patch; that is, your alternative minimum taxes will not increase in 2009 compared with what they may have been earlier. Basically it is a deflationary factor so you do not pay more.

The underlying McCain amendment does not have that. In the McCain amendment, millions of people are going to end up paying more taxes because he does not have the so-called AMT patch or fix in it.

My main point is this bill, according to economists, will help. We are, down the road, going to find ways—in the President's budget, fiscal summit, et cetera—to address the long-term debt questions. So we can only do things one step at a time. We cannot solve all of the world's problems in one bill. But we can take one bite of the elephant here, a pretty good bite, a good bite of the elephant here, that is going to help stimulate demand and help create jobs as we work our way through the economic recovery.

Madam President, the Senator from New York was called away. I ask unanimous consent that after Senator ALEXANDER speaks, the next Senator to speak will be Senator CANTWELL.

The PRESIDING OFFICER (Mrs. HAGAN.) Without objection, it is so ordered.

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, this morning a number of us went to the National Prayer Breakfast—I saw the Senator from North Carolina there—which is always a wonderful event. It was especially a good event today because our new President was there for the first time. I think we would agree that he got a tremendous reception. We prayed for him, we cheered him. We recognize he has become President at a difficult time in our Nation's history. And we want him to succeed. Because if he succeeds, our country succeeds, which is why this debate on this bill is so disappointing. This is the first big proposal by the new administration.

One New York Times columnist said, it is the first test. And what is this about? We all know what is it about, the economy is in tough shape. Many people have lost their jobs. Homes are being repossessed. IRA accounts are lower. People are worried.

So we are hoping that in this first test we—the President and the Congress—will get an A-plus, flying colors. What are we seeking to do? We are seeking to get the economy moving again. Is that not right? Is that not what this is about? Is that not what a stimulus bill is?

We have got a bad economy. We have housing foreclosures. Whatever action we take, we want to get the economy moving again. And we want to keep in mind while we are doing this that we have a big debt in this country. I do not mean just the Federal Government has a debt, because it is a Government debt owed by the people of this country.

USA Today the other day did an estimate that showed each of our American families has a share of about $500,000 of that debt and future obligations based on promises the government has already made. So the Alexander family has got a $500,000 share of that debt and future obligations. The Grassley family does. The Hagan family does. The Baucus family does. We each have that. So we have to keep that in mind.

What shall we do? The Senator from Montana said, everyone seems to agree, we need to spend some money. And the proposal that has come toward us certainly does meet that test. It would spend $900 billion. And if you add the interest to that over 10 years, which is the way we usually think about things, that is $1.2 or $1.3 trillion.

How much money is this we are talking about spending? Well, the former chairman of the Budget Committee, the Senator from New Mexico, Mr. Domenici, called me yesterday. He has been doing some figuring, and he figured it took from the beginning of the Republic when George Washington was the President until the early 1980s for the United States of America to pile up a cumulative debt of $850 billion.

What we are proposing to do is to spend in this one bill, by the end of this week or next week, as much money as the debt this country piled up between George Washington's Presidency and Ronald Reagan's Presidency. That is a lot of money. According to the newspaper Politico, it is more than we have spent in Iraq and Afghanistan. It is more money than we have spent, in today's dollars, going to the Moon. It is more money than the Government spent on the New Deal in today's dollars. It is almost as much money as NASA has spent in its entire existence. We are proposing to spend that in this one bill, nearly $1 trillion.

The Senator from Montana said, well, we are all concerned about the debt. I wonder if we are if the first thing we are going to do is borrow $1 trillion. This is not money we have in the drawer here. It is not over here in the Senate cloakroom. It is out in the future somewhere. We are going to borrow half of it from the Chinese and other people around the world, and then somebody—us, our children, and our grandchildren—is going to have to pay it back.

So what standards should we use if we are going to borrow some money to get the economy started, money that we are going to have to pay back, a lot of money? Well, the Speaker of the House, Ms. PELOSI, gave us a standard for what a real stimulus package is. Last year, when we saw the beginnings of this downturn and we acted in a bipartisan way to swiftly try to spend some money to be of some help, she said: It must be timely, targeted, and temporary.

This is timely. But it is not targeted. It is not temporary, which is what I wish to talk about. Last night we had a chance to help make it more targeted and more temporary. Senator MCCAIN offered an amendment to the Senate that said, we are for a stimulus package. We believe it ought to be targeted, for example, on housing and letting people keep more of their own money, and on plans and programs that will create jobs in the first year. That would be what we are for in terms of stimulus.

But he said, let me make one other suggestion, and he offered an amendment to us which would say this: When the economy recovers, the stimulus spending stops. That was the McCain amendment. When the economy recovers, the stimulus spending stops. Because if what we are doing here is borrowing money from every American family and spending it with a hope that it helps the economy get going this year, once the economy gets going, has not the rationale disappeared for spending that money?

We spend a lot of other money around here. We know that we have annual appropriations bills. We have got banks in trouble. We have got housing in trouble. So the McCain amendment said: After two quarters of a 2-percent increase in the gross domestic product, the money that we have borrowed to spend to get the economy going again stops.

That got 44 votes. So this body has already decided that this is not a temporary stimulus bill.

It is ongoing. So let no one think the trillion dollars proposed to be spent is temporary. Let no one think it is about stimulus. I guess every time you spend a government dollar, there is a little bit of stimulus, I suppose. But I asked

my staff working on appropriations to go over the $900 billion. Here is what they found. They said there is approximately $135 billion of spending that will directly create jobs, including building construction, road construction, locks and dams, environmental cleanup, and national cemetery repair. And only $53 billion of the $135 billion is spent in the next 18 months. If this is a bill about creating jobs this year, if that is the reason we are taking this extravagant debt and adding more to it than we spent in the entire New Deal in today's dollars, that is not very targeted. The bill is neither temporary nor targeted.

What is our responsibility on the Republican side to deal with this? Our responsibility is to offer a better idea.

Our President has said—and we agree—that one way we need to change Washington is that we need to work across the aisle to get results on big issues, results that work. That is why I am in government. I did that when I was a Republican Governor in Tennessee with a Democratic legislature. I believe I have a good record of bipartisan cooperation in the Senate, whether it is President Bush or President Obama. I worked with Senator LIEBERMAN and now with Senator BARRASSO and Senator PRYOR to create a bipartisan breakfast every Tuesday morning. The Senator from North Carolina came to the breakfast the last 2 weeks. We have talked about the debt and how the entitlement programs—Social Security, Medicare, and Medicaid—are creating a crisis in that debt. Social Security is a part of the problem. Medicaid and Medicare is a bigger part. Almost 70 percent of all the money we spend in the Federal Government within about 7 or 8 years will go to Social Security, Medicaid, and Medicare. That leaves only 30 percent for everything else. It also suggests that by the year 2015, we will be spending 100 percent of our annual gross domestic product; it would take that much money to pay off our debt.

Let me remind colleagues that the United States produces year in and year out about 25 or 28 percent of all the money in the world. So we are headed toward a situation where, in a few years, it would take 25 percent to 28 percent of all the money produced in the world in 1 year to pay off the national debt of the United States.

In a budget hearing the other day with Senators CONRAD and GREGG, we asked the witnesses: What is the problem? How much debt can you have? They said: That is kind of general, but 40 percent is where the United States is, 40 percent of GDP. All of this we are talking about in the next few weeks may take us up to 60 percent. That is getting close to trouble. Eighty percent is trouble, and 100 percent is a big problem.

Unlike the 1960s or the 1970s, when we owed our debt to ourselves, when it was much smaller, now we owe half of it to people around the world who may or may not want to continue buying our debt.

Our debt has to be in our minds when we think about borrowing money. We need to apply the Pelosi principle to the stimulus. Temporary? No, it is not. Yesterday, 44 votes said yes. The rest said no, we would like for it to go on a long time. Targeted? No, it is not. Only $135 billion out of $900 billion is aimed toward creating jobs. Only $53 billion of that is spent in the next 18 months.

So what can we do to improve this? On our side, we have a number of proposals to do that. The pending amendment of Senator MCCAIN is one. The amendment by Senator ENSIGN, which will be voted on today, is another. The amendment by Senator ISAKSON that was agreed to yesterday is the third.

Here is basically what we think we should be doing with this borrowed money: No. 1, we would fix housing first. We would reorient the stimulus bill away from spending money indefinitely, mostly on programs that do not create jobs in the first year, and spend it instead to restart housing because housing is what got us into this problem. Housing will help get us out of the problem. We have some specific ideas about doing that.

Second, we would let the American people keep more of the money they have. That is stimulative. Letting them keep it permanently is the most stimulative thing we could do. Senator MCCAIN proposes reducing the payroll tax and reducing the lowest level of income tax rates. Those are for working people, people who make less—not more—money.

The third thing we would do is cut the size of the bill and focus it on those projects that create jobs now.

When we say fix housing first, we mean, to begin with, the $15,000 housing credit. If you want to buy a house during the year 2009, you get a $15,000 tax credit. That is real money. You can put it in your pocket this year, if you buy a house.

The second thing we would propose is the Ensign amendment, which would lower mortgage interest rates for all creditworthy Americans. Forty million Americans could take advantage of a rate that would be between 4 and 4.5 percent. We would put a cap on it, so it would not cost taxpayers more than about $300 billion, but most economists with whom we have talked say it is more like $30 billion.

What would be the value of a lower interest rate backed by the Treasury? It would mean, all across the country, instant jobs. People could borrow money. They would have incentive to do so because the average savings of someone who refinanced their home and got a 4- to 4.5-percent interest rate would be approximately $400 a month for 30 years, over the 30-year term of the rate. That is like a permanent tax cut. That money would be in their pockets. It could be spent. It would help stabilize the value of that home. That would help stabilize the value of homes on that block. That would put to work builders and contractors and plumbers and brokers and bankers. That would give banks origination fees so they could have income. And having income, they might have enough money and confidence to start lending. Then this economy could keep moving at a relatively small cost. That is what we mean by fixing housing first.

Senator MCCAIN and Senator GRAHAM have in their proposals legislation to help those individuals whose homes are being foreclosed.

If we could sit down in a bipartisan way and agree that we want to follow the Pelosi principle and make this temporary and targeted and that we should start by fixing housing first, I believe we could agree across the aisle to deal with housing and create instant jobs. We might have less debate about tax cuts, although the President has suggested that we reduce some middle-income taxes. We have suggested the same.

The third thing would be, as Alice Rivlin, former Budget Director for a Democratic President, said: We really ought to have two bills. One would be a bill for long-term investments, many of which I fought for for years in terms of American competitiveness. They are good for the country but don't take effect right away. The other bill, which we need to move on quickly, would be those programs, such as road construction, building construction, locks and dams, and national park maintenance, that would create jobs today. Then we could come to the American people and say: Mr. and Mrs. America, you have a big debt, $500,000 per family, but we, across party lines, have looked at the situation. We need a stimulus. Perhaps it should be $400 billion or $500 billion at the start. But we will not start with how much we are going to spend; we are going to start with what can we do that would work.

Fix housing first, lower interest rate mortgages, a $15,000 tax credit for home buyers, help for those in foreclosures. Next, keep more of your own money in your pockets. That is the payroll tax and cutting rates. Finally, we might spend $100 billion or $150 billion by accelerating Government programs we will have to do anyway and get those jobs coming this year. That would be a responsible, bipartisan way to go about this.

This bill, as it is presently headed toward passage, is a colossal mistake. It is not temporary. It is not targeted. It is not primarily creating jobs. It is not a stimulus bill. It is mostly a spending bill. It is not money we have; it is money we are borrowing. It is a huge amount of money, more money in today's dollars than the Government spent on the New Deal, on the wars in Iraq and Afghanistan, on the war in Vietnam, almost as much as we have spent on NASA over its life, a huge amount of borrowed money not targeted. Although it is timely, we are rushing it through.

I am disappointed. I had expected better. I have heard the President say he wants to work on entitlements. We take him at his word. We have had two straight Tuesday morning breakfasts where we have sat around the table and said: This is going to be hard to do. We trust the President to get in here with us, and we will figure this out. But this is a bill written in the House. It looks as if they just got down in the drawer, and every spending program they could think of for the last 40 years that didn't pass, they stuck it in. It might be good 20 years from now. It might be good tomorrow. But it is in there.

We won the election. We will write the bill. ''We won the election, we write the bill'' may technically work on a few pieces of legislation. But it will not help move our country forward. It will not be the basis for a successful Presidency. We won the election. We write the bill. This is easy, spending a trillion dollars. The majority just says: Hey, we have some money to spend. Let's grab all the programs we can think of and off we go. But what is coming is really hard.

Next week, the Secretary of the Treasury is likely to tell us we need several hundred billion to deal with toxic assets in banks. I am one of six Republican Senators who voted to give the new President the second amount of $350 billion so he could have that in his pocket to deal with this crisis. But it doesn't increase my appetite to help with the next $400 or $500 billion if we are going to start out by wasting nearly a trillion on programs not needed to fix the economy today.

And probably, since we are not dealing with housing in any significant way in this bill, the new administration may say: We decided we need to get housing going again. I think I would be inclined to say: Mr. Democratic Leader, Mr. President, that is what we said last week. But you said we had to pass a bill in a week. Why didn't we wait a week and see what the Treasury Secretary had to say about banking credits or about housing?

Then the next week we have $900 billion on an appropriations bill. And then, as Senator BAUCUS has said—and he is exactly right—health care is coming down the pike. I can't figure out a way that the health care bill, even the one I cosponsored with Senators WYDEN and BENNETT, is not going to cost us a lot more.

So why don't we put this all on the table and work across party lines? Technically, you don't have to do it. Technically, President Bush didn't have to have congressional approval to wage a war in Iraq. But he found and our Nation found that he would have a much more successful Presidency and we would have probably had a much easier war if we could have found some way to work together.

I am disappointed with this, beginning on a stimulus bill that does not meet the Pelosi principle of timely, targeted, and temporary. It is a colossal mistake in the way it is headed. We should fix housing first. Let people keep more of their own money. Strip out the spending programs that don't create jobs now. Deal with them separately, and get in the habit of accepting each other's best ideas on dealing with the biggest problems. We stand ready to do that.

We admire the new President and the tone he has set. We want him to succeed. This bill will not help our country succeed unless it is drastically amended this week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Madam President, I am on the floor to speak about the Cantwell-Hatch amendment. I would call it up, but I know there will be objection on the other side. I want to say that we will be asking for a vote on this amendment at some point in time. So for my colleagues to know, we will be demanding a vote on this issue.

I ask unanimous consent to add Senators LEVIN, BROWN, ALEXANDER, CARPER, MENENDEZ, and UDALL of Colorado as cosponsors of amendment No. 274.

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

Ms. CANTWELL. Madam President, we are here today to find ways to inject capital, confidence, and construction into our economy. That is why I have worked so hard collaborating with Senator HATCH and Senator STABENOW who is now on the floor now and I think Senator HATCH may come at some point later today—and with Senator KERRY and many stakeholders across the country to develop what is an economic recovery and reinvestment opportunity that leverages the incredible potential of plug-in electric vehicles.

I would like to thank my colleague from Utah for his willingness to work across the aisle on what we think is one of the biggest economic opportunities for our country in manufacturing.

If this stimulus bill is about figuring out ways to create tens of thousands of jobs and economic growth in the short term, and millions of sustainable jobs in the long term, then plug-ins are a big winner for the United States economy.

According to a recent report by McKinsey & Company, the opportunity for electric vehicles could be a very attractive U.S. investment. They note that the total market for electric vehicles in North America, Europe, and Asia could be as much as $120 billion by 2030.

I know President Obama recognizes this opportunity, that is not a surprise since he sat down with Senator HATCH and I in 2007 to actually write the original plug-in vehicle incentives bill.

The President understands that plug-in vehicles are a game-changing technology. They can change the way we consume energy for our transportation needs. Instead of paying the exorbitant prices we were paying for gasoline, over four dollars a gallon just last summer, plug-in vehicles will allow us to transform the electricity grid into a fuel source and be paying about a dollar a gallon for our fuel costs. That alone is probably the most effective way to help our Nation get off our overdependence on foreign oil.

That is why President Obama, in his goals for his administration, has said he wants to put 1 million plug-in electric cars on the road by 2015. This amendment helps make that a reality.

Within a 3-year stimulus window, our amendment would allow people manufacturing plug-ins or their component technologies, such as batteries, to expense that capital investment. What we are doing is allowing that taxpayer to cover its cost, not by depreciating it over a long period of time, but rather to make its investment work faster in a short period of time. In other words battery technology and components become a more attractive investment in the United States.

Our provision is very similar to what we are doing in the underlying bill with small business equipment and expensing. We are trying to say those investments will help create economic opportunity and stimulus right in the United States for small business. Well, here is a large-scale opportunity as it relates to battery technology and components and we need to grab it before our international competitors do.

As President Obama said of the stimulus bill:

> That's why this is not just a short-term program to boost employment. It's one that will invest in our most important priorities like energy and education, health care and a new infrastructure that are necessary to keep us strong and competitive in the 21st century.

I could not agree with the President more, as I look at my State, the priorities of my constituents, to make sure we are creating stimulative activity, but we are also looking to those areas of our long-term future where our country can benefit the most.

Manufacturing battery technology and components is game-changing technology. If we can create that kind of opportunity here at home, it will create tens of thousands of construction jobs, engineering jobs, manufacturing jobs, and not only in the near term, but lead to millions of jobs in the future. This is the type of investment we need to be putting in a stimulus package.

Now, I know my colleague from Michigan is on the floor and that she is very interested in making sure the battery technology gets built in the United States.

Ford, for example, announced that the cells for the battery system in its first series of plug-in hybrid production vehicles are going to be manufactured in Nersac. Now, Nersac is not some upper Midwest town. It is a city in France. I think they being manufactured in Nersac highlights the fact that if we do not act, our competitors will.

In fact, if we look at this issue, in the United States we are already pretty far behind. The United States does lead in the research and development of lithium-ion battery technology over countries such as China, Korea, and Japan, but they are the countries that are actually commercializing and producing the product using this technology.

In fact, China has over 120 companies involved in the production of lithium-ion battery technology, and their battery manufacturing industry supports over 250,000 jobs already in this area.

We, in the United States, have no comparable lithium-ion facility in our country—none. U.S. auto executives have taken a look at this situation and have said without homegrown suppliers here in the United States, the United States could become as dependent on Asian-made batteries as we currently are on Middle East oil. Now, if we are doing the R&D, why aren't we also advancing the opportunity to be a player in manufacturing?

It is not only batteries. Asia has the engineers and manufacturing expertise and capacity to make many of these component parts. In fact, South Korea is a great example of seizing on this opportunity. A few weeks ago, their Prime Minister announced that South Korea will invest $38 billion over the next 4 years on environmental projects related to energy and the economy to create a million jobs.

Now, we think of $38 billion compared to the package we have on the floor today. But $38 billion—for a country whose GDP is one-tenth the size of ours—that would be like the United States putting $400 billion to match South Korea's downpayment on a clean energy future.

Ms. STABENOW. Madam President, will my friend be willing to yield for a question?

Ms. CANTWELL. Yes, I will.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Thank you.

Madam President, I want to ask a question of the Senator from Washington State. But I first want to thank her for her vision. She has been the person who has understood this is more than just about research and development, that this is about actually putting assets in America, in jobs here in America through manufacturing. I thank her for her vision. It has been my honor and pleasure to work with you on this issue.

But I am wondering if the Senator is aware, in fact, of other countries such as South Korea which certainly has been investing in this. But Germany, last summer, developed what they call the Great Battery Alliance. Japan created the first batteries. Ford Motor Company, in doing their first Ford Escape Hybrid, their first Escape HUV, while we are proud that was done in America, in fact, the battery came from Japan. So China, Japan, South Korea, Germany—India now has announced a manufacturing strategy.

So I ask, as you look at this, if she has looked at those other countries as well?

Ms. CANTWELL. Madam President, I thank the Senator from Michigan, and I thank her for her leadership on this issue as well, because she has been vocal in saying the United States needs to create manufacturing incentives in the plug-in area and to lead the future of the automobile industry here in the United States. So I thank her for her question. She is absolutely right.

The United States has fallen behind. We have no battery production facilities in the United States. So we can pat ourselves on the back all we want about how we are leading in R&D in battery technology, but that is not translating into manufacturing leadership and homegrown jobs. The time has come when Americans and people around the globe believe we have to get off of fossil fuel and that the electricity grid holds great promise. The advent of these new battery technologies is allowing consumers to go an average of 100 miles per gallon. As my colleague mentioned, Europeans are already boost to their economies by promoting that kind of manufacturing. And I want to emphasize that our amendment does not say which companies would produce this battery technology. We are simply saying we should have some of this manufacturing in the United States.

Ms. STABENOW. Madam President, I wonder if my colleague will yield for one more question.

Ms. CANTWELL. Yes.

Ms. STABENOW. I just came from a very large conference called the Blue Green Conference with about 2,500 people who are in town from environmental groups, labor organizations, business organizations, focused on exactly what the Senator is talking about. I wonder if the Senator is aware we have had people on the Hill actually supporting this wonderful amendment and arguing that, in fact, there are jobs, good-paying jobs, available from doing exactly what she is talking about? I wonder if my colleague is aware of the extent to which there is such a broad coalition of people across this country now supporting exactly what she is talking about?

Ms. CANTWELL. I think the electrification of automobiles as an energy source is gaining a lot of attention. There is a growing understanding that building a smart grid and allowing plug-ins to fill up when electricity prices are cheapest and when there is a lot of unused electricity capacity, turning our cars into additional storage capacity makes a lot of sense. People believe we could create hundreds of thousands of jobs in the near future and that we would be able to benefit from that as a basis of an infrastructure.

I look at China and think of the 250,000 jobs they have already created just in battery manufacturing. And that 120 companies are focusing just on manufacturing lithium-ion batteries. They have already created an economic opportunity, an edge for Asia in this marketplace that will continue to sustain them for the future in the automobile manufacturing industry.

We are at a totally new day, where we should pause and reassess all new opportunities to strengthen our country, and yet we are not capitalizing on the economic opportunity that is going to fundamentally reshape automobile transportation for the better.

I thank my colleague from Michigan for pointing those facts out and raising those questions because, again, she has been steadfast in this and understands this is about a manufacturing opportunity for the future of the United States as a manufacturing base. Whether those are foreign competitors, whether those are new domestic companies that have never been on the radar screen, whether they are the domestic manufacturers that are working hard to make the transition to this new opportunity, this amendment would address all of those.

In conclusion, today the United States is home to about 35,000 less factories than in the year 2000. In that short period of time we have lost around 4 million manufacturing jobs. Clean energy technologies, and particularly electric vehicle manufacturing, is a keystone strategic opportunity that could help change that around. That is why I am offering this amendment with my colleague, Senator HATCH, and others, because it can be effective stimulus today, but pay long-term dividends for the future of the U.S. economy.

I thank the Presiding Officer and yield the floor.

Mr. HATCH. Madam President, at the center of our Nation's current financial crisis are our Nation's automakers and our homeowners. These are our two areas that we cannot afford to ignore, if we are to have any hope of an economic recovery.

I would like to focus on our automakers. Some economists have remarked that as our automakers go, so goes our Nation. Other economists have complained that the auto industry has been too slow to modernize and too slow to prepare for the future.

We all know that 97 percent of our vehicles run on gasoline and diesel. But what you don't hear often enough is that American automakers are actually poised to lead the world into the next era of vehicle technology. They are prepared to produce flexible, affordable, attractive, and long-range vehicles that run on an alternative fuel that is much cheaper, much cleaner, more abundant, and completely domestic. That alternative fuel is electricity from our electric grid. Other than natural gas, there is no other alternative fuel that comes close to having so many of these qualities.

Last Congress, Senator CANTWELL and I came together to introduce the Freedom Act, and with the assistance of Chairman BAUCUS and Senator GRASSLEY, the committee's Republican ranking member, we were able to get major provisions of that bill passed into law, including tax credits for consumers who purchase the plug-in electric and plug-in hybrid vehicles.

I was the author of the CLEAR ACT, which promoted hybrid and alternative vehicles and which passed in the Energy Policy Act of 2005. It was pretty clear at the time that the Japanese automakers had the jump on this technology. However, I was pleased to see that it didn't take too long for our American automakers to respond and to produce very good and very efficient hybrid electric vehicles.

The next step of using electrons off the grid is a more revolutionary shift, because it will have a more dramatic impact on our Nation's dependency on oil.

Many of my colleagues may not be aware that American automakers and American technology companies are poised to lead the world in plug-in electric and plug-in hybrid vehicles. In the next 2 years, General Motors will be offering two new plug-in vehicles for commercial sale. These will be vehicles developed and manufactured right here in America. American lithium ion battery makers lead the world in technological advances, and are also ready to set up major manufacturing operations here on our shores. American companies also lead the world in electric motor technologies, ultra-capacitors, and other important electronic controller technologies.

Senator CANTWELL and I are offering an amendment that would ensure that this manufacturing stays here at home. In most cases, these American companies are prepared to begin manufacturing immediately. So this amendment is timely and goes to the heart and soul of the stimulus bill we are now considering.

I personally do not believe our auto industry will survive on old ideas and past technologies. What could be more important in this stimulus bill than to assist the auto industry as it attempts to lead the world in a new era of vehicle technologies. I am very grateful to Senator CANTWELL, and Chairman BAUCUS and Senator GRASSLEY for making this proposal a priority.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, I ask unanimous consent that after the order we have set up that following Senator HUTCHISON, the majority have time, then Senator WICKER have time, then the majority have time, and then Senator HATCH.

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

Mr. COBURN. I thank the Chair.

Madam President, I have been listening to the debate this morning. I want to make one point. How did we get where we are? We have seen all this finger pointing. We have said that President Bush got us where we are, that we do not want to take responsibility for the fact he could not spend a penny we did not give him, and the vast majority—97 percent of the majority—voted for every appropriations bill that came through this place.

So when we point to other people, where we need to be pointing is to us. The vast majority of the majority party voted against every amendment. I offered over $10 billion per appropriations cycle on the bills. The vast majority voted against the cut. So I think if we are going to point to a pox on a house, it ought to come right here—the lack of responsibility, where we demonstrate with our actions every day we are much more interested in the next election than we are in the next generation.

We heard Senator ALEXANDER today talking about that it is not our money, it is the taxpayers' money, and we are going to have to pay it back. Nobody alive in this room today will pay back any of this money. Their children and their grandchildren will pay back this money.

This bill is doing exactly the same thing we did to get into this mess. We are about to spend $1 trillion of money we don't have for the vast majority of the things in this bill that we don't need.

Let me explain to the American people a little bit of the workings in the Senate. There is about $300 billion worth of spending in the bill we have on the floor that has been put in there so we won't have to make hard choices when it comes to the appropriations bills that come through this body this year. So we take $300 billion that we know should be in the regular appropriations bills and we put it in this bill so we don't have to use regular order. That gives us more room to do more Government spending, more interference in the lives of Americans without being responsible for it. When I say $300 billion, the real cost is $600 billion.

It strikes me that if you were going to ask the American people how best to stimulate the economy and you are going to spend $1 trillion to do it, the best and smartest allocation of those resources would be to give the money back to the American people. In our wisdom, we think we know better than they do how to spend money. The thing that made this the greatest country in the world is this wonderful market capitalism that said people will serve their own best interests. We have the very ego to think we can decide for them.

I think we need some stimulus—I don't disagree with that—but I don't think we need to do it right now. I think we need to fix the mortgage market and the housing market and the credit market before we touch any kind of stimulus. If we do a stimulus, the best stimulus we could do would be to give the money back to the American people and let them allocate it in ways they know are best for them individually. That proposal was rejected out of hand. Now, why would that be rejected? Because we have this false sense that Washington knows better. Well, I will tell my colleagues the predicament we are in proves we don't. We don't know better, we don't have a clue, when we bring a $900 billion spending bill to the floor and we have accepted one amendment to cut $246 million out of it and we have had votes—both voice votes and recorded votes—on less than 20 amendments, and we are told by the majority leader we have to finish so we can get to conference. This bill ought to have 1,000 amendments on it, if we are truly going to do the work of the American people. We ought to debate this bill line by line. I will not agree to any unanimous consent until the next 15 amendments I have, have a scheduled time to be brought up so the American people can hear about all the stinky stuff that is in this bill.

The biggest earmark in history is in this bill: $2 billion. There are tons of things that need to come out of this bill. As the American people have learned what is in this bill, their common sense—which is on a one-for-one basis a thousandfold greater than our common sense as Senators—is being totally ignored. That is why the people in this country routinely are rejecting this bill now. You can do all the promotion of it you want; you can use all the moveon.org; you can do all the Web sites you want, but when they smell a skunk—their olfactory senses are quite acute—this is a skunk. This bill stinks. This bill is the biggest generational theft bill that has ever come through this body. What I mean by that is we have a standard of living in this country that is 30 percent greater than anywhere else in the world, and it will guarantee, this bill will guarantee your children and grandchildren will lose every bit of that edge, every bit of it.

So how did we get here? We got here by us thinking we knew better, by us ignoring the very principles that created this great country. Then we refused to admit it. We created Fannie Mae and Freddie Mac. Then we blamed an administration when we tied their hands to fix it, and we say it is an administration's fault when it is our fault. We tried to socialize the risk so everybody in this country, even if they couldn't afford it, could have a home. Now what we are doing is we are going to charge our grandchildren to get us out of it when we were in a business where we never had any business. If you look at the enumerated powers of the Constitution, it gives us no authority whatsoever to do what we have done. So when we abandon the principles we were founded upon, we get in tremendously tall, deep weeds. That is where we find ourselves now.

The idea that we can borrow more money we don't have to spend on more things we don't need and ignore the wisdom of the average American citizen on how best to spend their money is insane. Yet we have spent 2½ days—that is all we have spent so far on a $1 trillion bill, 2½ days—and have had 20 votes, and now we are told by the majority leader we need to hurry up. ''Hurry up'' is what got us in this trouble. We need a methodical explanation to the American people for every line that is in this bill—every line item. We need an explanation of why we are putting in Medicaid funds to bail out the

States at twice the level of what the Governors actually asked for. Why would we do that? Because we know better. In our ultimate wisdom, we know better? And while we are talking about the States, the worst thing we can do is bail out the States because we will be transferring our wonderful illogic to the States and saying you don't have to be fiscally responsible. That is what we are going to be telling them, so that in the future, they won't put in a rainy day fund, as Oklahoma has, and plan for the future and control their spending increases. No, they will say: Don't worry about it; the Federal Government will come bail us out.

I am adamantly opposed to us transferring the absolute economic chaos we have created to the States. The States need to make hard choices now. We need to do what we need to do, which is fix housing, fix mortgages, fix the banking system. Then, when we have done that, which will fix all these other problems, then come with a real stimulus that allows the American people—the American people—much like what the majority of the McCain bill does—to decide how they are going to spend the money.

Since we are so down on the business sector in this country that creates all the jobs, small business and large business alike, why don't we think about maybe having a competitive tax on our corporations that is competitive with the rest of the world. No. What do we do? We have one 10 percent higher than anybody else in the world. Yet it is business's fault we are in this mess. Nothing could be further from the truth. We are in this mess because Congress put us in this mess; not any President, not Bill Clinton, not George Bush, and certainly not Barack Obama.

Let's be honest with the American people. Let's fess up: We don't know what we are doing. A $1 trillion bill was cobbled together in 4 weeks with earmarks like crazy through it for every special interest group that is out there so we can look good to certain of our buddies and especially the ones who give us campaign contributions. That is what describes this bill, not an ethical, methodical, ''how do we fix the problem we have'' kind of scrutiny that is required. You cannot fix a problem until you know what the problem is, and the problem is us. We created this mess, and our actions created this mess.

The President signed the children's health program. I am not opposed to a children's health program. I am not opposed to helping children get the health care they need. But this body rejected a way to do that which wouldn't have increased taxes $71 billion and would have covered every child. But, no, we are smarter than that because we want to tell people where they are going to get their health care and how they are going to get it. And then, when we can't afford it, do you know what we are going to do? We are going to ration it, just like every other country that has centralized control over their health care. Then what is going to happen to our cancer cure rates which are 50 percent higher than anywhere else in the world? They are going to be the same as the rest of the world: They are going to go down. Now we have comparative effectiveness that we want to put through that says the Government—some Government bureaucrat is going to tell doctors how to practice medicine. That is in this too. We are going to have them tell us how to practice medicine. We forgot one thing on the way to the barn, and that is the practice of medicine is 40 percent art and 60 percent science and everywhere in the world, where they have a centralized government health care system, they have thrown out the art of medicine, which tends to deal with the whole person and how that interacts with the physical aspects of that person.

To me, it is deeply disappointing that we find ourselves where we are today. I don't think pointing fingers anywhere except back at ourselves accomplishes anything. Yet I have heard that three or four times this morning on the floor: It is somebody else's fault. No, it is not; it is our fault.

The first thing to getting healthy as addicts is to admit we have a problem. We need to be in a 10-step program. That is what we need, a 10-step program that will put us back on the board to where our Founding Fathers thought we ought to be and where the average American wants us to be. We are addicted to the ego of trying to run other people's lives. We are addicted to the ego of spending money, thinking we know best how to spend it. We are addicted to the ego that when somebody else has problems, we can always fix it. We can't always fix it. We can't fix all the problems that are in front of us today. The American people, through their own ingenuity and their own sacrifice, are going to have to make some hard choices. When we don't make hard choices, we are doubly guilty because what we have done is we have made the choices harder for them that they are going to have to make.

My prayer—and it is a prayer—is that we would, as a body, drop the words ''Democrat'' and ''Republican,'' drop the words ''conservative'' and ''liberal,'' and that our goal would be what is in the most efficient, long-term, best interests of those of us who are here today and those who are coming.

I ran a campaign to become Senator and the focus of my campaign, unfortunately, was we were about to find ourselves where we are today. I am so sorry I was right. I am so sorry I was right, but it doesn't take a lot of vision to see where we were going. Nobody has voted against President Bush and nobody has voted against more appropriations bills than me. It didn't have anything to do with party politics; it had everything to do with the future. Yet we find ourselves bogged down in debate.

I wish to add one other thing. One of the reasons we have to get out of here is because we have Members who have booked hotels this weekend. Tell me how many people in America think that is an important reason for us to hurry up and finish this bill. There is no reason for us to hurry up, No. 1. There is no reason for us not to look at every area of this bill and make sure the American people know about it. There is no reason for us not to do what the average man would do, and that is make priorities.

The other problem with this bill, which is extremely disappointing—and I know it has to be to President Obama because he campaigned on a line-by-line look at the Federal Government to get rid of some of the $300 billion every year in waste, fraud, and abuse. That was one of his campaign issues. One of his campaign promises was to do competitive bidding on every contract over $25,000. There is not one mandate in this bill to force competitive bidding. That is one of the amendments I wish to offer, to force us to do competitive bidding. If we are going to pass this stinky bill, at least if we waste $1 trillion, we will waste it efficiently.

When I look at my grandkids, as does everybody else in this country, we wish for the best for our grandchildren. I have to tell my colleagues this body has put the first shackle already on their future. When we pass this bill, we are going to put that lock around their other leg and we are going to put a padlock on it and we are going to throw away the key and we are going to hobble them away from the American dream.

We are going to take it away. We are going to take away the very bright light shining on a hill. America, if you are listening, don't let this body do what it is about to do. It will ruin your children's future in the name of us knowing best rather than you knowing best.

Mr. MCCAIN. If the Senator will yield, did the Senator see the AP News release this morning at 11:30 that the chairwoman of the congressional oversight panel for the bailout funds told the Senate Banking Committee that the Treasury, in 2008, paid $254 billion and received assets worth about $176 billion? I think everybody knows we passed TARP in a big hurry, just as this legislation has not gone through the hearings and the normal process. So, apparently, according to the chairperson of the congressional oversight panel for bailout funds, in 2008, our Treasury paid $254 billion and received assets worth $176 billion. It seems to me that is about $80 billion that the taxpayers lost.

Mr. COBURN. Yes, the taxpayers lost $80 billion. I voted for the original TARP money because we were told that money was going to address the toxic assets, which is the problem we need to solve first.

I spoke on the floor two nights ago using the corollary of treating symptoms versus treating disease. This bill

treats symptoms; it doesn't treat disease. I know several colleagues are waiting to talk.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. LIEBERMAN). The Senator from Illinois is recognized.

Mr. DURBIN. I have two colleagues waiting to speak. Whoever goes first, I will ask for 2 minutes.

Mr. COBURN. Mr. President, isn't there a unanimous consent agreement that Senator SCHUMER goes next, then Senator INHOFE, and then somebody from the majority side, and then Senator HUTCHISON, and then somebody from the majority side, and then Senator WICKER, and then somebody from the majority side, and then Senator HATCH?

The PRESIDING OFFICER. The Senator from Oklahoma is correct.

Pursuant to that order, the Chair recognizes the Senator from New York.

Mr. SCHUMER. Mr. President, I yield to the Senator from Illinois for a question.

Mr. DURBIN. I thank my colleague from New York. I would like to engage him. I listened carefully to Senator COBURN, my friend, a conservative Republican. I think that perhaps some elements of history have been forgotten. We don't want to dwell on the past, but those who don't learn the past are usually destined to repeat the mistakes of the past. When President Clinton left office, he left President Bush a surplus and he left him with a national debt, accumulated since the time of George Washington, of $5 trillion. Eight years later, when President Bush left office, he left President Obama—who has been President for 2 weeks and 2 days—with the biggest deficit in recent memory, $1 trillion, and a national debt that had doubled under the Bush administration.

I ask the Senator from New York if he is familiar with the fact that the debt incurred under the Bush administration comes down to $17,000 for every man, woman, and child in America, for the 8-year period of that administration? Is the Senator familiar with that fact?

Mr. SCHUMER. I thank my colleague for the question. I am indeed familiar with that. I have to tell my colleague it sort of astounds me how there is sort of a role reversal. In the past, the Republican Party has been known as the fiscal-and-austere party, and we have been labeled—or accused of being—the tax-and-spend party. When President Clinton left office, there was a significant surplus, I believe close to $300 billion a year. When George Bush took office, he ruined that rather quickly. We now have the deep deficit he left President Obama. President Obama has agreed to deal with that deficit once we get through the economic crisis.

Mr. DURBIN. The second question is this: There are complaints about this recovery reinvestment bill, which is currently at about $900 billion over a several-year period of time. Isn't the Senator aware, and haven't we recently been briefed that we expect in the next 2 calendar years $1 trillion less in spending by the American economy, and the amount we are talking about to try to put back into that accounts for less than half of what we know is lying ahead?

If we are going to invigorate the economy, create jobs, and give businesses a chance and give struggling families a chance, $900 billion, though it seems huge on its face, in comparison to the economic crisis we face, is at least proportional to the challenge.

Mr. SCHUMER. I think my colleague answers the question right. A $2 trillion shortfall in the economy is not just a number; it is millions of people out of work and tens of millions of families whose paychecks are squeezed, people not being able to go to college who deserve a college education by their grades, and it is small businesses going under. I say to my colleagues, there is a lot of talk about little items in the bill that are called ''pork.'' Take them out. Don't use it as an excuse not to vote for this bill. I daresay if we took every single one of those items out, we still would not get any more votes. It is nothing more than an excuse. We ought not to forget that.

I was going to speak for 15 or 20 minutes. My colleague from West Virginia has been waiting. Is it possible for me to yield 5 minutes to him by unanimous consent and then return to me?

The PRESIDING OFFICER. Is there objection?

Mr. WICKER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. SCHUMER. Mr. President, then I will speak myself, even though I am not as articulate and intelligent as my friend from West Virginia.

I wish to address a few topics. First, yesterday, the President correctly put some limits on excessive compensation payments being paid out by financial firms that received taxpayer funds. To me, it is plainly unacceptable, at a time when the American public is being asked to spend hundreds of billions of dollars to bail out major institutions and trillions more to stabilize the financial system, that these institutions would turn around and reward the very same executives, many of whom created the current crisis.

Let me tell you how the average American feels and why this issue generates such fervor. Very simply, the average American goes to work, works on the factory line, or sits at his or her desk, does nothing wrong, and all of a sudden they might be laid off or have their paycheck squeezed or their health benefits cut. They are saying: We did nothing wrong and we are suffering.

Where is the shared sacrifice? Some of these top executives are continuing to be paid record amounts of money. Nothing bothers the American people more than when someone does something wrong and doesn't have to suffer for that, when they are doing nothing wrong and do have to suffer. So there is real anger out there. The people in the financial institutions ought to understand that. Some of the things they are doing, such as the junkets and the jet planes, show a tin ear. So President Obama did the right thing yesterday. Some people said that is Government interference. Hello. What about giving these institutions money? That is Government interference too.

The President is not saying there should be limits on compensation for those who don't take the Government funds. He is simply saying if you are going to take Government funds, use them to get the economy going again by pumping money into the economy, lending to small businesses, individuals, and others rather than for jets or excessive salaries. So I salute the President, and I support what he did.

I think, again, the people in the financial sector have to get with it. They have made big mistakes, the people at the top. Everybody is being hurt by those mistakes and the sacrifice ought to be, at the very least, shared.

Second, I want to talk about something in this bill, which is tuition tax credits for college for families up to $160,000. I thank Chairman BAUCUS, Senator GRASSLEY, President Obama, and many on both sides of the aisle who supported this provision. I have worked long and hard to make college affordable, particularly for middle-class families. It is not because they deserve it more than others. If you are wealthy, you don't need the help. If you are poor, the Government gives help. I would be very much against cutting the Pell grants in this package. But the families in New York—remember, New York salaries, at least in some parts of our State, downstate, are high. The family making $60,000 or $70,000, when they get hit with a $20,000 tuition bill, they are like poor because they are paying the mortgage, the taxes, and the other expenses, and all of a sudden this bill hits.

During this recession, the most severe recession we have had since the Great Depression, there are literally hundreds of thousands of college students who deserve to stay in college, and hundreds of thousands more who deserve to get into college who will not go because their families don't have the money. When they don't go to college, or when they drop out of college, or they don't go to the college that best suits them because of financial reasons, not because of academic reasons, they lose, their family loses, and America loses as well. That is why I worked so hard to get this provision. It is a $2,500 tax credit, partially refundable, so it helps people making $40,000 and people making $80,000, as it should. It will help keep our human capital. This is very important. And I think President Obama showed wisdom in making sure there is a power grid that is more efficient that will help us in the future, and wisdom in making sure our health care has IT, which will help us.

When you read the polls, the American people, once again showing their wisdom, are saying we would like to have longer term projects in here because when, God willing, we get out of the recession, we would like to have something to show for it, whether it is traditional infrastructure or new infrastructure, including IT and power grid. There is human capital as well. If somebody drops out of college because they cannot afford it, the statistics show they often never go back and we lose as a country. So preserving human capital during these difficult times is important.

Again, this proposal has broad bipartisan support. It is not terribly expensive in the scheme of a $900 billion package. I hope we will move forward with it.

Finally, the last thing I will talk about to my colleagues on the other side of the aisle is this: I am utterly amazed at the lack of cooperation we are getting from so many, the lack of reaching out and trying to meet us part of the way. The bottom line is, we are in the most severe recession since the Great Depression.

The great worry is that we go into what the economists call a deflationary spiral. It means prices go downward. Businesses put off any expenditures because they think the price is going to get lower and lower. The Depression was a deflationary spiral, plain and simple. Japan's 10 years of stagnation was a deflationary spiral, less severe as a depression but spiral down nonetheless. Unfortunately, the sad fact is that economists don't know how to deal with a deflationary spiral. If we get into one—which is not likely but possible—we don't know how to get out.

So wise, sound economic policy would have us make sure this package is strong and gets money into the economy immediately. The kinds of tax cuts proposed by my colleagues on the other side of the aisle do not do that by the admission not of CHUCK SCHUMER but of a conservative economist such as Martin Feldstein. It takes longer for a tax cut to get into the economy, and particularly during difficult times people save a lot of the money. I am not saying we should have no tax cuts; 36 percent of this package is tax cuts. Yet we hear from our colleagues on the other side of the aisle that it is not enough. A, it works less well than the spending; B, you need a mix; and C, yes, we did win the election, and the American people are overwhelmingly for this.

Frankly, I had expected, given that Senator REID says we are allowed to have amendments and given that he has agreed with Senator MCCONNELL that we should have an old-fashioned conference where amendments are offered by people on both sides of the aisle, we would get real support and cooperation.

This bill has gotten more expensive. The two most expensive amendments were tax cuts proposed by Republicans, Senator GRASSLEY along with Senator MENENDEZ—GRASSLEY was the lead here—proposed adding the AMT, $75 billion; Senator ISAKSON from Georgia, something I supported although I would like to see it narrowed and more focused, $19 billion. If you add those in, the tax cuts are rising, rising, and rising in terms of proportion, and still we do not see cooperation from the other side of the aisle.

I would like to say to President Obama: Sir, you have bent over backward to listen to suggestions. We have tried as well. But it takes two to tango. Bipartisanship means two people tangoing. It does not mean you should get your way on everything or even half. A third, 40 percent is pretty generous.

I believe this package will pass because I don't believe the other side will want it on its doorstep that it failed. My Republican colleagues in the Senate do not have the luxury of their House colleagues of voting no and the bill would still pass.

I am rueful and regretful that we have not seen more real bipartisan cooperation at a time when the American people want it, at a time when we need to act quickly, at a time when spending programs—anathema as they may be to some on the other side of the aisle—are the best way to get this economy going.

I will say—and I am speaking for myself—that the real test here is not how many votes we get, as long as we pass it. That will long be forgotten. The real test is whether this proposal puts Americans to work and gets us out of the economic morass we are in—at least begins to get us out of the economic morass we are in. I, for one, would say do not decimate this package and make it ineffective to win over enough people so we have 80 votes. That is a distant memory, 80 votes. I know it was a hope of the President. Clearly, it is a distant memory. To get no votes in the House and to have as little support thus far as we are getting from the Republican side of the aisle shows how out of touch, frankly, my colleagues are with the economy and with the new world in which we live.

I know what it is like. I came to Congress in 1980 when Ronald Reagan was elected to be President. Crime was ripping apart my working-class and middle-class district. I got on the Judiciary Committee and the Crime Committee. Do you know what I found when I got there? That the ACLU, an organization I generally support, was writing the crime legislation. They had a view. I respected that. I disagreed with it. I thought it was so wrong for the time, that you should lean so far over on one side that you might let hundreds of guilty people go free lest you convict one innocent person. When I saw that happen, I knew why Democrats had lost. I said the Reagan era was going to be dominant because we were out of touch.

Mr. President, I say to my colleagues on the other side of the aisle, they are just as out of touch today as we were then. The American people want action. They don't want an ideological adherence to no Government programs, no Government spending, tax cuts, particularly for the wealthy only. They want help with health care, they want help with education, they want help with energy independence. And while they certainly don't want a government to waste money and they certainly don't want the little porky things in this bill, the few—less than half of 1 percent—that should come out, they want the basis of this bill.

I make a final plea to my colleagues on the other side of the aisle: Get with it and help us. Don't stick to your narrow ideological philosophy that served you well in 1981 but doesn't work for the greatest recession we have had since the Great Depression. Maybe in the course of today, as we work through the amendment process, for the good of America and, frankly, for the good of your own party, others on the other side of the aisle will come over and truly work with us to get a stronger package that will create jobs and get us out of the recession.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have several comments to make on two different subjects, one of which was broached by the Senator from New York. Before doing that, I would like to yield to my friend from Mississippi for no more than 2 minutes and then regain the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Mr. President, I was distracted. Is the Senator making a request?

Mr. INHOFE. I was making a request to yield 2 minutes to my friend from Mississippi without giving up the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. I object.

Mr. WICKER. Will the Senator yield for a question?

Mr. INHOFE. Yes.

Mr. WICKER. Mr. President, I assure my colleagues that I will not take long to ask this question. I had hoped my friend from New York and my friend from Illinois would engage in a colloquy and not have left the Chamber.

Much was made in the discussion between the two Senators about the debt President Bush ran up during his administration. I don't know that it serves the debate very well to point fingers, but we might as well set the record straight for those of us who are paying attention.

Congress spends the money, will my friend acknowledge? It is Congress that spends the discretionary funds around here, and it is Congress that sets the spending on autopilot in terms of the mandatory spending. The President

does not spend a penny without the consent of this Congress.

I hope my friend will also acknowledge that there was not one time during the 8 years of the Bush administration when our friends from the Democratic side of the aisle came forward with their budget proposal and proposed a budget that would spend less than was spent by the United States of America. In fact, in every instance, our friends on the other side of the aisle proposed budgets that spent even more than we actually spent in the end.

I just wanted to see if my friend agreed with that point. I thank him for allowing me to make that point.

Mr. INHOFE. Mr. President, the answer to the question of the Senator from Mississippi is yes.

Let me make a couple comments.

The Senator from New York talked quite a bit about this stimulus bill. I contend it is not a stimulus bill, and I will touch on that point in a moment. He was talking about coming here in 1980. I remind him that there are ways you can stimulate this economy. This bill does not do it. This bill spends money, astronomical amounts of money. It is just inconceivable that we could be thinking about it. Certainly, if you wind the clock back to 1980, no one ever talked in terms of the hundreds of billions of dollars we talk about today.

I remind the Senator from New York that back in 1980, the timeframe he was talking about, we had a President who came in 1980 by the name of Ronald Reagan. He repeated something that was said by another great President, who was John Kennedy. Back during the time John Kennedy was President, they were getting involved in the New Frontier programs. They had a great need for increased revenue. This is a quote from John Kennedy. He said: We need to increase our revenue, and the best way to increase our revenue is to reduce marginal rates. And he reduced marginal rates, he reduced capital gains rates, and he reduced inheritance rates. That resulted in a massive increase in revenue.

If you take the decade that is called the Reagan decade of the eighties, look at 1980, the total amount of money that came in. Revenue generated from marginal rates was $244 billion. In 1990, it was $466 billion. The revenue that was generated almost doubled in a decade. We had the largest tax reductions, I believe, in the history of this Nation.

Now we are looking at a bill that does not have that. It has two little, small things that might stimulate the economy in terms of depreciation in small business. The total amount does not even exceed 3 percent of the bill.

The area where I felt—and I know a lot of people disagree—we could do something to provide jobs for Americans, what should have a greater part of this, is road construction and infrastructure. But that did not happen.

We are looking at something that right now has a total of $27 billion in highways, roads, and bridges. Certainly the occupant of the chair understands, having served for many years on the Environment and Public Works Committee, the great needs in this country. We have had several statements made by economists who have said that if there is a way we can provide jobs, do something that is going to have to be done for America, this is the time to do it. If you look at the total amount in this bill, out of some $900 billion, we are talking about $27 billion is all there is in that area.

I say in responding to the comments of the Senator from New York, if he is talking about 1980 and what happened after that time, it is very clear that precipitated a decade in the history of this country where we had more revenue generated as a result of taxes being reduced than any other time in the history of the country.

When we look at what is in this bill that would really stimulate, all the rest of it is spending. I am not going to start reading the list of the $650 million to have people change their TVs and all these things.

There are two areas that would stimulate. One would be in the area of hiring people—road construction, providing jobs. In my State of Oklahoma, we happen to have a highway director who I think is the best one in the Nation. His name is Gary Ridley. He has identified just in my State some $1.1 billion of shovel-ready jobs. They already have the environmental impact statements. They are projects to get people to work tomorrow. Yet we cannot do that in this bill, and that is the type of thing we should be doing.

If you add together the tax stimulus and the amount of work that is being done in terms of roadwork and providing jobs, that comes to somewhere around 7 percent of the total amount. What about the other $900 billion? I think it is absurd.

The Senator from New York was talking about how Republicans did not respond favorably to the Pelosi bill on the other side. No wonder. It is the same type of bill we are looking at here. It actually had $3 billion more for construction than this bill. I think they acted responsibly.

I wish Republicans—and I hope this will be the case—would be willing to stand up and jointly, all of us, agree that this is not going to work and that there is a choice now. We do have a substitute that Senator MCCAIN put forth. It resolves these problems. It has items in it that will actually stimulate the economy. I am hoping we will all be able to stick together. I would be very proud if the Republicans are able to do that.

Now, that is not the reason I wanted to get the floor. I want to mention an amendment I have that has not been cleared yet. I compliment Senator INOUYE. I visited with him, and even though it is something he said he wouldn't vote for, he would still not object to having it considered because he thinks it is very important. It has to do with Guantanamo Bay.

On Monday, I was at Guantanamo Bay, and that was my third trip there. The first was right after 9/11. At that time I realized the statements that were being made about the treatment of detainees were not true; that a lot of the media had misrepresented it. Nonetheless, it is something that was out there and people felt this was something bad that was taking place in GTMO—Guantanamo Bay.

I might mention that we have had that resource since 1903, and it has served us very well. Ironically, our annual lease is $4,000 a year, and we are getting all this for that amount. But I want to share with my colleagues here what we witnessed this past Monday—a few days ago.

At this time, we are down now to 245 detainees. Of the 245 detainees, there are 170 of them where their countries will not take them back. In other words, what are we going to do with these guys? And by the way, even though President Obama came out in his first or second day in office and said two things about Guantanamo Bay—No. 1, we should cease all legal proceedings down there; and No. 2, close it within 12 months—there is a very courageous judge down there who, I guess, felt the separation of powers in the Constitution meant something, so he said, no, we are not going to do this; we are going to continue with our trials for now. He is trying such people as Khalid Shaikh Mohammad, the brainpower behind 9/11, and four of his coconspirators; and Ali al-Shihri, who is the person who was involved in the USS *Cole* tragedy that killed many people, including 17 of our brave soldiers. These are the types of hard-core people who are being tried there. These are military tribunals, and they need to continue. That is what the judge said, and he is continuing to this day.

By the way, if we ended up starting to try those in our Federal court system, because of the rules of evidence and because of the nature of the terrorists and the testimony that would come up, they are estimating it would take about 12 months to build a courtroom—as it did down there—at a cost of about $10 million.

So my concern is this: In the event we were forced to close Guantanamo, it would not work to do it at the present time until some solution comes up as to what we are going to do with all these detainees. Some of the detainees are clean, ready to go back, and will be transferred back. But we have about 170 where there is no place for them to go, even if we tried them and turned them loose.

There has been a suggestion that if we close Guantanamo, there are some 17 military installations in the continental United States that would be able to accept some of these detainees and so that is where they would end up going. The problem with that is, I don't know of one Senator serving in here

who wishes to say it is all right to go ahead and put them in Mississippi or put them in Iowa or put them, in my case, in Oklahoma. One of the 17 installations happens to be Fort Sill, located in Oklahoma. We don't want that. You don't want them in West Virginia. So there is no reason for us unnecessarily to target ourselves in this case.

I have to also say that anyone who believes people have been abused down there, all you have to do is go down. I have done tours of prisons all over the United States, as well as military prisons elsewhere. I can say without any doubt in my mind that I have never seen a prison where people are cared for better than they are there. There is one medical practitioner for every two detainees who are down there. The medical facilities even do colonoscopies for anyone over 50, if they want them. None of these detainees would ever have treatment like that back in their country of origin. The food they are getting is better than they have ever had before. So it is not true they are being abused.

In fact, they have six camps, numbered from one to six, starting with those who have the least problems, to those who are ready to be returned someplace, and getting up to the real hard-core terrorists. Even in camp six, which is supposed to house the toughest guys, they are outside having recreation 3 hours a day. So people are not being abused there, and I think it is important that people understand that.

That is not, however, where I am coming from on this amendment. I know for a fact, if we can get this voted on, it would pass. Those individuals who believe we should close GTMO are always very careful to say we have to figure out what we are going to do with the hard-core detainees down there, because we can't turn them loose. You can't bring them back and try them in our court system because the rules of evidence in a tribunal are different. You can't read them their rights when you are apprehending them—apprehending a terrorist. It doesn't work. In a tribunal, hearsay evidence is admissible, but it is not in our court system. So that is something that wouldn't work.

So even though I think we should not close GTMO, now or ever—because I think it is a resource and an asset that we have in this country that we can use—for those individuals who feel we should at some point close it, I agree—and I can't find anyone who disagrees—that we should not close it until we determine what is going to happen to those 110 to 170 detainees where they do not have anyplace to go.

Let me explain my amendment, and it is No. 198, which I have not been able to bring up for consideration yet. It would prohibit the use of any of the funds that are in this stimulus bill—and the stimulus bill does have money that goes into modernizing and doing things for various penal institutions—toward preparing our institutions in the continental United States to accept these terrorist detainees and housing them in the continental United States instead of at GTMO.

I think if you look very carefully at how simple this legislation is, it says:

> None of the funds appropriated or otherwise being made available to any department or agencies of the United States Government by this Act may be obligated to expend it for the following purposes. To transfer any detainee of the United States housed at the Naval Station Guantanamo Bay to any facility in the United States or its territories.

Who is going to oppose that? Is there one person who would vote against that?

> Or to construct, improve, modify, or otherwise enhance any facility in the United States or its territories for the purpose of housing any detainee described in paragraph 1.

Those are the guys who are down there—the bad guys; the terrorists. And thirdly:

> To house or otherwise incarcerate any detainee described.

I know the Senator from Iowa doesn't want the detainees coming to Iowa; the Senator from West Virginia doesn't want them coming to West Virginia; I seriously question whether they want them in Ohio; and I certainly don't want them in Oklahoma. So that is all this is. It is an amendment that, should this bill pass—and of course if it goes to conference, I don't have any way of knowing what will stay in and what will come out—and I hope it does not pass when we vote on it tonight or tomorrow, or whenever that time is—but if it does pass, I want an amendment in it so that no one will try to transfer those detainees now down in Guantanamo Bay to any of the prisons in the continental United States.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, the Inhofe amendment would, in effect, prevent implementing the President's decision to close Guantanamo and undo the benefits to America's standing that have resulted from President Obama's decision.

The Executive order signed by President Obama last month requires Guantanamo be closed within 1 year.

The goal of closing Guantanamo has broad support. In this last presidential election, both candidates, then-Senator Obama and Senator MCCAIN, supported closing Guantanamo.

Last year, five former Secretaries of State, including Colin Powell, Henry Kissinger, and James Baker, called for closing Guantanamo. President Bush has said he would support closing Guantanamo, as did his Secretary of State, Condoleezza Rice, and Secretary of Defense Robert Gates.

No one says that closing Guantanamo will be easy. To achieve this, the Executive order signed by President Obama sets up a Special Task Force to review the status of the approximately 250 detainees still held at Guantanamo and make recommendations on what to do with these individuals.

Currently about one-third of the Guantanamo detainees have been cleared for release or transfer to a third country. The State Department is in the process of trying to find countries willing to take these detainees, where they will not be subjected to torture or persecution.

For about another third of the Guantanamo detainees, the Defense Department has declared its intention to bring criminal charges and try these individuals. The military commission process is now under review, so it is not clear when these trials will resume or be completed.

But we know, right now, that for a certain number of detainees currently at Guantanamo, we will need to continue to hold these individuals beyond the 1-year deadline for closing Guantanamo. These detainees are too dangerous to be released, and yet the Government is not able to charge them criminally.

In some of these cases, the Government cannot bring charges because the evidence we have against these detainees is insufficient for purposes of a criminal prosecution. Or, we now know, in some cases the evidence may be inadmissible because it was obtained through torture or coercion. The policies of abuse approved by the Bush administration have damaged our ability to bring these individuals to justice.

Those detainees too dangerous to release but unable to be tried, will continue to be held. We will need a place to house these individuals. The Defense Department has already reportedly begun reviewing facilities at military bases in the United States for that purpose. We should await the recommendations of the Special Task Force established by President Obama's Executive order on how to handle these difficult detainees.

This amendment would undo the benefits of President Obama's action to close Guantanamo. It would harm America's standing and leave our troops less safe.

It prejudges the review of the task force. It doesn't belong in a stimulus package.

For these reasons, I urge my colleagues to oppose the Inhofe amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The distinguished Senator from the State of West Virginia.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Senator from Michigan, Ms. STABENOW, be the next Democratic speaker after the Senator from West Virginia.

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

Mr. BAUCUS. I might say there is already an order. It is all worked out, but I appreciate the Senator's statement. My understanding is that was the case. That was already agreed to.

Mr. ROCKEFELLER. So I am reinforcing the truth?

Mr. BAUCUS. That is correct.

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

Mr. ROCKEFELLER. Mr. President, I will say very briefly that I am stunned by the speech from the Senator from Oklahoma. What he is basically saying—and I don't know whether he has ever been on the Intelligence Committee, but some of us have and have watched and studied interrogation and detention at Guantanamo, and a lot of other things for a very long time, and watched what happened under the Bush administration, and I choose not to get into that right now.

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. No.

Mr. INHOFE. I ask the Chair, since I was directly referred to, am I not entitled to ask a question?

The PRESIDING OFFICER. The Senator from West Virginia has the floor, and he has declined to yield.

Mr. ROCKEFELLER. What he is basically saying, in an extraordinary statement, is that there shall be no closing of Guantanamo. But then he is saying that if Guantanamo is closed, that there shall be no taking of prisoners from Guantanamo and putting them anywhere within the United States of America, thereby, No. 1, casting extraordinary criticism on some of the toughest, finest and, when necessary, very tough prisons in the United States, including in his State, my State, and many other States.

But what he is really saying is he wants Guantanamo to stay open. And by saying that, what he is saying is he wants to create more people who hate the United States and more people who go to the cause of al-Qaida, and I find that an extraordinary statement, which he has every right to make and every right to believe with a full heart. I just don't run into a whole lot of people who know the situation who think like that.

Mr. INHOFE. Will the Senator yield?

Mr. ROCKEFELLER. I will not.

Mr. President, I rise today in strong support of the $87 billion in temporary, targeted Medicaid relief in this recovery bill. There is an undeniable link between health care and our economy, and that is obvious. The Federal investment of health care now a part of this economic recovery bill will go a long way to stabilize our economy. Health and economic stabilization, stimulus, or whatever you want to call it, are intertwined. Actually, leading economists have found that targeted aid of this sort—Medicaid—will generate increased economic activity of $1.36 for every dollar that is spent.

But there are a lot more important things than that. Our economy is worse than it has been certainly in my memory. The tragedies being played out in West Virginia and other parts of the country are almost beyond belief. We sit here in constant session in the Senate and keep in touch with our States. We had another huge business close in West Virginia yesterday. The tragedies pile up, one after the other. People don't know where they are going to get their next meal. The human psychology begins to work and people begin to spiral downward, just as banks spiral downward. They begin to fold in on themselves. And when they fold in on themselves, they lose their confidence and then they aren't willing to try things, accept things, to take new steps. So the Medicaid money is incredibly important.

It is getting very hard for people to put food on their table, and I think it is very easy for people to understand that Medicaid is part of the fabric of America. Hard-working families depend on Medicaid. Our families in West Virginia are hard working. Fifty percent of all the babies born in West Virginia are born under Medicaid. That is not the fault of the State of West Virginia, that is not the fault of the people of West Virginia, it is simply a reflection of the economic travails that face our State and that we have to deal with. We want to help them get back on their feet.

So we have this $87 billion—and there are going to be attempts to lessen it—in FMAP. Estimates from the Government Accountability Office say local and State governments are facing $31 billion in deficits over the course of the next 2 years. I think, personally, that is modest, it is underestimated. I was a Governor. I went through the 1982–1983 recession in West Virginia, where interest rates went up to 19 percent. It was a horrible time. We survived it. But State revenues often evaporate very rapidly during an economic downturn. One of the first things Governors sometimes do is to cut Medicaid. They sort of cut Medicaid because sometimes they think Medicaid is for people who are poorer than they are, and therefore somehow it isn't important, it is saying that some people are not as important, which is akin to saying some people are more important than others, depending on their income—which is a philosophy sometimes that divides the two sides of this body.

So I say this is important. There will be a variety of amendments brought up to cut it. They will cloak themselves in other words, which will be good, but their purpose will be to cut Medicaid, and when you are cutting Medicaid, you are cutting health insurance and all sorts of things that people need in times of tragedy. We are surely in a time of tragedy.

Having said that, I simply note to the President, with his permission, that later in the day—I do have on file at the desk two amendments, one that would jump start something which is incredibly important in this country and that is having a GPS digitalized air traffic control system. We are the only country in the modern world—in fact we are behind Mongolia in this case—that does not have a digitalized GPS system, where you can downgrade inefficiency in landings and distances of planes apart from each other because of the precision.

Our present system is an x ray, an analog. This system is an MRI. That is what we need. We don't have one. We have to start one. It is a job creator. I have discussed with my ranking member, KAY BAILEY HUTCHISON, who has a different way of funding it, $550 million. We have to do that. We have to do that for safety in the skies. It is a job creator. We have thousands of airports in this country.

I put my colleagues on notice that I plan to go to that. Also, we have to extend the FAA itself. Its authorization is going to run out. We need to extend it for a variety of reasons. I will not go into those at the present time. But the extension of FAA reauthorization is in the interests of every Republican and every Democrat in this body. I will be making a case for that, if given the chance, later in the day.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I know the distinguished chairman of the Commerce Committee has spoken, and we are working very hard on an amendment that would be an infrastructure amendment. It would be money that we want to spend now, but it will be spent in the future. I think if we have infrastructure requirements that we know we are going to need in the future and we can push them up for 2 years, that is a policy all of us can agree to. That is exactly what the distinguished chairman and I are working on.

Senator ROCKEFELLER and I know that modernization of our air traffic control system is certainly something we would like to be ahead of Mongolia in doing. But in addition to that, we want to make sure we have the efficiencies in the system. Not only will it create jobs in the next 2 years, but it will streamline the system, it will make it more efficient. Prices can come down for consumers and that will also help jump start our economy.

I thank the chairman and I wish to talk now about the McCain amendment.

I am so pleased Senator MCCAIN has come up with an alternative. It will be a substitute for the bill before us. It strikes the balance. It is tax relief and increased Government investment in our economy so we will be able to jump start our economy in a fiscally responsible way.

The bill before us is not the right approach. I could not possibly support the underlying bill. I do hope we can come together, though. Having the debate and hearing what people are saying on the outside, I think has made people realize, when we are talking about $1 trillion, we are not talking about a vacuum. We are talking about $1 trillion on this bill, we are talking about another $1 trillion of deficit this year, not counting the bill we are discussing today. The U.S. debt is $10.6 trillion already.

We are approaching a tipping point whereby creditors are going to be increasingly unwilling to lend to our Government because they are going to be concerned about our ability to pay them back. Much of our debt, 25 percent of our U.S. national debt, is held by foreigners. The Chinese Government, in particular, owns over $500 billion.

We must consider having this much of our debt in foreign hands and whether borrowers will continue to buy our debt. What happens to our economy if they do not? What happens if they do? What would the interest rate be if all of a sudden they decide it is going to be more risky? Interest rates go up. What would inflation do to the economy we are in right now?

If we are going to do this, we must spend every dollar so carefully. We must make sure every dollar we spend is stimulative. In fact, the bill before us, the underlying bill, one-third of it that is supposed to be stimulative is not going to be spent in the next 2 years. That means we would be spending money down the road to solve a problem that may not even exist down the road, and we will be increasing the size of debt without the stimulative effect.

I refer to Alice Rivlin, who was the Budget Director in President Clinton's White House. She recommended we split the plan. She said implement the immediate stimulus now. As she acknowledged, we talk about the plans which may or may not have value at a later time. It doesn't have to happen right now. The McCain alternative has a better way to stimulate the economy, put money into the economy immediately, and it is a balanced approach. The McCain proposal will lower the 10-percent bracket to 5 percent for 1 year; lower the 15-percent bracket to 10 percent for 1 year; eliminate the payroll tax for all employees for 1 year. It would lower the corporate tax rate from 35 to 25 percent for 1 year. Recognizing that we have the second highest corporate tax rate in the entire industrialized world, we want to encourage our corporations to hire people in America today.

We need to look at tax cuts and the history we have had with tax cuts. Every time we have had big tax cuts in a depressed situation, they have stimulated the economy. They have worked. President Kennedy, President Reagan, and President Bush.

Assisting Americans in need—the McCain alternative extends unemployment insurance benefits, extension of food stamps, extension of unemployment insurance benefits that are tax free until 12–31–2009; training services for dislocated workers. Certainly, we all will agree that is important.

The McCain alternative goes to the heart of the problem, which is housing. The underlying bill doesn't address what caused this in the first place and that is the problem in the housing market. The McCain alternative provides a loan modification program, tax incentives for home purchases of up to $15,000, making the GSA-conforming loan limits extended at the higher levels to get more help for people who are struggling to make loans. This is a very important component.

Last but not least, the spending part goes to infrastructure. It does not have all the programs in it that the underlying bill does, that we will be able to debate in the future. They may be good programs, but they are not going to create jobs.

The McCain spending portion is on infrastructure and defense. I am the ranking member on the military construction subcommittee of Appropriations. We have a 5-year plan for the Department of Defense. They know what they are going to spend and what they are going to need. We have just had a ramp-up of troop strength to 90,000 more in our armed services, the Army and the Marines. We have to accommodate them. We have to build the housing, we have to build the training facilities. All those things are in a 5-year plan that normally we would take 1 year at a time to build out.

Why not take the 5-year plan and move it up to 2 years or 3 years? I have an amendment that will do that. But the McCain alternative puts $9 billion into those exact types of military construction projects. That is a very important component because it will be jobs in America, it will be jobs that will benefit Americans, and of course it will be for the training and care of our military who are out there on the frontlines, protecting our freedom. What better kind of infrastructure building would we want?

The McCain substitute has transportation infrastructure. We all know there are shovel-ready transportation projects ready to go all over our country—bridges, roads, public transit—something I certainly support, airport infrastructure improvements. Senator ROCKEFELLER and I are going to try to increase that in amendments later on. These are the components of the McCain substitute I hope our colleagues will consider.

The tax cuts have a history—if they are big enough and they can be felt—of stimulating our economy through the worst of times. All through history, they have done this. I hope we can support the McCain substitute. Or I will look down the road, and I will say, if the McCain substitute is not accepted by the majority of our colleagues, let's let that be the benchmark from which we will go. I do not think the majority of America believes that what is in the underlying bill is good for the short term nor is it good for the long term. I cannot even imagine putting so much debt into our system without the underlying stimulative effect that would bring in revenue to pay for that debt and thereby, perhaps, cause a much worse problem in our financial markets than we see today.

I hope, during this debate we have had this week, we now will be able to see what the good parts of all the different plans are. I hope we can adopt the McCain substitute. If we do not, I hope it will be one of the components of a bill that will be written, that will have the support of many Republicans and many Democrats. It will be the best thing that could happen in our country if this bill passed on a true bipartisan basis. It does not give the confidence to our country, to have a plan that is passed just by the Democratic side of the aisle.

Yes, Democrats won the election. No one argues with that. But 46 percent of the people of our country did vote for Republicans, so if we have a balance here and America sees we are working together, I think that would be a good thing for the overall spirit in our country that is searching for bipartisanship. If we can come to a bill that would have tax cuts for every individual and businesses to be able to hire people, if we can fix the housing market by encouraging people to buy, if we can give spending plans for our infrastructure to the States so they would be able to hire people for bridges and roads and mass transit, if we can put our money into the Department of Defense, I know we could spend $75 billion in 3 years instead of 5 years, and I know the jobs would be in America and they would be for Americans.

I think we have an opportunity. I hope we can come to some agreement that we can all be proud would be the best for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to engage in a colloquy with the Senator from Montana for a brief period of time to talk about the disposition of this amendment.

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

Mr. MCCAIN. Mr. President, I would say to my friend from Montana, we have two additional speakers on this side. If others desire to speak on the amendment, I ask them to come down or notify us right away.

Then I understand there are amendments—there is a tentative proposal to have votes at 3:30. So other Members should come down and talk about their amendments that are pending.

Mr. BAUCUS. Mr. President, I deeply appreciate the demeanor and the manner and the cooperation of the Senator from Arizona. He has an amendment he believes in strongly. Many Senators have spoken on behalf of his amendment; many have spoken in opposition to his amendment.

But he has been very helpful in trying to work out a manner and a way and a time agreement where we can deal very expeditiously and fairly with the Senator from Arizona. My intent is to get a vote on the McCain amendment as soon as we possibly can. The Senator said there are a couple more speakers on his side who wish to speak. I imagine there are a couple on this side too.

I cannot tell the Senator we will definitely have a vote as soon as those four speakers speak. It is my intention to have that vote. I do not know if I can arrange that at this point yet. But plan B would be a series of amendments beginning a little later in the day—not much later, approximately 3:30. And the amendment offered by the Senator from Arizona will be the first amendment. His amendment would come up first. Then votes on other amendments would come up later.

My first preference is to vote earlier. If we cannot do that, then the whole package begins at 3:30 with the Senator first.

Mr. MCCAIN. I would like for my colleagues to conclude the debate, since we have been on it since 9:30 this morning. I understand the vote may be set for this and other amendments at 3:30. But unless there is someone who wants to speak on this amendment, the Senator from Mississippi and the Senator from Utah, Mr. HATCH, are the only ones additionally who want to speak on it.

I would encourage my colleagues who want to speak on other amendments to come to the floor because there will apparently very likely be a vote on at 3:30.

Mr. BAUCUS. Mr. President, I do not see the Democratic Senator. She is not here to speak. I will go down the list. I think the Senator from Mississippi should be recognized.

The PRESIDING OFFICER (Mr. LEAHY.) Under the previous order, the Senator from Mississippi is recognized.

Mr. WICKER. Mr. President, I do want to speak on behalf of the McCain amendment and, regrettably, against the underlying legislation. We all understand the reason we are having this debate. Without exception every person in this Chamber is convinced we need to act to jumpstart our economy.

People across the country are facing hardship. More than 860,000 properties were repossessed by lenders in 2008, more than double the figure for 2007. American manufacturing is at a 28-year low. Mr. President, 1.9 million jobs were lost during the last 4 months of 2008. The economy shrank at a 3.8-percent pace at the end of the last calendar year, the worst showing in a quarter century. The unemployment rate now stands at 7.2 percent, 7.6 percent in my home State of Mississippi, with many States even less fortunate than mine.

These figures are a sobering reminder of how much we have at stake. But that is also why we need to ensure that we get this right. Part of the reason I voted against the bailout last September was that I thought it was rushed.

The Senator from Arizona acknowledged it was done in a hurry. We were told if we did not act in a matter of days, the world, as we knew it, might come to an end. I think there are many Members of this body who now wish we had taken more time to ensure that the TARP legislation was done right.

Let's learn from that experience. The bill we are debating this week is an unprecedented bill. Its magnitude is a staggering $1.2 trillion over 10 years. As a matter of fact, when I came over here to wait my turn, I was handed a legislative notice. Actually the bill now has a net impact on the deficit of $1.273 trillion, including $389 billion in debt service. That means the interest on this bill is almost four-tenths of $1 trillion.

I want to take a moment to put into perspective that amount of money. Many of us in the Chamber have heard these examples over the last few days, but they are worth repeating to the American people. I can assure my colleagues that the American people are beginning more and more to listen to this debate.

The entire Vietnam war had an inflation-adjusted cost of $698 billion. This bill is 1.2 trillion. Our involvement in Iraq has cost $597 billion. This one piece of legislation is over $1.2 trillion. FDR's New Deal, which many have tried to compare to this plan, pales in comparison, with an estimated 2009 inflation-adjusted cost of $500 billion, less than half the amount of this one piece of legislation in current dollars.

On top of this massive spending request, let's also remember we are being told, should this legislation pass, the President will then send to the Hill another $500 billion package to prop up the financial sector.

For those of us keeping score, that would be close to $2 trillion in spending when we factor in the cost of the interest. All of that is in addition to the $700 billion bailout bill passed last fall. It is hard to get a firm grasp of the magnitude of this spending.

I will say what other colleagues have said: If you began spending $1 million per day on the day Jesus was born, and you spent $1 million per day every day since that time until today, you would still not have spent anywhere near $1 trillion or, to put it another way, if you have $1 trillion in one-hundred-dollar bills, if you connected all of those one-hundred-dollar bills end to end, they would encircle the earth 40 times to get to $1 trillion.

Back in my home State of Mississippi, it has been reported that this package could mean $1 to $2 billion in projects for our State. What that means, though, when compared to the magnitude of the bill, is that as little as one-tenth of 1 percent of this spending would make it back to my State in projects.

One-tenth of 1 percent return is not a good investment for Mississippi taxpayers, and it is not a good investment for American taxpayers, essentially when, as the Senator from Texas pointed out, this money will have to be borrowed from China or other foreign governments, if we can persuade them to continue lending us the money.

It will need to be paid back by future generations. The Congressional Budget Office reported this week that the per-job cost of this plan, even if the jobs created are what we are being promised, the per-job cost of this plan is from $100,000 per job to $300,000 per job.

Now, when you take into consideration the fact that the average Mississippian earns $31,000 per year, it is hard for me to stand here and tell hard-working people back in my State that the most efficient use of their tax dollars is to spend up to $300,000 to create one additional job for Americans.

But that is what our own budget office tells us this bill will do. That is not the best use of American taxpayer dollars. We need to get this right. The American people deserve a maturely considered plan. As Thomas Jefferson reminded Americans in his day: Delay is preferable to error. Let's not rush into doing this the wrong way because generations of Americans, Republicans, Democrats, and Independents, will pay for our mistake.

It has been pointed out on this floor today, and it is worth mentioning again, that we Republicans are not alone in expressing grave, profound concerns about the enormity of this spending plan and the effect that it will have on the United States.

President Clinton's former Budget Director, Alice Rivlin, agrees. She recently testified we should not rush to spend the amount of money this bill will spend on projects with slow spend-out rates.

She said:

> Such a long-term investment program should not be put together hastily and lumped in with the anti-recession package.

And hastily put together is what this program is.

Alice Rivlin, President Clinton's Budget Director, went on to say:

> The risk is that the money will be wasted because the investment elements were not carefully crafted.

These are the words of the Budget Director under President Bill Clinton.

Now, $1 trillion is a terrible thing to waste; $1.273 trillion is a terrible thing to waste. Members of the news media understand this too. The Washington Post's David Broder, who has covered Congress for more than 40 years, a respected journalist, wrote on Sunday regarding this plan:

> So much is uncertain, and so much is riding on it that it is worth taking time to get it right.

Yet we are told we need to vote this evening. We need to try to vote today or tomorrow on this, the largest spending bill ever in the history of the United States. In order to get it right, this package needs to be laser focused on getting workers back to work, getting our housing market out of the gutter, and doing so in a way that does not waste taxpayer dollars.

The Democratic leadership in this Congress said only recently that this package should be targeted, temporary, and timely. I could not agree more. Unfortunately, as this package stands today, it could more accurately be described as slow, unfocused, and

unending. Americans have real concerns over some of the spending contained in this package: $20 million for the removal of fish barriers; $70 million to support supercomputing activities for climate research; tens of millions to spruce up Government buildings in Washington, DC; $25 million to rehabilitate off-road ATV trails; $600 million for new Government vehicles; $150 million for honey bee insurance. The list goes on and on.

My friend from New York said, a few speakers back: If you want to take this pork out, take it out. We can take it out with his vote and with the votes of his colleagues, but we cannot do it alone. If he says take it out, and he will join us in doing that, then we are getting somewhere.

These projects may have merit, but what do they have to do with creating jobs immediately? There is a process for considering those types of projects, and this emergency stimulus package is not that vehicle.

I was pleased to hear the President speak recently acknowledging the good ideas Republicans have and saying he wants to make sure Republican ideas are incorporated in this package. So what are those ideas and why do I support the McCain substitute?

First, we need to trim the unnecessary spending that doesn't immediately put people back to work. Second, this package needs to get right to the housing problem because housing is what caused the situation we are currently in. Then let's focus more on targeted tax breaks for the working class and for the job creators, the small businesses. The President initially said 40 percent of this package should be made up of tax cuts. Regrettably, we are no longer close to that goal.

Senator MCCAIN has proposed an alternative plan that does all of these. His substitute plan costs half as much, thankfully, and offers focused spending and effective tax cuts. It eliminates the 3.1-percent payroll tax for all American employees for 1 year. It lowers the two lowest marginal tax rates for 1 year.

We also need to accelerate depreciation for capital investments made by small businesses for 1 year. We need to improve tax incentives for home purchases. We need to improve early investment in national defense and military infrastructure priorities, jump-starting the economy while making Americans safe, and mandatory deficit reduction after two consecutive quarters of economic growth greater than 2 percent.

If the stimulus package works and the economy begins to grow for 6 months in a row, then we need to rein in this unbelievably large spending bill, declare victory, and then start working on a plan to pay for it. We also need to establish an entitlement commission to review Social Security and Medicare.

I was delighted yesterday when the Isakson amendment was agreed to, doubling the current first-time home buyer tax credit to $15,000 and expanding it to cover all properties and home buyers. It is a small start—it is nowhere near the place we need to be—but I congratulate the Senate for taking that step.

This is an important debate, perhaps the most important debate we will have this year. The President was right when he said that Republicans have good ideas. I hope, as the President said, we can incorporate those ideas into this legislation. I hope we can make this package much smaller and much more targeted to jobs and housing. That is what more American people are beginning to say as they are becoming familiar with the details of this plan.

If we pass anything close to the current proposal and go to conference with the House, does anyone really believe the final product will be less expensive? If we pass the McCain proposal and cut in half the price tag of this bill and go to conference with the House, it is my hope and prayer that conference committee can report a package we can support in an overwhelmingly bipartisan manner, that can bring about confidence in the American people and make us all proud.

It is time to redirect this package. We need to make it targeted, timely, and temporary. We need to do it today. We have an opportunity to strengthen this legislation so that it doesn't waste taxpayer money, so that it actually puts people back to work quickly and puts families back into homes and Americans back to work. The American people deserve to have us do this right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, before talking about a very important amendment introduced by Senators CANTWELL and HATCH—and I commend them for their leadership on this very important amendment about jobs in the future—I believe we are at a critical point. We have seen job loss within the last 8 years like we have never seen before. In fact, in the last year, we lost 2.589 million jobs. It is accelerating every month—500,000 last month, 500,000 the month before. We are seeing new numbers that show acceleration of job loss. Unfortunately, that has come as a result of action and inaction in the last 8 years.

We are at a pivotal point. Do we use the same policies of the last 8 years or similar ones or do we do something new? Do we focus on a different strategy of investment, focusing on the demand side of supply and demand, creating jobs, putting money in people's pockets to pay the bills, and grow the middle class of this country? That is what this package is about. It is a change.

I understand there is a disagreement and an honest debate of philosophies that occurs in the Senate. I totally understand that colleagues who have been promoting an approach for 8 years with President Bush would come forward with the same kinds of proposals on tax cuts and other approaches, most of those around tax cuts that are very supply-side oriented. I understand that is their philosophy, that is their approach. They believe that is what should happen. With all due respect, that has not worked. We are talking about over 2.5 million jobs lost last year. Critically important to me in Michigan, we have lost over 4.1 million manufacturing jobs in the last 8 years. We have had no manufacturing strategy, no focus on good-paying middle-class manufacturing jobs.

In this package, we are going to change that. One of the important ways—and there are multiple items in the bill I will mention—relates to an amendment that will be coming before the body, hopefully today. It was offered by Senators CANTWELL and HATCH, and it speaks to the future. I am proud to be a cosponsor. It focuses on manufacturing the vehicles, the plug-in electric vehicles that we know we need to get us off our dependence on foreign oil, to address global warming, and to create jobs.

We have done a great job on R&D. We are investing in this package as it relates to battery development and research and development. We are doing a better job all the time on demonstration projects. We have passed tax incentives for consumers. The question is, Where will the vehicles be made? Where will the battery technology be made? That is the piece that has not been happening.

I am proud that the first hybrid SUV was made by an American company, Ford Motor Company. They made the Ford Escape hybrid. But they had to buy the battery from Japan. Now we see batteries coming from Korea. We want the jobs making those batteries in America. That is what this amendment is about.

A123, which is a leading battery company, asserts that an investment of $4.6 billion over the next 5 years in batteries and electric vehicles will create 29,000 direct jobs and 14 million square feet of new U.S. plant capacity. Of the newly created jobs, it is estimated that about 80 percent would be in the advanced battery industry or in the supply chain.

I am extremely supportive and pleased to be involved in this particular amendment. I also appreciate the fact that it does something incredibly important. In this horrible economy we find ourselves, where capital is not available for startups or for mature manufacturing companies that are turning to a green economy, this makes sure that companies in a loss position, that we need to grow the economy and create jobs, will also participate in creating the new electric vehicles. This is the future. Shame on us if we do not make these investments

now and we go from dependence on foreign oil to dependence on foreign technology, which is, frankly, where we have been headed in the last 8 years. This recovery package changes that. The Cantwell-Hatch-Stabenow amendment is a very important addition to it.

More broadly, let me say that we know we need a change, and we need action now from the policies that have put us where we are. We have over 11 million people who want to work and who are out of work. Right now, we have more people out of work than there are jobs available. We are in a situation where we have to focus on creating jobs. That is what this recovery package does.

What we are talking about is making sure we are rebuilding the middle class. That is not a slogan; that is a reality. We have been losing the middle class because we have been losing good-paying jobs. Too many families find themselves in the middle of this economic tsunami, and they are asking us to focus on jobs and those things that will allow them to pick themselves up, to work, pay the mortgage, put food on the table, send the kids to college, and have the American dream we all want for ourselves and our children. That is what this is about.

This package is about jobs rebuilding America, jobs that leave something behind for the taxpayer—a safer bridge, better roads, better water and sewer systems, the ability for small businesses to connect with high-speed Internet so they can sell their products around the world, the ability for hospitals to cut the cost of health care by new technology and to move ahead for the future. Jobs rebuilding America are essential to this package.

Secondly, it is jobs and a new green economy. We know that one of the next things we will have to tackle is what we do about the incredibly serious threat of global warming. There is a way to do that that creates good-paying jobs in America by focusing on the new green economy. That is the new green revolution.

It was 101 years ago when the Model T Ford rolled off the line. At that time, we created a revolution, people being able to move, to be more mobile with vehicles. We started a revolution that created the middle class. This is now a time for that next revolution.

When Henry Ford created the Model T, he also started another revolution, which was paying his workers enough so they could buy the vehicle. He knew that good-paying jobs were part of the equation. You could build automobiles, but if nobody could buy them, it wouldn't matter. He understood the demand side of supply and demand. He doubled wages to $5 a day so his workers could buy the vehicles.

This package focuses on workers having money in their pockets so they can buy things to get this economy going again.

In the green economy, it is exciting to see what we have been able to do. Last year on the floor we passed in our budget resolution a green-collar jobs initiative which I was proud to author. Other than the retooling loans, we were not able to fund the rest of it. This package funds the green-collar jobs initiative with $2 billion for grants for advanced batteries. It focuses on green-collar job training.

It focuses on weatherization and energy efficiency for buildings, which we know create 40 percent of energy usage.

It focuses on creating a smart grid to improve the security and reliability of the electricity grid. If everybody in the United States had an electric vehicle made in America and they plugged it in, we would totally destroy the electric grid. We don't have the capacity. In this bill, we look to the future and say: We want the vehicles. We want the fuel efficiency. We want to stop those carbon emissions. And we better make sure we have a grid that allows that to work. So that is in here as well. So it is about right now, and it is about where we want to go in terms of jobs in so many different areas.

We are talking about loan guarantees and grant programs and tax incentives that combine to create a picture of a future that is based on a green economy and is based on good-paying jobs in America.

I wish to make sure the 8,000 component parts that go into a wind turbine—somebody told me it was 1,200 parts, and then somebody said, no, it is 8,000 actually—8,000 different parts in one wind turbine. I wish to make sure those are manufactured in this country, not just that we use the wind energy, which is important, but 70 percent of the economic activity in using wind energy comes from manufacturing the parts. We do that pretty well in Michigan, as well as, I know, around the country. But we are pretty proud of our skilled workforce which knows how to make things, manufacture things, develop things, engineer things. The green economy and the incentives in this recovery bill focus on creating those kinds of jobs, and it is very exciting to see where we can go.

We also know there are people who right now we need to be focusing on to make sure we have support for our States and communities so they can keep police officers on the beat, schoolteachers in the classroom, and keep jobs—very important jobs—in public service we all benefit from every day. That is in this package.

There are a tremendous number of people who are hurt, and certainly I speak for people in our great State who work hard every day and have been caught in the middle of this economic crisis. We have not seen much in the last 8 years to recognize the hurt families are going through and to help them through what we hope will be a temporary situation.

Unemployment compensation benefits are increasing as well. Help for families to be able to keep their health insurance is in this bill. Job training and help for people who have lost their jobs because of unfair trade practices is in this bill. Help to put food on the table for families is in this bill.

This is a very important economic recovery package that focuses ultimately on making sure we are creating jobs in America. That is what this is about. It is all kinds of jobs, that is for sure. There is not one silver bullet. It is all kinds of jobs. But it is about creating jobs, creating opportunities, looking to the future, disregarding the policies that have not worked, saying: Do you know what. We are not going to do that anymore. The same things that have been proposed that relate to what has happened in the last 8 years, we are not going to do that anymore. We cannot afford to do that.

We are in a crisis. We need to act boldly, smartly, and now. This bill does that. This is about creating jobs in America. I hope we will join together in a strong bipartisan vote to get it done.

I thank the Chair.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Utah.

AMENDMENT NO. 364

Mr. HATCH. Mr. President, I appreciate the remarks of the distinguished Senator from Michigan.

I rise in support of the substitute offered by the distinguished Senator from Arizona. As usual, JOHN MCCAIN does not mince any words. He says what he believes, and in this particular case, what he is trying to do is make this bill better and also to make it bipartisan so it would have an overwhelming vote, including mine. But I cannot help but express concern about the misguided direction we are headed toward in stimulating our economy if we go with the bill the majority has come up with, even as amended.

Our new President recently told the Washington Post:

> The tone I set is that we bring as much intellectual firepower to a problem, that people act respectfully towards each other, that disagreements are fully aired, and that we make decisions based on facts and evidence as opposed to ideology, that people will adapt to that culture and we'll be able to move together effectively as a team.

Now, I make decisions based on ''facts and evidence as opposed to ideology.'' That is what our President said.

To me, that means we must do what is necessary and what will be effective, and I could not agree more with President Obama's statement. Unfortunately, in this bill, my friends on the other side of the aisle have not followed the President's leadership and at a time when such leadership is critical.

There is no doubt we are in a serious recession. There is widespread agreement that quick action is necessary to stop our economy's downward spiral. The facts are conclusive and Democrats and Republicans all agree economic conditions are severe. Both commonly accepted definitions of ''recession'' have clearly been met, and we

have seen a constant decline for all economic indicators.

Our current economic condition: GDP has declined at 3.8 percent, unemployment at 7.2 percent. Manufacturing is at a 28-year low. We had the worst January in over a quarter of a century. These are very important indicators. I could go on, but we are here today to look toward the future, to look toward recovery and reinvestment.

Moreover, I am not here to cast blame as to how we got here. Both sides are guilty of making poor decisions on shaping our economy. But today is critical. We need, as the President has stated, to put aside our ideological differences, focus on our economic condition, and make decisions based on what the facts and the evidence indicate will be effective.

We cannot afford to waste more American taxpayer dollars. We cannot afford to advance political dogma at the expense of doing what is right. We cannot afford to make a trillion-dollar mistake.

If we are going to spend billions to stimulate the economy, we had better get it right. The central question is whether this enormous spending-and-tax bill would be effective, or will be effective, in turning around the economy, preventing further layoffs, and creating new jobs. If it will do what is needed, it is worth the money, and we must pass it immediately.

While both sides of the aisle agree about what we want to achieve, we disagree about the means and how to achieve them. Despite popular Democratic belief, Republicans are not trying to block the stimulus package. We are trying to improve it, and the distinguished Senator from Arizona has some great ideas and has improved it considerably. While Senate Republicans have tried to offer our ideas to the American Recovery and Reinvestment Act, we have largely been excluded from helping formulate this bill.

The February 2 Los Angeles Times editorial, titled ''The Nation Needs Jobs, Not a Political Agenda,'' correctly points out this stimulus package—the largest stimulus since World War II—could and should have been crafted to garner extensive Republican support.

Instead, the stimulus is a hodgepodge of liberal-targeted spending projects with a few decent ideas thrown in to try to appease Republicans. The majority of the bill is aimed at promoting mostly public-sector jobs for short-term projects, such as building roads and infrastructure.

A large fraction of the proposed stimulus package is devoted to infrastructure projects that would spend out very slowly, not with the speed needed to put the economy on the path to recovery in 2009 and 2010. While some of these public jobs are necessary, we also must provide incentives for private sector jobs. Furthermore, the stimulus needs to take effect immediately and not continue to provide a stimulus once the economy has turned around.

While President Obama has said he believes Government spending provides the most ''bang for the buck'' and that there is ''near unanimity'' among economists that Government spending will help restore jobs in the short term, I must respectfully disagree. I believe, as do many economists, that our problems cut much deeper than what temporary Government spending will be able to cure.

Harvard economics professor Martin Feldstein, president emeritus of the National Bureau of Economic Research, wrote in a recent Washington Post article:

> The fiscal package now before Congress needs to be thoroughly revised. In its current form, it does too little to raise national spending and employment.

Gregory Mankiw, another Harvard economics professor and the former chairman of the President's Council of Economic Advisors, notes in a New York Times op-ed that each dollar of Government spending increases the gross domestic product by only $1.40, while a dollar of tax cuts—or tax relief, I would prefer to say—raises the gross domestic product by about $3.

This is based on a study conducted by Christina and David Romer, then economists at the University of California, Berkeley. Christina Romer will now serve as the chair of President Obama's Council of Economic Advisers. President Obama, there is not ''near unanimity'' among economists that Government spending delivers the most ''bang for the buck''—indeed, not even among your own top economic advisers.

Democrats have stressed they believe we need solutions that are temporary, targeted, and timely. Beyond spending for expanding Government projects, there is serious wasteful spending in this bill. The current bill provides up to $500 for individuals and up to $1,000 for families in the so-called Make Work Pay tax credit, which would encourage work at the margin only for people who produce and earn less than $8,100 per year.

Studies show that in the past, these rebate checks do not stimulate the economy. For instance, studies of the 1975 rebate—and earlier tax changes—suggested that only 12 percent to 24 percent of the rebate was consumed in the quarter it was received. Moreover, it is estimated that only 15 percent of last year's rebate checks was put back into the economy. Based on these estimates, of the $142 billion that would be allocated through the ''Making Work Pay'' tax credit—through that tax credit—the average of only $24 billion would find its way back into our economy. That is after an expenditure of $142 billion.

Now, this is what it says: The Democrats' Stimulus Plan. Make Work Pay tax credit. Make Work Pay—the cost is $145 billion. Only $24 billion will be put back into the economy. These are important estimates.

Well, is this the most effective way to spend taxpayer money? The Make Work Pay credit is a refundable credit. Anyone who works would be eligible to receive up to $500, even if that person never paid income taxes. There are other refundable credits in this bill as well, including a provision increasing the refundable portion of the child tax credit.

But the bill also creates a new category of tax credit bonds called ''Build America Bonds,'' in which a State or a local government could elect to receive a direct payment from the Federal Government equal to the subsidy that would otherwise have been delivered through the tax credit. Whom are we kidding? This is nothing more than an innovative way of delivering more spending through the Tax Code. The majority wants to claim these are tax cuts, but these are not tax cuts. This is spending. I ask my colleagues: What is wrong with using the appropriations process for spending? Some of these projects may fit the appropriations process well, but they do not fit in a stimulus bill such as this and especially one where the American taxpayers are called upon to spend so much.

Beyond these so-called ''tax cuts,'' we see even more spending for State and local governments. Until recently, my friends on the other side of the aisle have promoted their ideology to the extent that House Speaker PELOSI suggested that contraception will stimulate the economy because it is a cost-saving measure for the State and Federal governments. Even though this measure has been taken out, the bill includes plenty of other Government-expanding and ideology-promoting projects. State aid will only fund temporary projects that would need to be funded later down the road. Conversely, spending in the private sector would create permanent jobs that would give people more to spend and would lead to even more permanent job creation.

Look, it is not just Republicans sounding the alarm over this bill. Even the very liberal San Francisco Chronicle has characterized the bill as a wasteful grab bag of spending. For example, this bill could make available billions of taxpayer dollars to leftwing groups, such as the Association of Community Organizations for Reform Now, commonly known as ACORN. The plan further establishes 32 Government programs at a cost of well over $136 billion.

There is a difference between permanent tax cuts and short-term stimulative spending. If we base this bill on measures we know will work, it should include a proper balance of both permanent tax cuts and short-term spending. Instead, this bill is tilted toward government spending either through appropriations or tax expenditures. Less than 3 percent of this bill contains business tax relief. How do we expect to create jobs in the private sector when you spend that little on the people who can create the jobs?

I wish to turn my attention to the health care provisions contained in this package. As I have said before, health care reform is not a Republican or Democratic issue; it is an American issue. When we are dealing with 17 percent of our economy—and that is what the health care economy is—it is imperative that we address solutions in an open and honest, bipartisan process. Although the congressional Democrats and the administration have given a great deal of lip service to bringing change and bipartisanship to Washington, let us all remember that actions speak louder than words.

I am mostly disappointed the Democrats have decided to use the stimulus legislation to address health care reform in a partisan and piecemeal fashion. Health information technology is a perfect example. It is an area of consensus that should have been part of the comprehensive and bipartisan health care reform dialog.

Last Congress, Senator MIKE ENZI and I worked very closely with Senators TED KENNEDY and Hillary Clinton on the Wired For Health Care Technology Act which resulted in a bipartisan bill that was unanimously approved and reported by the Senate Health, Education, Labor and Pensions, or HELP, Committee. While the stimulus package before the Senate contains provisions on health information technology—that is health IT—it does not resemble that bipartisan bill we introduced and passed unanimously out of the committee last Congress. The most important difference is that these provisions do not represent a bipartisan agreement because Members on both sides of the aisle were not involved in the discussions.

Secondly, the stimulus bill undermines the work of former Health and Human Services Secretary Mike Leavitt and the Bush administration by federalizing the National eHealth Collaborative. While I believe the Federal Government should play a role in this area, it should not take over such an initiative. The intent of our legislation, and the intent of Secretary Leavitt, was to encourage a partnership between the private sector and the Federal Government to improve the quality and efficiency of health care. The stimulus legislation dissolves this public-private partnership.

Finally, the stimulus bill provides $1.1 billion for clinical comparative effectiveness, including a $400 million slush fund to be used by the Secretary at his discretion. Once again, this is a topic of bipartisan interest and concern that should have been discussed in the context of comprehensive reform.

We have not even discussed the overall cost of this bill. When interest is included, the almost $900 billion Senate version reaches close to $1.3 trillion. That is enough to give every man, woman, and child in America $4,000, or every person in my home State of Utah $480,000. Indeed, $1.2 trillion is more than the cost of the New Deal and the Iraq war combined in today's dollars. The interest alone would be costlier than the Louisiana Purchase or going to the Moon adjusted for inflation—in fact, four times the cost adjusted for inflation and time—than the Louisiana Purchase.

The bill is estimated to cost $1.3 trillion with interest. The congressional budget authority has estimated that the stimulus bill will produce between 600,000 and 1.9 million new jobs by 2011. That means it would cost anywhere from $700,000 to $2.1 million to create one job. That is absurd.

To make this bill economically stimulative, we must make decisions that will be effective. Our economy began this downturn when our housing market collapsed. No stimulus will work unless we address the root of the problem. Some of my Republican colleagues are proposing to add the Fix Housing First Act which would refinance and lower fixed rate, 30-year mortgages for primary residences and provide a $15,000 tax credit for all homebuyers. I support this idea because it would encourage people to buy houses and would help homebuilders, and it would put a lot of people to work. In addition, we have offered a proposal to permanently lower the corporate income tax rate which again would give the corporations in this country the ability to hire a lot more people, expand their businesses, and do what should be done. We need to enact tax relief that will help save and create jobs now.

I believe one way to truly stimulate the economy is by making the research tax credit permanent. If we lifted the quota on H2B people—these are generally highly educated people, educated in our country, who are forced out of our country to go home and compete with us, where otherwise they would stay here and help us be more competitive than we are. For too long, companies have been waiting on a short-term basis to see whether this vital tax credit will be extended for yet another year or two. When 80 percent of the research credit is based on salaries and wages, I doubt that anyone in this Chamber could honestly say that making the research tax credit permanent would not provide a great deal of bang for the buck.

We should also look at middle-class tax relief by lowering the 15-percent bracket to 10 percent and the 10-percent bracket to 5 percent, increasing the capital loss deduction and lowering the capital gains rate to encourage investment which would lead to job creation. I think I have the right to say these things because I was one of the original supply siders in the Reagan administration. Not only did we have the arguments that if we reduced taxes, we will have less revenues, not only did that turn around, but we had many more revenues that were planned or contemplated because we did reduce those taxes.

The fact that 11 Democrats and every Republican voted against this bill in the House is evidence that bipartisanship did not prevail. The reason it did not prevail is that there was too much spending in the legislation and not enough incentives to spur job growth and economic development. For this stimulus package to be effective, it should incorporate ideas from both sides of the aisle. We should be focusing on incentives that are permanent and broad, not temporary and targeted. We owe this not only to taxpayers today, but also to future generations of taxpayers who will be saddled with this trillion dollar spending bill—$1.3 trillion. In short, we owe it to every American to craft a bipartisan stimulus package that will rouse the economy instead of coming up with a partisan bill that produces little and provokes American anger.

Again, as I said at the beginning of my remarks, I wish to thank the distinguished Senator from Arizona for the work he has done in trying to come up with a reasonable compromise on this approach that will create many more jobs at much less cost, and for his willingness to stand on this floor and the guts he has to be able to take on all of us as colleagues in the Senate to try and do what is right.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CASEY. Mr. President, I wish to speak as well on the bill we are debating from a couple of different vantage points. One is on the bill itself and what is confronting the American people and our economy. Secondly is an amendment I will speak of briefly.

I think in a broad sense we are at a point now where we are getting close to the point at which we will vote on the bill itself—the recovery bill—the Recovery and Reinvestment Act. We have heard a lot of debate and discussion about parts of this bill that people don't like—and there is no reason why we shouldn't debate those points of contention—but I think we should also step back and look at what is going to work from this bill and why this bill is so essential to our economy.

The bad news is that this bill is not being debated and these amendments are not being voted on in a vacuum. The reason why we are debating this bill is because we have about the worst economy that we have seen since the 1930s, at least the worst economy in more than a generation. That is without question. I know the Presiding Officer as well as others know how bad this is in our own States. I know from the people in Pennsylvania whom I talk to and the stories and accounts that I read about our economy, it is graphic. I won't go through all of it, obviously, but if you look at it from the unemployment rate, it is more than 7 percent nationally. Some projections are that if we don't take strong decisive action very soon, that number could go up to 10 percent—numbers we never would have imagined even 6 months ago. In Pennsylvania, our unemployment rate is a little less than

that. As of December—the State numbers tend to lag by a month or so—we were about 6.7 percent, but a month earlier it was 6.2. In our State in November we lost more than 27,000 jobs. In December we lost another 27,000 jobs. We saw the numbers today on claims for unemployment, help for unemployment claims. The number is going way up: well over 650,000 people in this week's tally.

We can also look at it from the vantage point of a budget. Pennsylvania has a budget where they have to balance it every year, as virtually every other State. Governor Rendell has worked very hard over the 5 years he has been in office to target investments in priorities such as education and health care and job creation and creating new sources of energy, but at the same time he has done that, he has also made sure that he has tried to hold the line on spending. Despite all of that effort, revenues are collapsing. In a State such as ours we are facing almost a $2.5 billion shortfall. The rainy day fund, which has been built up to three-quarters of a billion dollars, has been decimated or will be in the next year.

So we need action, and we need it very soon. We should vote on this bill this week, I believe. We can't wait any longer. We shouldn't wait another month or two to continue to debate strategies that we know will work, even with a bill that is imperfect.

But what are we talking about in this bill? We are talking about helping people get through this recession with unemployment insurance, which also has a jump-starting effect on spending and job creation. We are talking about health care for people who have lost their jobs so they can take care of their families. We are talking about assistance to States so that States don't have to jack up State taxes and so that local school districts and local communities don't have to increase their taxes exponentially because we won't help them.

Some people want us to do nothing, and doing nothing right now I know means one thing: It means much higher local and State taxes over the next couple of months. We can't allow that to happen. People are paying too much already across the country. It has tax cuts that are prudent and targeted. It has investments in health care IT which will pay dividends short term with jobs and long term with better health care outcomes and better quality. It invests in science and technology. It invests in clean drinking water and better ports and rails, better energy strategies, housing, school modernization—the whole range of strategies that we know will create jobs in the short run, but will also have a strong impact on our economy.

So we should move forward and we should make sure we do the right thing now, and the right thing is to act and to pass a piece of legislation which may be imperfect, but we should emphasize what is working.

One note about two amendments, and then I will conclude. Senators SPECTER, LEAHY, DODD, SCHUMER, KERRY, and I have an amendment which is a smart idea for housing. We know that with the leadership of Chairman DODD, the chairman of the Banking Committee, last year we passed very good legislation to deal with our housing and economic recovery, the so-called HERA Act, which helped to allocate dollars—$4 billion—last summer in emergency assistance to State and local governments to use for the rehabilitation of abandoned and foreclosed properties across the country. What we are asking for in this amendment—the amendment to the recovery bill—is to say that an additional $2.25 billion which is already in the bill for the neighborhood stabilization program will allow some flexibility in how those dollars are spent so that under our amendment, it permits up to 10 percent of the funds to be used for foreclosure prevention, which we are not doing enough on right now. It also allows States that are receiving the minimum allocation under the stabilization program to use their funds to address Statewide concerns. Finally, it sets aside $30 million for legal assistance for low and moderate income homeowners and tenants related to home ownership, preservation, home foreclosure prevention, as well as tenancy associated with home foreclosures. So it is a prudent amendment to this important legislation.

But when we step back from the bill overall—and I have amendments as well on stronger oversight—there are lots of ways we can improve it today and tomorrow, as we did over the last couple of days. But in the end, we need to vote, we need to pass this bill and make it as strong as we can. The worst thing we could do in a terrible economy right now is to say, Well, it is not a perfect bill, and we are going to hope that things work out. If we don't pass a bill, State and local taxes are going to go through the roof, our economy will fall further into the ditch. We have to get this economy out of the ditch, create jobs, and begin to grow our economy once again.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, through the Chair, I ask the chairman of the Finance Committee if I would be allowed to ask unanimous consent, not for a time agreement, but for an agreement on the order of speakers on our side, going back and forth with the majority, so that they would have an idea of the order.

Mr. BAUCUS. If Senators wish to speak, they can come to me and we will set up an order. The Senator from Nevada is next, then Senator KOHL, then Senator CHAMBLISS, then Senator DODD. We are down that far already. Hopefully, we can get an agreement to start voting very quickly.

Mr. ENSIGN. Mr. President, without a doubt, the collapse of the housing market is at the root of the economic crisis we are facing in our country. Every single American is being affected by this.

A few short years ago in Nevada, housing prices were through the roof. If you were in the market for a home, you had to act quickly and you had to plan on being in a bidding war. For a while, it seemed there were more realtors and mortgage brokers than blackjack dealers in Las Vegas.

The housing storm blew through many communities in our country at high force, and the aftermath has been brutal. If you do not live in an area with a lot of foreclosures, let me describe the situation. You drive home from work to find one home—or maybe several homes—in your neighborhood with a dead lawn. That is the first sign. Then the ''For Sale, Bank Owned'' sign pops up on the lawn. But the most painful part is when you find out how much the foreclosed home down the street from yours is going for. It is part of the reason consumer confidence is at such an all-time low. When you find out that the biggest investment you personally have, the property that gives you leverage in this economy, is worth less than what you bought it for, it creates a sense of panic.

Much worse off are the people who have lost jobs, have been unable to pay their mortgages, and soon found themselves losing their homes. Nevada leads the Nation in foreclosure rates, so these stories are reality for too many of my constituents and too many other families across the United States.

If we don't figure out a way to get this housing market back on track, nothing we do in the name of economic stimulus will matter. It has to be our number one priority. If we can fix the problem—and the problem is housing—then we have a chance to fix our economy.

To do that, we absolutely must increase home sales and decrease foreclosures. It sounds like an impossible task in light of the current economic climate, but if we do not succeed, our economy will continue to crumble under the weight of the failed housing market. We really do not have a choice.

I have a plan that will jump-start the housing market and breathe life back into our economy. It is very simple. A lower mortgage rate will provide more than 40 million households in the United States who are creditworthy or who have a Fannie Mae- or Freddie Mac-backed loan with what amounts to a $400-a-month tax cut for the next 30 years.

Here is how it works. American homeowners would be able to refinance their current mortgages or finance the purchase of a home for somewhere between 4 and 4.5 percent. Homeowners who hear about this proposal immediately begin to do the math. You can literally see their eyes light up as they realize how this will benefit them. Imagine saving $400 per month on a

fixed-rate, 30-year mortgage. This will save $150,000 over the total term of their mortgage. That $400 a month will make a huge difference in the budgets of most families.

By the way, think of the stimulus effect. If you send a one-time check of $500 to somebody, they will be unsure whether that is going to be there in the future. Remember, we did this last year and found out what happened: people spent only 12 cents out of every dollar. It did not help the economy that much. It just added to the deficit. Instead, people saved the money because they saw tougher economic times ahead. They paid down some of their credit card debt, but they didn't go out there and spend it in the economy to generate economic activity. So just think of what a family could do with the kind of savings my amendment would provide. That is almost $5,000 per year that you could count on for the next 30 years. You could build that into your budget and you could increase your economic activity with that.

Now, banks would issue these Government-backed lower fixed-rate mortgages on primary residences, and they would be available between now and the end of 2010. This new lower rate would be based on the historic spread between the rates of the 10-year Treasury bill and the 30-year fixed-rate mortgage. We have limited the cost of the program to $300 billion. But the economists who have looked at this think the cost will be dramatically less. If you multiply this out across the country, it is over $6 trillion in savings for the American people over the next 30 years. So the Government invests $300 billion, and Americans save, over the next 30 years, $6 trillion. That is a pretty good return on our investment, I would say.

It is also time to expand the current tax credit for first-time home buyers. We need to encourage every potential creditworthy homebuyer to jump into the market. We should expand the existing credit to cover all homebuyers and cover all properties, not just vacant or foreclosed properties. That is why I strongly supported Senator ISAKSON's proposal to increase the credit to $15,000. Well, since our proposal is a substitute, we have actually incorporated the Isakson proposal for up to $15,000 for those who will buy a home. They will be able to claim that against their taxes either in one year or take 50 percent each year for the next 2 years.

We need to have people staying in their homes. The onslaught of foreclosed properties in Nevada and across the country is a significant hurdle to economic recovery. They bring down property values and drag down consumer confidence.

Privately securitized mortgages are at the core of the problem. These are mortgages that were originated without a guarantee from one of the government-sponsored enterprises. They account for more than 50 percent of the foreclosure starts despite accounting for only about 15 percent of all the outstanding mortgages. So my bill, the Fix Housing First Act, includes temporary incentives for privately held, securitized mortgages to be modified. That would allow homeowners facing foreclosure to pay lower monthly payments and to stay in their homes. It also provides temporary legal protection for those who do loan workouts in good faith. These two steps eliminate the economic and legal barriers that are currently preventing many homeowners from modifying their loans. This will have a huge impact on families who may be slightly underwater on their loans but who are anxious to stay in their homes.

Unfortunately, more than 860,000 properties were repossessed last year alone. That means that nearly 1 million families lost their homes. It was easy for a while to blame irresponsible homeowners for taking out risky loans and gaming the system, but the cancer caused by the housing crisis has spread to every aspect of our economy—the financial markets, employment, the auto industry, retailers, State budgets, and local budgets. The list goes on and on.

If we want to heal our economy, we have to start first with housing. My proposal—by the way, I call it ''my'' proposal just because I happen to be the lead author. Many people have worked to put this proposal together. Our proposal will fix housing. It is the most comprehensive of any of the pieces of legislation out here. It is the most comprehensive piece of legislation to fix the housing crisis in the United States. But along with addressing the housing market, we also need to do properly targeted tax relief for families and small businesses.

The underlying bill has some good proposals in it. They are, unfortunately, a small part of the package. But we have incorporated some of those good ideas into our amendment. If there is a good idea out there, let's do it in a bipartisan fashion. That is the way we should have done this bill in the first place. That is what the President called on us to do. Unfortunately, the Democrats in the House of Representatives decided to cut Republicans out of the process, and the Democrats in the Senate decided to cut Republicans out when we were crafting this bill. It is unfortunate, but that is what happened. It is not too late, though. We can sit down and take good Republican ideas and take good Democratic ideas and help the American people out of this terrible economic morass we are in.

I believe American taxpayers deserve a break. American families, especially working-class families, need a tax break. So what we have done in our bill is taken the two lowest marginal rates and we have cut them. The 10-percent bracket would be cut to 5 percent, and the 15-percent bracket would be cut to 10 percent. The average combined benefit of these cuts for middle-class families would be about $3,200 per year for each of the next 2 years.

As I mentioned before, we also need to give small business a major boost. Small business creates 80 percent of the jobs. We need to encourage small businesses. It is not Government that grows us out of every recession, it is small business. That is why this engine of our economy needs some fuel.

Extending bonus depreciation, eliminating capital gains taxes for startups and certain small businesses, and investing in broadband access are all measures that will spur job creation and help get this country back on its feet.

Finally, the Fix Housing First Act eliminates the laundry list of wasteful spending items in the current stimulus bill. There is also a large list of spending items that some of us may support. Many are new spending programs. But at a time when our country is facing a fiscal as well as a financial crisis, if we are going to have new programs, we ought to eliminate old, wasteful programs. The underlying bill does none of that.

Mr. President, Americans are hurting right now. So many have lost their jobs, lost their homes, and they need help. They need us. We have a role to play here. We need to put confidence back into consumers across America so they can start getting back involved in the economy. They understand that a $1.2 trillion spending bill is not the answer. That is why we are seeing support of this bill go down in the polls each day.

By the way, the bill is not getting smaller. Each day we vote on amendments, it gets larger and larger and the interest on the bill gets larger too.

So I challenge my colleagues, if you do not like the approach we have taken, let us sit down and do it right. Consider the TARP funds that were spent. We were told if we didn't do it that week, the whole economy was going to collapse. When we rush things through, we make mistakes. And we have seen the mistakes with the TARP fund. You see the headlines all the time: $20 billion in bonuses for executives who took money from TARP. And there are all kinds of newspaper stories here and there about the abuses committed with TARP funds. Let's not make the same mistake by rushing through this bill. There is an artificial deadline that has been set on this bill—and that is exactly what it is. Should we act quickly? Yes. But doing something wrong quickly does not make it right. Yet that is what some people seem to be saying.

I urge us to do what is right for the American people, and let us join together as Americans and figure out what we need to do. Let us take good ideas from both sides and let us help fix the American economy.

I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Wisconsin.

Mr. KOHL. Mr. President, for months, news about our sinking economy has dominated. The facts are staggering. We now have a 7.2-percent unemployment rate. Upwards of 1 million good-paying manufacturing jobs were lost last year, and consumer confidence is at or near an all-time low. Last week brought more bad news. In the last quarter of 2008, the economy shrank by the most in 26 years.

At the same time, we now well know about the irresponsibility of some financial executives who helped to create this crisis and who are now benefiting from Government assistance. While countless families struggle to make ends meet, some Wall Street executives rewarded themselves with bonuses totaling more than $18 billion last year. Such outrageous rewards during an economic downturn are without justification, and they draw a harsh contrast with the rest of America.

Each week without a response from our Government will make that contrast more pronounced—more jobs lost and more families hurting across the country. This is not a partisan issue. Economists agree that Government needs to act and act now.

I support the package before us, but I do have some reservations. The pricetag on this bill is enormous, and it is true some of the cost is in long-term investments such as in education, health care, and energy efficiency and independence, which some argue is not immediately stimulative. This is a case, however, where the sum is greater than the parts. Ultimately, this legislation contains what our economy needs to get back on track.

The legislation before us combines tax relief, investments in infrastructure, and assistance to State and local governments, all aimed at putting people back to work and jump-starting our stalled economy. With $342 billion in targeted tax relief, the bill will help middle-class families. Families in Wisconsin, for example, will get on average a tax cut of $900 just this year. And the bill provides important tax incentives and benefits for businesses to save jobs and stimulate growth.

The bill before us also includes funding to get people back to work while rebuilding our Nation's crumbling infrastructure. For Wisconsin, the bill funds more than $537 million in highway improvements and includes more than $218 million for school modernization.

The bill also takes into account the needs of agricultural and rural communities, funding rural water and waste disposal and farm operating loans.

Also, the bill provides for our neediest citizens, those who are hit hardest by this downturn, through increased funding for Food Stamps, WIC, as well as food banks.

I am pleased the bill includes funding for two of my priorities—job training and the COPS Program. Job training is at the core of what this legislation is about: putting people back to work. The $1 billion of funding in the bill will retrain countless workers and prepare people for new job opportunities.

In addition, the bill includes nearly $4 billion for Federal and State law enforcement programs. These programs have a track record of reducing crime, and the additional funding will create jobs quickly.

In some ways, this bill is tough to swallow. I understand why there are those who may well vote against this bill who argue that it is too much money. And I understand there are 100 Senators here and each one of us would craft this bill differently. But even those voting against the measure would certainly agree that during this time of enormous stress on our economy and throughout our land, we cannot afford to do nothing. We are in an economic crisis and doing nothing is not an option. Indeed, before the final vote, there may well be some modifications to this bill. But we need to vote for a recovery package similar to the one before us today.

I wish to talk briefly about an amendment I have filed that would provide $30 million to the Manufacturing Extension Partnership Program. The amendment is offset. I am hopeful this amendment can be included in a managers' package. The amendment has the support of Senators SNOWE, STABENOW, BROWN, WHITEHOUSE, LEVIN, SANDERS, SCHUMER, and WYDEN. MEP makes small- and medium-sized manufacturers more competitive by helping them implement the latest technologies. In 2007, MEP business clients reported over 52,000 new or retrained workers, increased sales of $6.8 billion, and over $1 billion in cost savings. As a longtime supporter of the MEP Program, I believe this would be a critical addition to the bill. A healthy manufacturing sector, as we all know, is the key to better jobs, increased productivity, and higher standards of living.

Mr. President, I yield the floor.

Ms. SNOWE. Mr. President, I rise today to speak on behalf of an amendment to the stimulus bill that Senators KOHL, BROWN, LEVIN, SANDERS, STABENOW, WHITEHOUSE, and I are introducing. The amendment will restore funding for the Manufacturing Extension Partnership, MEP, to the level included in the House-passed bill. It ensures that $30 million currently contained in the bill for the National Institute of Standards and Technology, NIST, go specifically to the MEP to continue its critical operations on behalf of small and medium-sized manufacturers nationwide. This would not increase the size of the stimulus bill; rather, it would simply reallocate funding to the MEP.

If our goal in this stimulus is to create and retain jobs, then there is no better program to fund than the MEP. Administered by NIST and with centers in every State, the MEP provides our Nation's nearly 350,000 small manufacturers with services and access to resources that enhance growth, improve productivity, and expand capacity. At a time when our economy is suffering its worst downturn since the Great Depression, the MEP's work is crucial to helping those manufacturers be stronger long-term competitors both domestically and internationally. This will, in turn, allow them to create good-paying high-skill jobs.

As co-chair of the Senate Task Force on Manufacturing, I have seen firsthand the effect our country's manufacturing industry has on the vitality of our economy. By directing $30 million to the MEP, we will be sending a clear signal to small manufacturers that they will continue to play a vital role in reinvigorating our economy. I urge my colleagues to adopt this amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 189

Mr. DEMINT. Mr. President, I wish to speak on my amendment that protects religious freedom on college campuses. I start by asking unanimous consent to add Senator MIKE ENZI of Wyoming and Senator JIM BUNNING of Kentucky as cosponsors of amendment No. 189.

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

Mr. DEMINT. Mr. President, for 2 or 3 weeks now, we have been told time and time again by colleagues and the President that we need to move our country forward, set aside our differences, our ideology, remember what unites us, and come together. But the people who are writing our legislation today have not gotten that same message. I will talk about it in just a moment.

This morning, I had the pleasure of sitting with a number of my House and Senate colleagues, along with about 3,000 other people from all over the world, people of faith, and heard President Barack Obama address the National Prayer Breakfast. The President said many great things, but one of them was this:

> The particular faith that motivates each of us can promote a greater good for all of us . . . I don't expect divisions to disappear overnight . . . but I do believe that if we can talk to one another openly and honestly, then perhaps all rifts will start to mend and new partnerships will begin to emerge.

We heard President Obama, as well as the former Prime Minister of Great Britain, Tony Blair, say faith gave us tools to solve problems that could not be solved without faith. This is a beautiful message, and I think we all know it is true.

Then we come here and find a provision in this massive spending bill that would make sure that students could never talk openly and honestly about their faith. The fact is, any university or college that takes any of the money in this bill to renovate an auditorium, a dorm, or student center could not hold a National Prayer Breakfast there any longer because of what is written in this bill.

This bill provides funds to modernize, renovate, repair facilities on college and university campuses, both private and public. But there is a phrase in there, a couple of lines that says the facilities that accept these funds cannot be ''used for sectarian instruction, religious worship, or a school or department of divinity; or in which a substantial portion of the functions of the facilities are subsumed in a religious mission.''

Keep in mind that a prayer has been called by our courts to be religious worship. What this means is students cannot meet together in their dorms, if that dorm has been repaired with this Federal money, and have a prayer group or a Bible study. They cannot get together in their student centers. They cannot have a commencement service where a speaker talks about their personal faith.

What this means to universities is legal risk, threats of lawsuits from the ACLU if they allow any religious activity on a campus that has taken any of this money. It is not just the particular facilities. This money can be used for electrical wiring, plumbing, and sewer systems that affect every building on campus.

This language has been written by very smart lawyers to do what they try to do, and that is intimidate the free speech of traditional freedom-loving Americans. My amendment would just simply strike this language and affect no other parts of the bill.

The National Prayer Breakfast could not be held in a building renovated with funds from this bill. The Campus Crusade, a fellowship of Christian athletes, Intervarsity Christian Fellowship, Catholic and Jewish student groups who are meeting on campuses all over the country today could no longer meet in buildings that use funds from the bill we are talking about today. Classes on world religions or religious history, academic studies of religious texts could be banned by facilities that are renovated by this bill.

What about a group of teachers or professors who want to start a meeting with a prayer? What about chaplains on campus? What about private Bible study in a student's dorm room? What about a campus that wants to bring a Billy Graham or Rick Warren to speak? Would they be barred from campus? Would the college be sued by the ACLU? What if one of us, a Member of Congress, went to speak at a college graduation and shared a little bit about the faith in our life, would that college be sued?

The people who wrote this bill want to create risk and liability and put a chilling effect on religious freedom in our country. The most important thing for us to consider is what is this nonsense doing in this bill in the first place? The courts have decided this issue. Religious groups have the same freedom as nonreligious groups. This has nothing to do with the economy and even less to do with stimulus.

Keep in mind, this bill did not write itself. Someone around here thinks it is a good idea to discriminate against people of faith, to deny them educational opportunities and access to public facilities. Someone is so hostile to religion that they are willing to stand in the schoolhouse door, like the infamous George Wallace, to deny people of faith from entering any campus building renovated by this bill.

This cannot stand. It is in hard times that our society most needs faith. It provides the light that no darkness can overcome. This provision is an attempt to extinguish that light from college campuses, from the lives of our youth.

In the words of the President today:

> Faith . . . can promote a greater good for all of us. Our varied beliefs can bring us together to . . . rebuild what is broken [and] to lift those who have fallen on hard times.

Our culture cannot survive without faith, and our Nation cannot survive without freedom. This provision is an assault against both. It is un-American, and it is unconstitutional, intolerant, and it is intolerable. It must be struck from the underlying bill.

I urge my colleagues to support my very simple amendment, a few lines that just strike this provision that has already been decided by the courts that has no place in this bill. I urge my colleagues to support it.

I reserve the remainder of my time. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is no time allocation.

Mr. BAUCUS. There is no time.

Mr. DEMINT. I yield all of it then.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. MCCAIN. Mr. President, can we propound the unanimous consent request? It has not been cleared.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I commend our good friend and colleague from Montana. He has been on the Senate floor it seems endlessly over the last several weeks with a number of bills—SCHIP and now this stimulus package and others. I commend him and his staff for the tremendous job they have been doing. It is a lot of hard work. They have been very patient with all of us. Senator INOUYE as well, and his staff on the Appropriations Committee. They have done a good job as well.

I have two amendments that will be offered at some point later today. I wish to take a couple minutes to describe each of them since we will have limited time during the series of votes that will occur to describe them in detail.

The first amendment I will be offering, along with Senator JOHN KERRY who offered to be a cosponsor of this amendment, involves the mitigation on foreclosure issue.

It was exactly 2 years ago the day after tomorrow that I held my first hearing as Chairman of the Banking Committee on the foreclosure issue. At that time we had a hearing on this issue. I warned at the time, as did several of my colleagues on the Committee, about the serious mounting problems with the threats to the residential mortgage market in the country and what this could likely do to our economy if we didn't put a tourniquet on this beginning hemorrhage in the residential mortgage market.

At that time, Martin Eakes, who is President and CEO of the Self-Help Credit Union and the Center for Responsible Lending, predicted at that hearing there would be over 2 million foreclosures in the United States. This was in February of 2007. The reaction from the Mortgage Bankers Association and other industry groups was immediate and definitive that day. No way, they said. They accused Mr. Eakes of crying wolf and exaggerating the problem.

Well, the industry was half right. Mr. Eakes and the consumer advocates were very wrong. We weren't facing 2 million foreclosures. We now know we are facing 8 million foreclosures 2 years later. And of course we are all painfully aware of the condition of our economy today, the worst since the Great Depression, going back 80 years; and, unfortunately, getting worse every day, with 20,000 jobs a day being lost in our country, and somewhere between 9,000 and 10,000 homes being foreclosed.

When we wrote the TARP program in the fall of last year, one of the major provisions was to mitigate foreclosures. Regretfully, very little has been done on that issue, and today we still see the mounting foreclosures in our country. In fact, last summer, we passed the Hope for Homeowners legislation. This amendment I am offering today does two things: one, it makes it possible for the Hope for Homeowners bill to work better than we intended it would back in July by eliminating several provisions in that bill, or at least modifying, including lowering the future equity that homeowners must share from 50 percent to 25 percent of the original price; reduce the upfront and annual premiums charged to borrowers under that program; provide incentive payments to servicers who participate in the program; and allow for bulk sale of mortgages at discounts to promote a higher volume of loan modifications. Now, these ideas will increase participation, which has been almost nonexistent. With these modifications, there are many who believe we will see a substantial increase in people taking advantage of that program.

The second part of the amendment is one that would require within 15 days of the enactment of this legislation to develop a program in consultation with the Chair of the Federal Deposit Insurance Corporation, the Chair of the Federal Reserve Board, and the Secretary of HUD to develop a program to mitigate additional foreclosures. We would require and devote no less than $50 billion of the TARP fund—not of the

stimulus package, of the TARP funding—to go to a loan modification program. And the program, I would point out, is expected to prevent at least 2 million foreclosures in the country.

The amendment does not dictate any particular loan modification plan. I think we owe the administration, which has committed to moving on this matter, the ability to develop the best plan they are able to. So I leave it up to them to decide how this can be done. I am particularly attracted to the plan Sheila Bair at FDIC has promoted, but I know there are other ideas. But at least here we would commit $50 billion of that $350 billion to do something that will require and mandate that we begin to deal with this problem.

I don't know of anyone who believes today that if we don't deal with the foreclosure problem we will not get to the bottom of our economic crisis. I have been saying it for 2 years. We had 30 hearings in the Banking Committee, of the 80 we held in meetings on this subject matter, and witness after witness, regardless of ideology or political stripe all said the same thing: We have to deal with the foreclosure issue.

Today, with 8 million homes in jeopardy, 9,000 a day being lost, we finally I think have to say with some certainty that if we are going to be using this next tranche of $350 billion, we have to dedicate $50 billion of it to foreclosure mitigation. So in addition to the modifications to the Hope for Homeowners, the amendment would also require that $50 billion be spent of the TARP program on this issue.

The second amendment I will be offering deals with executive compensation. Now, let me say right at the outset, this issue can be trivialized, if we are not careful. I think a lot of attention has been paid to this issue because, obviously, it is infuriating to people when they watch taxpayer money go into an institution and then they read where top executives walk away with multimillion dollar bonuses or contracts. It absolutely is more than infuriating to people when they read about it and hear about it. The problem is, if you don't do something about this, we are never going to be able to build the confidence and optimism people need to feel about the larger part of this program. So a tremendous amount of heat and understandable anger is focused on executive compensation.

Again, I emphasize that I think there are other issues we need to deal with, but in order to deal with and build some support for them, we have to deal with the executive compensation issues. This amendment does so. I realize this is painful for some, and I am not suggesting everyone who has been receiving bonuses or excessive compensation is necessarily an evil person at all. Quite the contrary, in many cases they are good people. But there needs to be a sense of reality that if you are literally dumping billions of dollars into these institutions to try to save them, when in many cases the very people who mismanaged these operations are walking away with millions of dollars in compensation. You can begin to understand why people in this country are so angry.

Let me describe a few of the major provisions regarding this. The amendment would ban bonuses, retention bonuses, and incentive compensation for some of the most senior employees at TARP recipient firms. It would authorize the Secretary of the Treasury to increase the number of executives ineligible for such compensation if he deems it to be in the public interest.

Secondly, this amendment is not only about the prospective TARP recipients, it also requires the Secretary of the Treasury to conduct a retroactive review of past bonus awards, retention awards, and other compensation that TARP recipients paid to employees. If the Secretary determines any payments were excessive and inconsistent with the purposes of TARP or otherwise contrary to public interest, the amendment directs the Treasury to seek to negotiate a reimbursement to the American taxpayer.

Currently, shareholders of public companies may offer proposals on executive compensation, but it takes an initiative by the shareholders. We apply that provision now to TARP recipients. Under this amendment, it would require the TARP recipient of the company to automatically put a proposal on these cash bonuses and compensation on its annual proxy statement to shareholders without requiring shareholders to make a prior request or formulate the proposal. Such proposals would call for an advisory shareholder vote on the company's executive cash compensation program. This ''say on pay'' vote would enable shareholders of TARP recipients to voice their views. And as the owners of the companies, I think they ought to be heard on these matters.

Thirdly, under the Emergency Economic Stabilization Act, we included a clawback requirement, which allows the TARP to recover any bonuses or incentive compensation paid to an executive based on reported earnings or other criteria later found to be materially inaccurate. This amendment expands the number of senior employees who would be subject to this clawback as well.

As former SEC Chairman Bill Donaldson wrote not that long ago, and I quote him:

> People with targets, and jobs dependent on meeting them, will probably meet their targets—even if they have to destroy the enterprise to do it.

This amendment ensures that isn't the case for companies receiving TARP funds. First, it would prohibit any compensation plan that would encourage the manipulation of reported earnings. It would also create a compensation committee composed entirely of independent directors—not only monitoring the objectivity of compensation awards but evaluating compensation plans and their potential risk to the financial health of the company. Finally, the amendment would require the chief executive officer of the TARP-receiving company and the chief financial officer of the company to certify compliance with these requirements. We have required that under Sarbanes-Oxley, and I think in this area we ought to do it as well.

There will be those who think these are excessive, but unfortunately, what we have seen is excessive. If we are going to convince the American public that what we are trying to do is in their interest, then we have to be certain when it comes to these matters.

Again, I urge my colleagues to be supportive of this. It is broad, it is far reaching, it gives the Secretary additional powers, but it allows us to deal with these issues in a comprehensive fashion.

Unless we do this, I will tell you that I think it will become virtually impossible to get this Congress, either body, to support any additional funds of this nature that may very well be needed. Unless we start to calm the anger of the American public over how some of these dollars are being used, we are never going to succeed in that effort.

So while it is not a significant portion of the money overall, it is a significant cause of the lack of confidence, and therefore I urge my colleagues to support the amendment when it is offered. The first amendment is on housing, and this one is on executive compensation.

I apologize for taking a little longer. I know other Members wish to be heard.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I was going to respond to Senator DEMINT's amendment, but I see Senator THUNE on the floor, and we are trying to alternate from side to side. It will take me about 10 minutes, but I yield to him.

Mr. MCCAIN. If the Senator will yield to me for one comment. We are still working on a UC for setting up votes, and for the benefit of my colleagues, we think it is roughly sometime shortly after 4 p.m., but we haven't completed the unanimous consent agreement as yet. But for the information of colleagues, we are working on a series of 13 votes at least.

Thanks.

Mr. DURBIN. Mr. President, I ask Senator THUNE if he wants to proceed first.

Mr. THUNE. Mr. President, I guess my understanding is—and it wasn't locked in, in the form of a unanimous consent request—that we were going to ping-pong back and forth with speakers. I have an amendment I wish to speak to, if that is okay with the Senator from Illinois.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. CHAMBLISS. Mr. President, does the Senator from Illinois wish to speak after Senator THUNE?

Mr. SCHUMER. No, I do.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that I be allowed to speak after whoever speaks on that side, after the next Democrat speaks.

Mr. BAUCUS. Frankly, Mr. President, I think the next speaker should be you.

Mr. CHAMBLISS. I will go with that.

Mr. BAUCUS. You are on. The Senator from Georgia.

Mr. CHAMBLISS. Well, no, Mr. President. First up is Senator THUNE.

Mr. President, if the Chair could tell us—I believe Senator THUNE is going now, then a speaker on the other side, and then I will go after that speaker.

Mr. BAUCUS. That will be fine.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

AMENDMENT NO. 197

Mr. THUNE. Mr. President, I rise to speak today in support of my substitute amendment, which is No. 197. This amendment has been modeled after the substitute amendment that was offered by the Republicans in the House of Representatives.

I think the big question we have to ask, and the question before the House is, if we are serious about doing something for this economy to recover and to create jobs, what is the best and most effective way to do that? We have in front of us a proposal that emphasizes more heavily government spending and doing it through government programs. What I have chosen to offer to my colleagues here in the Senate is an opportunity to vote on something that does it in a different way. It allows the American people to spend the money that we use to infuse the economy with dollars that hopefully will grow the economy and create jobs.

Our Nation has lost millions of jobs over the last several months. Families are hurting and businesses are struggling to survive. As our Nation weathers this turbulent economic time, we do have this decision to make: Should the Congress take hundreds of billions of tax dollars and invest them in an expanded Federal Government or, on the other hand, should Congress return tax dollars directly into the economy in the form of tax relief, which will create jobs and economic opportunity?

The response the Democratic majority has put in front of us is to put more money into Federal agencies, to renovate Federal buildings, and buy new cars for Federal employees. I believe we ought to follow a different path and let the people of this country keep more of their hard-earned dollars and let them decide how best to spend, save, invest, and to turn this economy around.

People know better how to spend their money than unelected bureaucrats here in Washington, DC. And tax relief, not government spending—reductions in taxes for the American people—will create jobs and get us out of this recession. This is what President Kennedy knew, this is what President Reagan knew, this is what I believe the American public, with their lackluster response to the $1 trillion spending program in front of us, knows as well.

This substitute amendment does several things. It shifts, as I said, the focus from government spending to meaningful tax relief in four ways: First, it provides tax relief for individuals and families; second, tax relief for small businesses—the job creators in our economy; thirdly, it provides housing assistance; and, finally, it provides temporary assistance to those who are dealing with the current recession.

Now, first, the bill provides meaningful tax relief for working taxpaying families. Under the ''Making Work Pay Credit,'' the tax provision in the bill—the majority bill—7 million households are going to receive a check from the government that is larger than both their payroll tax and their income tax liability. In other words, rather than a one-time credit, what my amendment would do is reduce the lowest two marginal income tax rates for years 2009 and 2010. Essentially, the 10-percent rate would go down to 5 percent and the 5 percent rate will go down to 10 percent. This is a real tax reduction and will benefit all income taxpayers in this country.

In total, there are 100 million taxpayers who would receive, on average, tax relief of $1,250 per filer each year. Married couples could receive up to $3,400 in lower taxes each year.

Consumer spending accounts for 70 percent of our gross domestic product. As consumer spending declined for a record 6 months in 2008, it is no surprise that our economy contracted over the same period of time. If we want to spur consumer spending, we should not implement single shot policies like a one-time credit, and we certainly should not pour hundreds of billions of dollars into Government programs. Instead, the best way to stimulate consumer spending is an immediate meaningful reduction of marginal income tax rates.

With respect to small businesses, the second part of this bill focuses on small business tax relief. Small businesses, as I said, create up to 80 percent of all new jobs and represent 99 percent of the 27 million businesses in the United States. If we want to create new jobs, we should start with helping small business, not expanding Federal bureaucracies. This amendment expands small business bonus depreciation and expensing to encourage investment in this current year, which is when we need it the most. The amendment expands the net operating loss carryback period, permitting businesses to carry back their operating loss deductions for 5 years rather than 2.

Several of these provisions, granted, are included in the underlying bill. This amendment, however, provides an additional $47 billion of small business tax relief. My amendment includes a new provision that would allow small businesses to deduct 20 percent of their business income. This provision significantly reduces the tax burden on small businesses which would allow them to continue to hire and retain hard-working Americans. This provision would also allow small businesses to maximize their earnings and increase in value, which will also give them better access to credit markets and another critical component to a recovery.

Small businesses are the backbone of our economy and, unbelievably, only 2 percent of the total in this bill, the underlying bill, the majority bill, is dedicated to tax relief for small businesses. The lack of small business incentives in this bill, in my judgment, is a serious flaw, and my amendment seeks to improve it substantially.

I also understand people are hurting on account of the economic downturn. Across America we have hard-working men and women who are being layed off because of no fault of their own. Today they are sitting at the kitchen table wondering how to make ends meet.

Earlier this year, Congress acted to extend unemployment insurance to provide a safety net for those who are in need. My amendment would extend the expanded unemployment insurance provisions through the end of this year. Additionally, the amendment would eliminate the income tax on unemployment insurance. This is an automatic increase in the real benefit of unemployment insurance to those who derive it. It never made sense to me that individuals would pay taxes to the Government to fund unemployment insurance and, once they are unemployed, receive the benefits and then have to pay taxes on the benefit as well. This amendment would correct that. It would also make health care more affordable for the self-employed and other families without employer-provided health insurance because, for the first time, this amendment would provide an above-the-line deduction for health insurance costs.

Finally, with respect to the housing market, this amendment addresses our housing market prices. The housing market is what led us into this recession. In fixing the housing market, we will help lead us out. My amendment would extend the $7,500 home buyer tax credit through December 31, 2009, while expanding the benefit to all primary residences. This amendment would eliminate the complicated recapture rules which currently require home buyers to pay the Government back if they claim this credit. In the end, this provision would help stimulate the faltering housing market and encourage responsible home ownership.

According to the Congressional Budget Office, there are some real issues associated with the decision we make about whether to stimulate the economy with Federal spending, with Government spending or with tax relief. I wish to read for you a couple things the CBO has said:

> Reductions in Federal taxes [would] have most of their effects . . . in 2009 and 2010.

That is the very period we are targeting to provide the greatest economic stimulus and hope of job creation.

They also stated: ''Purchases of goods and services, either directly or in the form of grants to States and local government, would take years to complete.''

They go on, it will be ''difficult to properly manage and oversee a rapid expansion of existing programs.''

Finally, they say: ''[M]any of the larger projects initiated would take up to 5 to 7 years to complete.''

If we want to approach this problem with a solution that delivers assistance quickly, that is quick hitting, that gets money into the economy quickly, that creates jobs quickly, the way to go about doing that is not to have the Government spend the money, to have it come out of Washington, send our money to Washington, have the Government take more money out of the economy, and then decide how to spend it here. It is to get money into the hands of hard-working Americans and small businesses, where the real power for job creation exists.

Interestingly enough, this legislation, the amendment I offer, was run through an analysis that was used—it is a methodology that was developed by the President's chair of the Counsel of Economic Advisers. Her name is Dr. Christina Romer and Dr. Jared Bernstein, the adviser to the Vice President. This was a methodology they used back in 2007, that considers the multiplier effect of various policy decisions and fiscal decisions that are made by the Congress. What they suggested in that analysis is, if you reduce taxes on the American public, you get a 2.2 multiplier in terms of GDP. My amendment reduces taxes as a percentage of our gross domestic product by 2.8 percent. If you take that by their multiplier 2.2, you get 6.1 percent in GDP growth as a result of cutting taxes.

If you go on further, they suggest that for every 1 percent increase in GDP, you get three-quarters of a percentage change in jobs. So if you take the 6.1-percent growth in GDP and multiply it by .75 you get a 4.6-percent increase in the number of jobs. You take the full size of our workforce today, about 133,876,000 employees, and you plug in that 4.6-percent increase and you get a job growth increase—a job increase over the course of the next 2 years, as a result of making these changes in tax policy, of almost a 6.2-percent increase in jobs.

The proposal we have before us suggests they could get up to another 3 million jobs, perhaps, from this. But I suggest, if we can create double that amount, 6 million jobs, as a result of reducing taxes, it is a much better solution for our country to get our economy back on track and is also done at a lot less cost. The overall cost, according to CBO, of my amendment, is about $440 billion, compared to the $900 billion it will cost for the proposal the Democratic majority has in front of us; twice the jobs at half the cost. That sounds like a solution that makes a lot of sense. It makes a lot of sense to the American people, who understand clearly you do not send your money to Washington and hope the Government can spend it to create jobs. The way to create jobs is to get money back in the hands of the American people, back in the hands of small businesses. That is what will lead us to that growth in gross domestic product, the expanding economy and the job creation associated with that. Twice the jobs for half the cost. I hope my colleagues will support this amendment. It is a much better approach to dealing with what is a very serious economic crisis for this country. I think the American people believe that. I hope my colleagues in the Senate will support it as well.

Let me say, the cosponsors on this amendment are Senators KYL, DEMINT, JOHANNS, and HATCH. I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise to discuss the stimulus proposal advanced by my friend and Republican colleague from Nevada, Senator ENSIGN. His plan is to have the Government provide fixed mortgages at 4 percent to all creditworthy Americans.

Senator ENSIGN has stated publicly he believes the Government should seek to help stabilize the housing market during these tumultuous times and, as my colleagues all know because I have been speaking about it for months and months, I completely agree 100 percent that we have to stabilize the housing market.

I have been told the Treasury, under the leadership of Secretary Geithner, is working on a plan to get mortgage rates down. It is a good idea. But the plan of Secretary Geithner is completely different from the plan offered by Senator ENSIGN and others. Geithner's plan is a plan—I haven't seen the details. I look forward to supporting it. But it is different from this plan which I must oppose in a very serious way.

Let's start from the beginning. We in Washington sometimes seem to forget that the root cause of the financial and economic turmoil we are now experiencing, and that is the worst most of us have ever seen, except those who lived during the Great Depression, is the inability of homeowners to make their mortgage payments on time. Whether it is because they lost their jobs or suffered unexpected medical costs or, as was too often the case in recent years, because they were targeted by predatory mortgage lenders and given a loan they couldn't afford or because they reached too far on their own, there are a large number of homeowners who are staring into the abyss of foreclosure. Of course, all Americans know we are now facing potentially the worst economic crisis since Herbert Hoover was in office.

On the positive side, I wish to applaud my Republican colleagues, both for embracing the idea of a big stimulus proposal—this is certainly big—and for recognizing the critical importance of helping at-risk homeowners. Those are good. But when you look at the specifics of this plan, you know it is one you cannot support. I don't care whether your ideology is Republican or Democratic, liberal or conservative. Unfortunately, the proposal offered fails miserably at either stabilizing the housing market or at providing an effective stimulus. It does so at an unthinkably large cost and risk to the American economy.

The cost of this program is, to put it succinctly, through the roof. For fiscal conservatives to advocate it, I am quite surprised.

The Republican proposal is light on details, but it appears to offer all Americans who qualify for Fannie Mae and Freddie Mac conforming loans, an interest rate of 4 percent. This is very important. This is not just for new home purchases but also for refinancings as well. So anyone who owns a home can refinance at 4 percent, Freddie or Fannie-supported loans.

The bottom line is, this idea will be prohibitively expensive and may jeopardize the credit rating of the United States of America. It is that serious. The Republicans themselves say they will cap the program's cost at $300 billion—$300 billion for this one program. What does this even mean? Do they mean the total size is $300 billion? If that is so, it works out to about 2.5 percent of mortgages in America, giving only a tiny handful of Americans an enormous windfall. Mr. President, 2.5 percent get this break, 97.5 percent do not.

More likely the Republicans mean that the program's total losses will be $300 billion, a figure which can only be gotten by using the same Enron-style accounting that got us into this mess. This is not a realistic or even possible figure, when you consider how much risk the Government will end up shouldering. Currently, Fannie and Freddie have more than $5 trillion in outstanding conforming loans, all of which would qualify for refinancing under the Senator ENSIGN-Senator MCCONNELL plan. You can bet that most Americans who qualify will take this offer. Who wouldn't? After all, what homeowner out there would not refinance into a 4-percent mortgage?

So the Government would be the owner of over $5 trillion in mortgages. You are telling me anyone can guarantee that the Government would lose only $300 billion on this plan? If you believe that, I have a hedge fund I would like you to invest in called Madoff Securities, LLC.

Even if the Republican plan costs $300 billion, it recklessly exposes the country to enormous financial risk. No matter how rosy the estimates may be of how much this program will cost in the long run, the fact remains, in the short run, we have to come up with the

money to finance these new mortgages, potentially more than $5 trillion. Where will the new money come from? From issuing new debt. Does anyone believe the United States, for this one program, can issue $5 trillion of new debt and not jeopardize the dollar, in the midst of the worst crisis in our lifetimes?

I believe as much as anyone in the strong creditworthiness of our country. We can and will repay all of our debts, and investors around the world know this. That is why U.S. debt is sold at a low rate. But add $5 trillion to the debt in a short period of time and see what happens. After 8 years of tax cuts, wars, adding another $5 trillion could break the back of the U.S. dollar. The odds are all too high that could happen. Do you know what then will happen? We will all be in a world depression immediately. This program cannot work.

If the Republican plan were able to reverse our housing slide, then it might make sense. But even at its goal, it fails. Why? It does not correctly identify the problem, which is that there is an oversupply of housing right now that is made worse each month by the glut of foreclosures occurring driving down home prices.

Now, you tell me, you are in your home, you pay your mortgage, you now have an absolute right to refinance at 4 percent, and you are staying in the same home. How does that reduce the glut of housing on the market? How?

Furthermore, it does not address the vast majority of homes at risk for foreclosure, the 70 percent that are underwater, where the amount owed on the mortgage exceeds the value. Underwater mortgages are high foreclosure risks no matter what the mortgage rate is. You can have a 4-percent rate, a 1-percent rate, an 8-percent rate, and if you do not have enough income to pay your mortgage, you are not going to pay it.

So the second problem or the third problem with this is it does not make it any better. If you owe $400,000 on a $300,000 home, as millions of American homeowners across the country do, you will not even qualify for this plan, you are not even eligible for refinancing. So it does not get at the problem. Not only does it cost a fortune, but it does not get at the problem because the proposal is vastly skewed toward refinancing rather than toward the purchase of new homes. It will not stimulate housing demand much at all. If you are a new homeowner, you may take advantage of the 4-percent rate or you may continue to wait and see if home prices bottom out. But if you are a current homeowner, you are going to refinance no matter what. Now, what about it has a stimulus?

Clearly, this is not a housing plan. It is a way to put money into people's pockets—something I am not against—through the refinancing of mortgages. But will this provide the economic shot in the arm we need to get our economy back on track? Unfortunately, there again, the answer is no. We know that most people, when given tax cuts during a downturn such as this, do not respond by spending money but by saving it and paying down their debt. The poor and the working class spend more of the tax cuts they receive; they are less likely to be able to use this program. The program targets its largesse at homeowners who hold mortgages of up to a value of $625,000, and the more expensive your home, up to that limit, the more money you get back. So, ironically, the people getting the most money back are the people less likely to spend and stimulate the economy. It is highly inefficient.

Furthermore, guess who is going to take a big slice of this money—the bank that would do the refinancing. Everyone knows points. We all, when we have gone for a mortgage, hate points. Points mean you have to pay $5,000, $10,000, whatever. So the final point is, while we are putting money in people's pockets, which is an admirable goal, we are letting every bank doing the refinancing take a big cut on points. If you have a $150,000 mortgage you are going to refinance, about $1,000, $2,000, $3,000, depending on the bank, will go to them. So even if this is not a housing stimulus, which we know it is not, even if it is a way to get money into people's pockets at a cost of at least $300 trillion and an immediate outlay of $5 trillion, why are we giving every bank in America that does the refinancing a cut? That makes no sense. It is done willy-nilly.

With all due respect, I wonder at the depth of the thinking that went into putting this proposal together. Perhaps if it were limited to first-time home buyers, perhaps if the bank's points were limited, perhaps if we would say there would be an income limitation because another problem with this is multimillionaires—this is another point: If you make $5 million a year, you get the reduced rate and the Federal Government pays for it. Do we want to give multimillionaires the ability to refinance? So perhaps if there were income limitations. So the nub of this idea might be supportable. The way it is put together here on paper, because it costs so much, because it is not going to stimulate housing, because it is a very inefficient way to get money into the economy and get the economy going, because the banks take a cut, and because very wealthy people can apply for this, who do not need any help, it makes no sense to enact it now.

What I would suggest to my good friend from Nevada is this: Take the nub of this proposal and go back to the drawing board and refine it. The administration is coming up with a housing proposal next week. We will work on housing. We have to. And then you can have your proposal, we will see what their proposal is—which I believe is significantly different, although the intention, at least for home buyers, is to bring mortgage rates down—and maybe we can come up with an agreement or a compromise. But to vote for this plan now with its high cost, lack of an income limitation, money that goes to the banks right off the top, and lack of ability to move the housing market—this amendment should not and cannot pass.

So I would urge my Republican colleagues to come up with a new, better plan that gets to the root of the housing crisis, and then we can begin to work on solutions. We certainly need to tackle the problem. We need to tackle it on the demand and the supply side. But the demand side needs to be targeted at ways to boost new home purchases only, not extend refinancing to all of them. On the supply side, we need to adopt measures that will efficiently prevent foreclosures and reduce the excess supply of homes, enhance FHA-insured lending, bankruptcy reform, and the extension of FDIC loss mitigation.

I am confident we can come up with a good plan that is more targeted, less costly, and that will begin to get us out of the housing morass. I would hope that my colleagues again scrap this proposal, go back to the drawing board, and, after we finish the stimulus, work with us in a bipartisan way to produce that result.

I yield my remaining time back to my colleague from Montana, the chairman of the committee.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I ask unanimous consent that at 4:30 this afternoon the Senate proceed to vote in relation to the amendments listed in this agreement and in the order listed; that no amendment be in order to any of the amendments covered under the agreement prior to a vote in relation thereto; that prior to each vote, there be 2 minutes of debate equally divided and controlled in the usual form; that after the first vote in the sequence, the succeeding votes be limited to 10 minutes each: McCain amendment No. 364, and that the amendment be modified with the change at the desk; Dorgan amendment No. 200; Feingold-McCain amendment No. 140; Dodd amendment No. 354; DeMint amendment No. 189; Harkin amendment No. 338; Dodd amendment No. 145; McCaskill amendment No. 125; Ensign amendment No. 353; McCaskill amendment No. 236, as modified, and that a further modification be in order if cleared by the managers; Thune amendment No. 197; Boxer amendment No. 363, as amended; and Barrasso amendment No. 326.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, it is not my intention to object. I simply wanted to engage in a brief colloquy with the leader.

It is my understanding, Mr. Leader, that it is your desire to move to a vote on those particular amendments you have outlined here this afternoon and this would not cut off the opportunity for Senators to continue to offer amendments. Myself and Senator SNOWE—we have developed, for example, a bipartisan proposal.

Mr. REID. Mr. President, there will be ample opportunity to offer amendments.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I would propose to modify the unanimous consent agreement by noting that the time between now and 4:30 be equally divided.

The PRESIDING OFFICER. Does the Senator accept the modification?

Mr. REID. Yes.

The PRESIDING OFFICER. Without objection, the request is agreed to.

The modification to amendment No. 364 and amendment No. 363, as modified, are as follows:

MODIFICATION TO AMENDMENT NO. 364

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYEE TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008	January 1, 2010	9.3
December 31, 2009		12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed

AMENDMENT NO. 363, AS MODIFIED

Insert at the appropriate place:

FINDINGS

The National Environmental Policy Act protects public health, safety and environmental quality;

When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

I. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental. Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act is utilized,

The PRESIDING OFFICER (Mrs. GILLIBRAND.) The Senator from Arizona is recognized.

Mr. MCCAIN. I will speak for a couple of minutes about what the Senator from Montana talked about, the Congressional Budget Office report today. Basically, it says that this present legislation before us, the stimulus package, would increase employment at that point in time by 1.3 million to 3.9 million jobs. I did the math on that, and 1.3 million jobs by the end of 2010 comes to $680,769 per job. If the most optimistic estimate of 3.9 million new jobs created between now and the last quarter of 2010, it is only $226,923 per job.

Interesting comments by the Congressional Budget Office, which says on page 5:

In principle, the legislation's long-run impact on output also would depend on whether it permanently changed incentives to work or save. However, according to CBO's estimates, the legislation would not have any significant permanent effects on these incentives.

They go on to say:

CBO estimates that by 2019 the Senate legislation would reduce GDP by 0.1 percent to 0.3 percent on net.

That is easy to understand because we will be paying interest on a huge debt of multitrillions of dollars as a result of this legislation.

As the CBO says:

To the extent that people hold their wealth as government bonds rather than in a form that can be used to finance private investment, the increased debt would tend to reduce the stock of productive capital. In economic parlance, the debt would crowd out private investment.

Again, what we are doing is mortgaging our children's and our grandchildren's futures.

The President today said:

They [talking about those of us who support my amendment] are rooted in the idea that tax cuts alone can solve all of our problems.

They are rooted in the idea that tax cuts alone can solve our problems. I urge someone to tell the President of the United States that we have $421 billion of tax cuts and spending in this proposal, and spending that is meaningful and creates jobs, not loaded down with porkbarrel projects and certainly not one that approaches over $1 trillion on future generations of Americans.

We ought to change Washington. We ought to change the way we are conducting this legislation, especially in partisan, nonconsultative fashion. If the leadership can peal off two or three Republicans, that is an accomplishment they will make, but it is not bipartisanship.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield 6 minutes to the chairman of the Appropriations Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, when we began this process in November, the Appropriations Committee worked with the incoming administration and our partners in the House to identify the primary goals for legislation that would help America regain its financial footing.

Based on those discussions, we identified one overwhelming priority—putting as many Americans as possible back to work as quickly as possible. We also identified two further fundamental priorities: assisting the States so they would not face insurmountable budget crises that would in turn force significant layoffs at a time when they are facing unprecedented demand for services; and making the right investments that will not simply create temporary jobs, but will repair and strengthen our physical and cyber infrastructure, so that this Nation has the foundation it needs to enable strong economic growth for years to come.

I have listened to the debate over the past 2 days, and I fear that we are losing sight of the key goal.

Several of my Republican colleagues have suggested that the measure pending before us will spend $888 billion and produce 3.5 million jobs, so that each job created costs $255,000.

However, they don't take into consideration how investments in roads, bridges, railroads and other mass transit systems will actually cut back on one of the most wasteful expenses that Americans deal with each and every day—traffic congestion.

According to the Texas Transportation Institute:

Gridlock costs the average peak period traveler almost 40 hours a year in travel delay, and costs the United States more than $78 billion each year. At a time when fuel is increasingly costly, traffic jams are wasting 2.9 billion gallons of gas every year.

Also, it is important to remember that the cost of labor when it comes to construction projects like roads and bridges is, I believe, around 15 percent. The rest of the budget goes for supplies like steel and concrete, the costs of acquiring rights-of-way, the drafting of plans and, of course, the costs of necessary planning and environmental impact studies.

Another form of construction contained in this bill is sewer repairs. Let me give a specific example. This bill recommends $125 million, to be matched at 100 percent with local funds from ratepayers, to continue implementation of the District of Columbia Water and Sewer Authority Long-term Control Plan.

The Water and Sewer Authority has identified up to 40 specific near-term activities that would create more than 250 jobs. Under the logic that is being used by some of the opponents of this bill, this would equate to some $500,000 per job. This is terribly misleading. What about the costs of tunneling, the cost of the pipes, the cost for all of the heavy equipment, insurance costs, and many more, I am sure.

With due respect to those who oppose this bill, the cost of a construction job is not the cost of labor. If we are to have an open and honest debate on the merits of this legislation, let us at least start with the facts.

Our objective here is not to create make-work jobs for 1 year having people count paperclips. Our goal is to create real jobs that will last for many years and that will in turn create more jobs. Our goal is to ensure that America will remain the strongest economy in the world for many years to come.

While our short-term tactic is to pass a bill that will have an immediate stimulative impact and help us through the current crisis, we must not lose sight of the fact that our short-term tactics can have a long term impact—rebuilding our infrastructure and adapting to new technologies today that put us back on track to being competitive in the global economy for generations to come.

Reinvesting in the infrastructure that underlies our Nation—roads, mass transportation, sewers and sidewalks—is not glamorous, but this investment puts Americans to work building for the future.

I stand by the original vision of this bill—create jobs, support State and local governments, and invest in our basic infrastructure. These are the priorities that will ensure that America emerges from this crisis stronger and better able to compete in the global economy.

During the past 2 days opponents of this bill have spoken about the primacy of tax cuts over all other policies. They have spoken of the need to cut spending on programs that create jobs now, good jobs, real jobs, jobs that preserve the environment, improve education, and lead us toward true energy independence.

And opponents of this bill have spoken about cutting programs that provide a lifeline to those who have been hit the hardest by this crisis.

One thought comes to my mind. This bill is about change, and their opposition is about simply responding to the biggest crisis since the Great Depression with more of the same.

More of the same hasn't worked for the past several years. It is time to act, and to pass this measure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Madam President, I remind my colleagues to support the McCain amendment on which I spoke earlier. I also rise to say a word about the Thune amendment which deserves our support. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost, about 6.2 million new jobs for $480 billion, as opposed to the alleged 3 to 4 million jobs for $888 billion under the Democratic proposal. One of the best parts is a 7-percentage-point rate cut for small businesses done exactly the way we did for corporations under the FSC/ETI bill. This would apply to businesses with fewer than 500 employees, precisely the kind of businesses that create jobs.

Finally, it contains a provision that expresses our policy that the United States should not increase its marginal income tax rates while the unemployment rate is above the level of 2008, and taxes should not be increased to pay for the impact this stimulus will have on the deficit which we know is large. That is precisely what caused the second half of the Great Depression and slowed down the economic recovery in Japan.

I urge colleagues to support the McCain amendment and the Thune amendment.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. May I ask how much time remains?

The PRESIDING OFFICER. There is 6 minutes 4 seconds and 24 seconds.

The Senator from Georgia.

Mr. CHAMBLISS. Madam President, I rise in support of the McCain amendment and in opposition to the underlying bill. I was listening to my friend from New York talk about the housing amendment that Senator ENSIGN has offered, and he now speaks in opposition to that, but he supports a proposal that is coming from the administration next week that aims to try and fix the housing issue. I ask my friend from New York, where was he last week when, as a member of the Finance Committee, he voted out the underlying bill that does absolutely nothing to fix the housing issue? What got us into the economic downturn we are in today is the housing crisis that got worse and worse and continues to get worse every day.

What they are now talking about doing from the Democratic side is proposing a housing fix next week, and the details of which are not known by anybody. They are also saying that we need to spend $800 billion, $900 billion, whatever the size of this bill is now, and we need to spend the $500 or so billion dollars that Secretary Geithner is going to come for relative to TARP III, plus whatever hundreds of billions of dollars are relative to the housing fix, plus the trillion dollars in the omnibus bill, which is laying out there, that we understand has already been approved and is going to be coming forward.

The American people ask one simple question: When is all of this spending going to stop? We have had many worthy amendments to this underlying bill. I commend the majority leader for allowing both sides to bring forward amendments. The problem is, as these amendments have come forward, the size of the bill has grown. That is the problem. The problem is, we are now seeing both sides of the aisle come forward with amendments that operate on a top-down basis, where we have the base bill that spent some $919 or $920 billion. The numbers are so astronomical we tend to forget, but it is right at $1 trillion. The amendments are seeking to reduce that number. Rather than doing that, which is a poor way to do business, the McCain amendment is a substitute for that base bill. It is a bottom-up approach to try to fix the crisis.

It does so with three simple components. First, the housing issue is what got us into this crisis. Unless we fix the housing issue, all of this $1 trillion the folks on the other side of the aisle are proposing to spend will be spent for naught. In the McCain amendment, we directly address the housing issue. The Isakson amendment is in there. There are other provisions relative to housing that are going to allow this market to turn itself around and the free market to operate. If we clear out this inventory of foreclosed homes as well as incentivize the purchase of other new homes, housing construction can begin once again.

Second, the McCain amendment is going to increase jobs. It is going to do so in a direct way. It will increase jobs by reducing the corporate tax rate from 35 percent to 25 percent. There will be more money in the pockets of corporations so they can expand their businesses, which will automatically create jobs. Again, there is nothing in the underlying bill that directly focuses on increasing jobs. The other thing from a tax standpoint in the McCain amendment, which is going to go toward stimulating the confidence of people as well as the market itself, is the temporary elimination of payroll taxes so that when every hard-working American gets their paycheck—whether it is weekly, biweekly, or monthly—it will be bigger. They will have more money in their pockets, which we know that they so desperately need.

Thirdly, there is a compassionate part to this bill. There is a large number of Americans out there today who have lost their jobs through no fault of their own. They are hard-working men and women who were doing a good job but, because of this crisis, they have lost their jobs. They need help, and they are looking to the Federal Government. There is an extension of unemployment benefits in the McCain

amendment. That is the right thing to do.

Lastly, as we have talked about this bill, there is one issue that has not been talked about, one issue that has not been mentioned by the folks on the other side, and that is, here we are, once again, after raising the debt ceiling in recent months, once again we are seeing the debt ceiling raised by almost a $1 trillion. What are we going to do next week when the Treasury Secretary's proposal comes down on TARP III and on housing which the Senator from New York mentioned? What are we going to do when the Omnibus appropriations bill comes down, either before the break for President's Day or afterwards? Will we have to raise the debt ceiling once again?

I go back to the question I asked at the start, which I hear time and time again from people in Georgia: Senator, when is the spending going to stop and there be some focus on trying to make sure we grow jobs as well as fix the housing issue?

I urge passage of the McCain amendment and opposition to the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The majority has 24 seconds remaining.

Mr. BAUCUS. Madam President, I yield to the Senator from Michigan.

Mr. LEVIN. Madam President, I thank the Senator from Montana.

AMENDMENT NO. 140

Madam President, I oppose the Feingold amendment which would require that any allocation of funds in an appropriations bill have a prior authorization. There is only one authorization bill that passes here, and that is the Defense authorization bill. There are no other authorization bills that pass.

This amendment represents a massive shift of power to the executive branch. It is not a transparency amendment. We did that last year. This is a shift-of-power amendment which should be defeated.

Under this amendment, while all earmarks identified in the President's budget could be funded in our appropriations bills without authorization and not be subject to the proposed point of order, congressional projects that are not authorized would require a supermajority vote in order to be included in the legislation. This becomes more extreme because that disparate treatment of Presidential and congressional projects even applies when a Senator seeks to offer an amendment subject to a rollcall vote during debate on the Senate floor.

The President's budget each year includes many earmarks to direct spending for targeted projects. The President uses his budget to target Federal expenditures to local areas for projects he supports, most of which are not specifically authorized. Under this amendment, Congress would have to meet a higher standard, a super majority in the Senate, in order to do the same thing.

This amendment clearly weakens Congress's power of the purse. The vast amount of funding levels for programs in appropriations bills are the same as those in the President's budget. However, this amendment provides that if an allocation of some of the program funding is rejected on point of order, the overall program funding amount will be reduced, although it is just as likely, and probably more likely, that Congress merely intended to have the relevant agency allocate that funding, thereby keeping the overall funding amount the same instead of allocating it by congressional earmark. The amendment states over and over again that if the point of order is sustained, the unauthorized appropriations shall be stricken from the bill or amendment; and ''any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the bill or amendment shall be made.''

For example, assume that $100 million is allocated in the President's budget for a State assistance grant program, and an appropriations bill includes a provision to direct that $2 million of this funding go to a specific city or project. If the $2 million allocation is stricken, only $98 million would remain, so even if it were the intent of Congress to provide $100 million for these grants, the funding would be decreased.

The requirement for prior authorization means that Congress could only allocate funds for projects if Congress were to take up every Congress authorization bills covering all Federal agencies and programs. In the absence of such authorization bills, all appropriations initiated in Congress would be ''unauthorized appropriations'' subject to a point of order. Congress would be able to appropriate funding for programs and priorities proposed by the President, but Congress would not be able to fund congressional programs or priorities that are not included in the President's budget, or even to shift funding between programs in the President's budget, because all such appropriations would be ''unauthorized.'' The result would be a serious weakening of Congress's power of the purse.

At present, the only Senate committee that enacts an authorization bill every Congress is the Armed Services Committee, which I am privileged to chair. So under this amendment, Congress would essentially severely weaken its power of the purse over all Federal agencies other than the Department of Defense.

It may be the intent of this amendment to force other Senate committees to go through the same process that the Armed Services Committee goes through to enact an authorization bill every Congress. But I want to warn my colleagues: this is not an easy process. The Armed Services Committee spends most of every year reviewing hundreds of programs and activities in the Defense budget on a line-by-line basis. Subcommittee and full committee hearings and markups take weeks. Our bill then generally consumes about 2 weeks of Senate floor time. There is nowhere near enough floor time available to enact every Congress the dozens of authorization bills that would be necessary to replicate this authorization process for all of the civilian agencies.

Moreover, as currently written, this amendment would very likely create a point of order against congressionally initiated Defense appropriations, even if those appropriations are specifically authorized in our bill. The reason is that the amendment provides that an appropriation is not considered to be authorized unless the authorization has already been enacted into law or passed by the Senate. There has not been a case in recent memory in which our Defense authorization bill has been enacted into law before the Senate took up the Defense appropriations bill.

While the amendment makes an exception for authorizations that have already passed the Senate, it makes no exception for authorizations that have already passed the House. That means that a point of order would lie against all House-initiated items, but none of the Senate funding items, in a Defense appropriations bill. If the Senate were to sustain the point of order, we would be in the position of sending a bill back to the House which funded all of our priorities and none of theirs—a bill that could not possibly be approved in the House.

The bottom line is that this amendment, if enacted, would make it difficult for Congress not only to establish its own spending priorities with regard to the civilian agencies and programs that are not subject to an annual authorization process, but even with regard to the Defense agencies and programs that are subject to such a process. This would include items on the unfunded priorities list submitted to Congress by the Joint Chiefs of Staff each year. This list, which in the past has included items like MRAPs and body armor, reflects the highest priorities of our uniformed military. Congress would place a major obstacle on itself from exercising the power of the purse, placing itself in the position of approving or disapproving programs in the President's budget without the power to establish its own priorities without a super majority.

In 2007, Congress passed meaningful ethics and lobbying reform which included strong earmark reform to ensure transparency in the process by providing greater disclosure and requiring information on earmarks to be available to the public online. These disclosures allow the public the opportunity to know where their tax dollars are being spent and will help ensure the quality of the projects which are funded.

The sponsors of this amendment have asserted that this amendment would

build on and strengthen those reforms. But this amendment goes way beyond that and places extensive hurdles for congressionally directed spending. I don't believe that the executive branch has a monopoly on the wisdom of spending Federal dollars. I believe that the elected representatives of the people in Congress are often in a better position to decide where the people's money is spent than the administration's political appointees in Washington.

This is not a transparency amendment. We brought all earmarks into the full light of day in 2007. This amendment attacks the very heart of Congress's constitutional power of the purse. I urge my colleagues to vote against this extreme and unworkable measure that would enhance the spending power of the President and weaken the congressional power of the purse. It is not a transparency measure. It is an extreme power-shifting amendment.

AMENDMENT NO. 364

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 364 offered by the Senator from Arizona, Mr. MCCAIN.

Who yields time?

The Senator from Arizona.

Mr. MCCAIN. Madam President, the stimulus package would be a disaster for our children and our grandchildren. According to CBO, it would create 1.3 million to 3.9 million jobs between now and the end of the year 2010. That is a huge expenditure. It has fundamental policy changes, and it is the biggest spending bill probably in the history of this country.

We have legislation which creates jobs, which cuts taxes and spends on infrastructure, more on Defense and the reset, and I believe that is the best for this country.

Madam President, we all know we have to stimulate this economy and create jobs. The question is how you do it: profligacy versus, I believe, a mature and responsible approach to reversing and saving our economy.

I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, it goes without saying we are now living in extraordinary times. This country has not seen a recession as bad as this—there are many people who have lost their jobs, as we have seen—since the Great Depression. Extraordinary times require extraordinary actions.

It is true no one knows exactly the precise prescription, how to get the economy back going again. But this underlying bill is certainly the best efforts of some of the brightest people to try to find that solution. Economists all say—all say—we need to do something like this to get us going.

With the gap between the real economy and the potential economy always about $1 trillion, if we do not pass this legislation, we will probably lose another $1 trillion. The underlying bill is much better than the alternative. The alternative is basically: Don't do it. If we do not do it, gosh, the jobs lost—what you see now, as bad as it is, is just going to pale in comparison to what otherwise is going to happen.

So I urge us to stick with the underlying bill, not adopt a substitute which has not been thought through, not aired, but, rather, let's stick with the program we think is going to work.

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

Mr. MCCAIN. Madam President, I move to waive the applicable portion of the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The yeas and nays resulted—yeas 40, nays 57, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—40

Alexander	DeMint	McConnell
Barrasso	Ensign	Murkowski
Bennett	Enzi	Risch
Bond	Graham	Roberts
Brownback	Grassley	Sessions
Bunning	Hatch	Shelby
Burr	Hutchison	Snowe
Chambliss	Inhofe	Specter
Coburn	Isakson	Thune
Cochran	Johanns	Vitter
Collins	Kyl	Voinovich
Corker	Lugar	Wicker
Cornyn	Martinez	
Crapo	McCain	

NAYS—57

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

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 40 and the nays are 57. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, the point of order is sustained, and the amendment falls.

AMENDMENT NO. 200

Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote on amendment No. 200 offered by the Senator from North Dakota.

The Senator from Montana is recognized.

Mr. BAUCUS. Madam President, I ask unanimous consent that the Dorgan amendment be temporarily set aside so the next vote will be on the Feingold-McCain amendment and Dorgan will be following that amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 140

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, this amendment establishes a new 60-vote point of order against unauthorized earmarks on appropriations bills and requires recipients of Federal funds to disclose their lobbying expenses. Opponents argue this point of order does nothing about so-called Presidential earmarks or earmarks on authorizing bills. I am happy to consider a proposal targeting those things, but taxpayers aren't going to buy the excuse that I voted against it because it wasn't tough enough.

Last year, President Obama said:

> We can no longer accept the process that doles out earmarks based on a Member of Congress's seniority rather than the merit of the project. We can no longer accept an earmarks process that has become so complicated to navigate the municipality or nonprofit group has to hire high-priced D.C. lobbyists.

My colleagues, if we want to do something about earmarks, vote for this amendment.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator's time has expired. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I yield the remaining time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, we should keep in mind that there are no earmarks in this bill before the Senate. Therefore, this amendment is not relevant.

No. 2, we should keep in mind the Constitution gives the power of the purse to the Congress, and it is our job to use this power responsibly. We have already put procedures in place to make the process transparent and to hold Members accountable for their spending decisions.

But most importantly, we should keep in mind that if an item has not been authorized by September 1, 2009, and it is moneys that had been appropriated, that money is taken out. Keep in mind that, as of this moment, the Intelligence Committee has not had authorization bills for the last 3 years.

The same goes for many other committees.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BAUCUS. Mr. President, I understand all time has expired.

The PRESIDING OFFICER. Yes.

Mr. BAUCUS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

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

[Rollcall Vote No. 46 Leg.]

YEAS—32

Barrasso	Enzi	Lieberman
Bayh	Feingold	Martinez
Burr	Graham	McCain
Cantwell	Grassley	McCaskill
Chambliss	Hatch	Risch
Coburn	Hutchison	Sessions
Corker	Inhofe	Snowe
Cornyn	Isakson	Thune
Crapo	Johanns	Vitter
DeMint	Kaufman	Voinovich
Ensign	Kyl	

NAYS—65

Akaka	Durbin	Nelson (FL)
Alexander	Feinstein	Nelson (NE)
Baucus	Gillibrand	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bennett	Inouye	Roberts
Bingaman	Johnson	Rockefeller
Bond	Kerry	Sanders
Boxer	Klobuchar	Schumer
Brown	Kohl	Shaheen
Brownback	Landrieu	Shelby
Bunning	Lautenberg	Specter
Burris	Leahy	Stabenow
Byrd	Levin	Tester
Cardin	Lincoln	Udall (CO)
Carper	Lugar	Udall (NM)
Casey	McConnell	Warner
Cochran	Menendez	Webb
Collins	Merkley	Whitehouse
Conrad	Mikulski	Wicker
Dodd	Murkowski	Wyden
Dorgan	Murray	

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 140) was rejected.

Mr. COCHRAN. 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. 200

Mr. BAUCUS. I believe under the previous order the Dorgan amendment recurs.

The PRESIDING OFFICER. That is correct. There is now 2 minutes equally divided prior to a vote in relation to amendment No. 200 offered by the Senator from North Dakota.

Mr. DORGAN. Mr. President, we have cleared this amendment on both sides. I ask unanimous consent that I be allowed to substitute amendment No. 138, as modified, requiring economic impact reports for my amendment No. 200 for purposes of the previous order.

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

AMENDMENT NO. 138, AS MODIFIED, TO AMENDMENT NO. 98

Mr. DORGAN. Mr. President, I ask that amendment No. 138, as modified, be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 138, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To provide for reports on the use of funds made available under this Act and the economic impact made by the expending or obligation of such funds, and for other purposes)

Strike subtitle C of title XV of division A, and insert the following:

Subtitle C—Reports of the Council of Economic Advisers

SEC. 1541. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit to the Committees on Appropriations of the Senate and House of Representatives quarterly reports based on the reports required under section 1551 that detail the impact of programs funded through covered funds on employment, estimated economic growth, and other key economic indicators.

(b) SUBMISSION OF REPORTS.—

(1) FIRST REPORT.—The first report submitted under subsection (a) shall be submitted not later than 45 days after the end of the first full quarter following the date of enactment of this Act.

(2) LAST REPORT.—The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

Subtitle D—Reports on Use of Funds

SEC. 1551. REPORTS ON USE OF FUNDS.

(a) SHORT TITLE.—This section may be cited as the ''Jobs Accountability Act''.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECIPIENT.—The term ''recipient''—

(A) means any entity that receives recovery funds (including recovery funds received through grant, loan, or contract) other than an individual; and

(B) includes a State that receives recovery funds.

(3) RECOVERY FUNDS.—The term ''recovery funds'' means any funds that are made available—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

(c) RECIPIENT REPORTS.—Not later than 10 days after the end of each calendar quarter, each recipient that received recovery funds from an agency shall submit a report to that agency that contains—

(1) the total amount of recovery funds received from that agency;

(2) the amount of recovery funds received that were expended or obligated to projects or activities; and

(3) a detailed list of all projects or activities for which recovery funds were expended or obligated, including—

(A) the name of the project or activity;

(B) a description of the project or activity;

(C) an evaluation of the completion status of the project or activity; and

(D) an analysis of the number of jobs created and the number of jobs retained by the project or activity.

(d) AGENCY REPORTS.—Not later than 30 days after the end of each calendar quarter, each agency that made recovery funds available to any recipient shall make the information in reports submitted under subsection (c) publicly available by posting the information on a website.

(e) OTHER REPORTS.—the Congressional Budget Office and the Government Accountability Office shall comment on the information described in subsection (c)(3)(D) for any reports submitted under subsection (c). Such comments shall be due within 7 days after such reports are submitted.

Mr. DORGAN. Mr. President, this amendment is cosponsored by Senator INOUYE and Senator COCHRAN. It is a simple amendment. A voice vote will be satisfactory. I think it has been cleared on both sides.

It simply asks for reports about who is receiving this money we put out in an economic recovery program. Did you receive the money? How did you use the money? And how many jobs do you believe were created with the money? I hope the full Senate will agree with those objectives.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. We accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. DORGAN. Mr. President, has amendment No. 200 been withdrawn?

The PRESIDING OFFICER. It has not.

AMENDMENT NO. 200 WITHDRAWN

Mr. DORGAN. I ask that amendment No. 200 be withdrawn.

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

VOTE ON AMENDMENT NO. 138, AS MODIFIED

Mr. DORGAN. Mr. President, I ask for a vote on amendment No. 138, as modified.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 138, as modified.

The amendment (No. 138), as modified, was agreed to.

AMENDMENT NO. 354

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes of debate equally divided on Dodd amendment No. 354.

The Senator from Connecticut.

Mr. DODD. Mr. President, I may not need the full minute. This is the amendment dealing with executive compensation. There are a number of proposals. This is one that would set some limits, basically allowing for some reaching back if, in fact, TARP businesses are found to have violated

various provisions of law. It would allow the Secretary to negotiate resources to come back if there has been excessive compensation.

I say to my colleagues, our colleague Senator VITTER in the Banking Committee made a point I wish to repeat. This is not the single most important issue. In fact, it could be trivialized. We all appreciate when we talk to our constituents about the TARP program, many of our constituents are so angry with what they see in executive compensation, it is difficult to have a conversation about the larger questions. We are trying to deal with this issue in a thoughtful way that does not impinge upon their ability to compensate people, but simultaneously we are not reading about compensation going to executives where billions of dollars have gone to those companies abusively.

This amendment is to deal with that particular problem. I urge my colleagues to support it.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. BAUCUS. Mr. President, I have no opposition to the amendment and again recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 354.

The amendment (No. 354) was agreed to.

Mr. DODD. 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. 189

The PRESIDING OFFICER. Pursuant to the previous order, the next amendment is DeMint amendment No. 189.

Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, are we considering the DeMint amendment?

The PRESIDING OFFICER. We are.

Mr. DEMINT. Mr. President, I encourage all my colleagues to listen for a moment. This is a very simple amendment that strikes some language that should not be in this massive spending bill. It is language that discriminates against religious freedom on college campuses.

Right now in the bill, any college campus that uses these funds to renovate a student center, a dorm, an auditorium, cannot allow prayer, any religious activity, or worship. This is not language that should be in this bill. This is an issue that has been decided by the courts.

Arbitrary language is going to create doubt and risk and liability which will put a chilling effect on religious freedom on campuses.

The only thing most of us need to know is that the ACLU opposes this amendment. Any freedom-loving American should know they should vote for this amendment if it is opposed by the ACLU.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, the provision in the bill states that Federal funds cannot be used to support facilities in which a substantial portion of the functions of the building are involved in a religious mission.

I say to the Senator from South Carolina, this language has been in the law for 40 years. It is the result of three Supreme Court decisions.

Mr. DEMINT. Will the Senator yield?

Mr. DURBIN. No, I won't. It was signed into law in the Higher Education Reauthorization Act signed by President Ronald Reagan, President George Herbert Walker Bush, and President George W. Bush.

The DeMint amendment is opposed by the Jesuit universities. We have struck a balance here helping religious schools on buildings that are not primarily for religious functions. We will continue doing that and continue honoring our Constitution's establishment clause.

I hope everyone will support me in opposing the DeMint amendment and stand by the language that has been time tested and approved by the Supreme Court in three separate decisions.

Mr. DEMINT. May I correct a mischaracterization?

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 189.

Mr. GRASSLEY. 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 assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The result was announced—yeas 43, nays 54, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—43

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

NAYS—54

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

NOT VOTING—2

Gregg	Kennedy

The amendment (No. 189) was rejected.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 145

Mr. REID. Mr. President, I ask unanimous consent that Dodd amendment No. 145 be taken out of this tranche. We will arrange another time, with the assistance of the Republicans, to determine when to vote on this. What we are trying to do, Senator CONRAD wants to have another amendment go before this one, and Senator DODD has consented to do that.

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

Mr. BAUCUS. Mr. President, it is my understanding that Senator DODD wants his amendment to go in the next group of amendments.

Mr. REID. That is right.

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

Mr. REID. I thank the Chair.

AMENDMENT NO. 338—WITHDRAWN

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 338, offered by the Senator from Iowa, Mr. HARKIN.

The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I still believe we need a strong auto industry in this country. I think the best way to do that is to get people to buy cars. The best way to do that is to give low-income and moderate-income individuals and families the wherewithal to buy those cars. That is what this amendment was about.

However, I must say, in the current desire to reduce the size of the bill, I am going to ask unanimous consent to withdraw the amendment, but it will come back at some time in the future.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is withdrawn.

AMENDMENT NO. 125

Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 125, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 125) was agreed to.

AMENDMENT NO. 353

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 353, offered by Senator ENSIGN.

Mr. ENSIGN. Will the chairman of the Finance Committee mind if I go second so I can answer any of the charges that may come out?

Mr. BAUCUS. I would rather the proponent go first.

Mr. ENSIGN. I would rather the chairman of the Finance Committee go first.

The PRESIDING OFFICER. Who yields time?

Mr. BAUCUS. I yield my time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. My colleagues, it is a great idea to help with housing. Listen to what the amendment of my friend from Nevada does. It costs between $300 billion and $1 trillion. Second, it applies to people of any income. Do you want to have the Federal Government spend its money to give a multimillionaire a break on their mortgage? Third, the banks take a cut. Every time there is a refinancing, there are points. If we want to give people money, don't let the banks take a cut. Fourth, it does nothing about the housing market because, A, most of it will go to refinancing—people who are in a home stay in the home—B, the people who really need help do not qualify because they do not get Fannie, Freddie, or FHA.

It doesn't help housing, it costs a fortune, it helps the banks, and it is one of the most expensive things before us. If you are a fiscal conservative, there is no way you can vote for this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, that is absolutely incorrect. The mortgage interest we target is between 4 and 4.5 percent. Right now in the market, it would be between 4 and 4.5 percent. We capped the program at $300 billion. It is impossible to do what the Senator from New York said because we put a cap on it. It could cost no more than that. The Treasury cannot authorize any more than that.

Regarding the second untruth he just spoke—this amendment is not just for millionaires. These are for homes that are not above the conforming loan limit, so it is no home over $729,000. Only homes under that would qualify for it.

We have over 600 organizations that build homes in this country—plumbers, cabinetmakers, homebuilders, and everything else—that support this amendment. This amendment will get the housing industry going in the country.

And it is not just about lowering interest rates—another untruth said by the Senator from New York. We also do foreclosure mitigation because we help modify loans for those homes that are underwater right now. There are tax credits for businesses to get the economy going. We fix housing first, and then we get the economy going.

I urge a ''yea'' vote on this amendment.

Mr. GRASSLEY. Mr. President, if Senator ENSIGN prevails on his amendment, I will seek to further amend his amendment. I would offer the Grassley amendment patch amendment. The amendment would be in identical form to my amendment adopted in the Finance Committee markup.

The PRESIDING OFFICER. The time of the Senator from Nevada has expired.

Mr. BAUCUS. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. I move to waive the applicable provisions with respect to my amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The yeas and nays resulted—yeas 35, nays 62, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—35

Alexander	Ensign	McCain
Barrasso	Enzi	McConnell
Bennett	Graham	Murkowski
Bond	Grassley	Risch
Brownback	Hatch	Roberts
Burr	Hutchison	Sessions
Chambliss	Inhofe	Shelby
Coburn	Isakson	Specter
Cochran	Johanns	Thune
Corker	Kyl	Vitter
Cornyn	Lugar	Wicker
Crapo	Martinez	

NAYS—62

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

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 35, the nays are 62. Three-fifths of the Senators duly chosen and sworn having not voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The majority leader is recognized.

Mr. REID. Mr. President, the vote has been reported?

The PRESIDING OFFICER. It has.

Mr. REID. Mr. President, for all Members, everyone should be advised we are going to be working late tonight. We have a lot of work to do. We are going to work to get a solution. We are going to work within the broad outline that President Obama has given us, a program that has the wide support of the American people.

If necessary, we are going to work through the night. I repeat, we are going to work until we get it done. There are a number of Senators working in good faith to try to come up with a proposal that will pick up a number of Republican votes. There are a number of Republicans working in that group—I do not know how many but as many as eight Republican Senators—trying to come up with a proposal they believe would improve this legislation.

As I have indicated to each of those Senators individually, we would be happy to take a look at this. If it is in keeping with what I believe everyone is trying to do; that is, to improve this legislation, of course we will take a look at it, and we will take a good positive look at it.

This legislation is very important. The reason we need to work through the night is, I cannot imagine what would happen to the financial markets tomorrow if it was reported that this bill would go down. This bill is not only important to our great country, it is important to the world. We are the largest economic machine in the world by far.

People a lot of times refer to Japan and the trouble they had in the 1990s. But, remember, their economy, even though theirs is the second largest economy in the world, it is a very small economy relatively speaking compared to ours. So around the world, everyone is looking at what we are going to do tonight.

I want to make sure everyone understands that everyone is working in good faith. This is a very large piece of legislation. I understand why people would want to change it, and certainly we are in the process of trying to do that with these multitude of amendments that have been offered.

We will finish this. We have about four votes left in this tranche. Then we will move on to others. On the Democratic side, we have more amendments lined up. I am sure the Republicans have more lined up on their side. But I would hope everyone would work in good faith to move forward on this legislation.

If at the end of the day people cannot vote for it, that is a decision people will have to make. But I want everyone

within the sound of my voice to understand that what we do here is extremely important not only to the people in Las Vegas, Reno, and Nevada but all over this country and the financial capitals of the world.

The small towns all around the world are looking to see what we do. It is not a pleasant picture to think what would happen if this legislation, which was put together—I have used the term before—in good faith by President Obama and his people, is, in effect, turned down.

Now, we have never said you have to rubberstamp what we have done. That is why we started on Monday a process of amending this legislation. A lot of amendments have been offered. A lot of them have not been accepted or approved, but a number of them have. A couple of them that were approved I really did not like very much. But this is what the legislative process is about. Legislation is the art of compromise, consensus building. That is where we are. So it is 6:15 tonight. I would hope in the next 12 hours we can have a piece of legislation that we can feel good about after having worked on it for these many hours that we have.

I failed to say one thing. I extend my apologies to my friend. One of the things I wanted to say is, Senator MCCONNELL, the Republican leader, has been very open with me. We have had a number of meetings during today. He has been very understanding of some of the problems I have. I am understanding of some of the problems he has.

I want the RECORD to reflect he has been very cooperative. I appreciate that very much.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Mr. President, let me add briefly, it strikes me that one of the core problems in spite of the new President's popularity with Americans is, there is a growing discontent among the public, as illustrated by the Gallup poll, which 4 or 5 days ago indicated roughly 53 percent of Americans thought this particular proposal was a good idea, and it is now down to 38 percent a mere 5 or 6 days later.

The American people have serious questions about the composition of this package. I think virtually everybody on our side of the aisle believes that some action by the Government is necessary. We have heard from a lot of economists who are thought of as conservative economists who think that action is necessary.

The question is not doing nothing versus doing something. The question is the appropriateness of an almost trillion dollar spending bill to address the problem. I agree with the majority leader. We ought to continue talking. Hopefully, there is a way to restart the process in a way that would be more fundamentally bipartisan in nature. We hope that conclusion can be reached in a positive way for the American people sometime in the near future.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I am probably different than most every Senator. I wish we could outlaw polls. I think they are one of the things that hurt the body politic. I don't believe in them. I don't watch what they say. I don't care about them. But I can read them. We were all present at a meeting yesterday where in-depth polling has been done on this. The polling for President Obama's package, as of yesterday, was approved by nearly 70 percent of the American people. I don't know what the Gallup poll is, but it should underscore what I said about polls. Everybody forget about the polls. Forget about them. Do what we think is good for the American people based on what we are hearing from constituents, constituents rich and poor, big businesses and small businesses. If we listen to them, we have to come forward with a robust package in keeping with the needs of the country.

I appreciate the comments of my friend, the Republican leader. We are all working to do the best we can. We have some disagreement as to what the right thing to do is. I hope we will not be determining what we do based on a poll.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. I know we would all rather be voting than talking. Republicans are no less interested in doing the right thing for the country than Democrats are. I don't question the motives of our friends on the other side of the aisle, and I know they don't question ours. We have some serious differences about what we ought to do. Those discussions have been ongoing, and we will continue them throughout the evening and maybe well into the weekend until we get some kind of consensus about what is the most appropriate thing to do to help jump-start our ailing economy.

Mr. REID. I have stated clearly and unequivocally that I believe those eight Republicans who are—I think that is the number; I haven't been in on the meetings—working very hard to try to come up with an alternate proposal, I appreciate that. Does that mean the other 33 Republican Senators aren't working in good faith? Of course they are. But I very much appreciate those Republicans who are openly trying to come up with something different. All of us are trying to do the right thing for the American people. There isn't a single Senator who has come to this floor who hasn't said that this economy is in deep trouble and we have to do something to fix it. My comment was, I hope we can do that. That is the reason I have said we have to work through the night. Because if we don't and the Friday financial markets look at us not having been able to accomplish anything, it is a bad day not only for America but the rest of the world.

AMENDMENT NO. 236, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 236, as modified, offered by the Senator from Missouri, Mrs. MCCASKILL.

The Senator from Montana.

Mr. BAUCUS. Mr. President, we are prepared to accept the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BAUCUS. Mr. President, I understand there is a further modification at the desk.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 236), as further modified, is as follows:

On page 3, line 22, strike ''2010'' and insert ''2011''.

On page 3, line 23, insert before the period ''and an additional $17,500,000 for such purposes, to remain available until September 30, 2011''.

On page 41, line 4, strike ''2010.'' and insert ''2012.''

On page 41, line 21, strike ''2010'' and insert ''2011''.

On page 47, line 8, strike ''2010'' and insert ''2011''.

On page 47, line 26, strike ''2010'' and insert ''2011''.

On page 60, line 4, strike ''2010.'' and insert ''2011, and an additional $3,000,000 for such purposes, to remain available until September 30, 2011.''.

On page 77, line 19, strike ''expended.'' and insert ''September 30, 2012, and an additional $10,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 95, line 12, insert before the period ''and an additional $5,000,000 for such purposes, to remain available until September 30, 2012''.

On page 105, line 4, insert ''SEC. 505 OFFICE OF INSPECTOR GENERAL. For an additional amount for ''Treasury Office of Inspector General for Tax Administration'', $7,000,000 to remain available until September 30, 2012, for oversight and audit of programs, grants and activities funded under this title.''

On page 105, line 24, strike ''2010'' and insert ''2012''.

On page 116, line 21, strike ''2010.'' and insert ''2011, and an additional $7,400,000 for such purposes, to remain available until September 30, 2011.''.

On page 127, line 14, strike ''2010'' and insert ''2011''.

On page 137, line 8, strike ''2011.'' and insert ''2012, and an additional $15,000,000 for such purposes, to remain available until September 30, 2012.''.

On page 146, line 12, insert before the period ''and an additional $10,000,000 for such purposes, to remain available until September 30, 2012''.

On page 149, between lines 5 and 6, insert the following:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the Office of the Inspector General, $1,000,000, which shall remain available until September 30, 2011.

On page 214, line 19, strike ''2010'' and insert ''2011''.

On page 225, line 6, strike ''2010'' and insert ''2011''.

On page 226, line 23, strike ''2010'' and insert ''2011''.

On page 243, line 6 insert '', and an additional $12,250,000 for such purposes, to remain

available until September 30, 2012'' before the colon.

On page 263, line 7, insert '', and an additional $12,250,000 for such purposes, to remain available until September 30, 2012'' before the colon.

On page 733, line 2, strike ''expended'' and insert ''September 30, 2012,''.

Mr. BUNNING. May we understand what the modification is?

The PRESIDING OFFICER. The Senator from Missouri.

Mrs. MCCASKILL. Mr. President, there was an omission of money for the inspector general at the IRS. The modification adds the money for the inspector general at the IRS.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 236, as further modified.

The amendment (No. 236), as further modified, was agreed to.

AMENDMENT NO. 197

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 197 offered by the Senator from South Dakota, Mr. THUNE.

Mr. THUNE. Mr. President, with my amendment we get more with less, more job creation at less cost. What this amendment would do is substitute the underlying bill with an amendment that consists primarily of tax relief for families and small businesses. Specifically the legislation would provide $444 billion of tax relief, more than the tax relief contained in the Senate stimulus bill. It provides $34 billion in spending which is $598 billion less than the underlying bill. According to the economic models developed by the President's economic advisers, this proposal would create twice as many jobs for half the cost. It would create 6.2 million new jobs at $480 billion, compared to the 3 million or so which, with the latest from CBO, may be a lot less than that under the Democratic proposal. I urge support for the amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator is correct. It is more for less—more tax breaks for upper income Americans, less tax breaks, in fact, no tax breaks for low-income Americans; 49 million Americans will get no tax benefit under this amendment, and 49 million Americans do get some tax benefits from the underlying bill. It eliminates the rest of the substitute—nothing for energy, nothing for education and the other parts of the bill. I urge rejection of the amendment.

I raise a point of order that the pending amendment violates section 311(a)(2)(b) of the Congressional Budget Act of 1974.

Mr. THUNE. Mr. President, I move to waive the applicable provisions under 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.

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

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

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

[Rollcall Vote No. 49 Leg.]

YEAS—37

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

NAYS—60

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

NOT VOTING—2

Gregg	Kennedy

The PRESIDING OFFICER. On this vote, the yeas are 37, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mrs. BOXER. 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. 363, AS FURTHER MODIFIED

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes equally divided prior to a vote in relation to amendment No. 363, as modified, offered by the Senator from California, Mrs. BOXER.

The Senator from Montana.

Mr. BAUCUS. Mr. President, just for the information of all Senators, these are two amendments that are paired: the Boxer amendment, which the Chair just stated, and also the Barrasso amendment No. 326. It is our understanding those two amendments will both be voice-voted. Senator BOXER will speak about her amendment, and Senator BARRASSO will speak about his. But the thought is, these are two paired amendments on roughly the same subject. We hope to have a voice vote on each.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

Mr. President, I thank my colleagues. I think I can explain this amendment in 2 minutes, and then we can take a voice vote.

I thank Senator BARRASSO. He and I have a little different view on the importance of the National Environmental Policy Act in relation to this bill. Late last night he offered an amendment to essentially pretty much waive the protections of that act from this bill. Needless to say, as the chairman of the Environment and Public Works Committee, I was concerned about the amendment. He and I have had extensive discussions, along with our staff, and we have reached an agreement on the way to proceed tonight.

So, Mr. President, I am going to begin by carrying that out by sending a modification of my amendment to the desk that Senator BARRASSO has approved. So if I might do that.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 363), as further modified, is as follows:

Insert at the appropriate place:

FINDINGS

1. The National Environmental Policy Act protects public health, safety and environmental quality: by ensuring transparency, accountability and public involvement in federal actions and in the use of public funds;

2. When President Nixon signed the National Environmental Policy Act into law on January 1, 1970, he said that the Act provided the ''direction'' for the country to ''regain a productive harmony between man and nature'';

3. The National Environmental Policy Act helps to provide an orderly process for considering federal actions and funding decisions and prevents ligation and delay that would otherwise be inevitable and existed prior to the establishment of the National Environmental Policy Act.

SECTION 1

1. Adequate resources within this bill must be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act are completed on an expeditious basis and that the shortest existing applicable process under the National Environmental Policy Act shall be utilized.

2. The President shall report to the Senate Environment and Public Works Committee and the House Natural Resources Committee every 90 days until September 30, 2011, following the date of enactment on the status and progress of projects and activities funded by this act with respect to compliance with National Environmental Policy Act requirements and documentation.

Mrs. BOXER. OK. I also thank—in addition to Senator BARRASSO for working with me on drawing this up, I

would say, perfecting this amendment—a lot of the groups out there who have been very worried and working and calling all my colleagues.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. Mr. President, I ask unanimous consent for an additional minute, if I might.

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

Mrs. BOXER. Mr. President, I ask unanimous consent to have printed in the RECORD the list of these organizations, from the League of Conservation Voters to the American Lands Alliance; and there is even a group from Alaska that got involved.

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

Tiernan Sittenfeld; Legislative Director; League of Conservation Voters; tiernan_sittenfeld@lcv. org.

Marty Hayden; Vice President, Policy and Legislation Earthjustice; mhayden@earthjustice.org.

Pamela A. Miller; Arctic Program Director; Northern Alaska Environmental Center; Pam@northern.org.

Anna Aurilio; Director, Washington DC Office; Environment America; asquared@environmentamerica.org.

Randi Spivak; Executive Director; American Lands Alliance; randispivak@americanlands.org.

Mike Daulton; Legislative Director; National Audubon Society; MDaulton@audubon.org.

Emily Wadhams; Vice President for Public Policy; National Trust for Historic Preservation; emily_wadhams@nthp.org.

Will Callaway; Legislative Director; Physicians for Social Responsibility; wcallaway@PSR.ORG.

Colin Peppard; Federal Transportation Program Manager; Friends of the Earth; CPeppard@foe.org.

Sandra Schubert; Director of Government Affairs; Environmental Working Group; sschubert@ewg.org.

Sharon Buccino; Director, Land Program; Natural Resources Defense Council; sbuccino@nrdc.org.

Leslie Jones; General Counsel; The Wilderness Society; leslie_jones@tws.org.

Sara Kendall; DC Office Director; Western Organization of Resource Councils; sara@worc.org.

Mary Beth Beetham; Director of Legislative Affairs; Defenders of Wildlife; MBeetham@defenders.org.

Adam Kolton; Sr. Director, Congressional and Federal Affairs; National Wildlife Federation; Kolton@nwf.org.

Eli Weissman; Director of Government Relations; American Rivers; EWeissman@americanrivers.org.

Nat Mund; Legislative Director; Southern Environmental Law Center; nmund@selcdc.org.

Elizabeth Thompson; Legislative Director; Environmental Defense Fund; EThompson@edf.org.

Ann Mesnikoff; Washington Representative; Sierra Club; Ann.Mesnikoff@sierraclub.org.

Mike Clark; Interim Executive Director; Greenpeace; mike.clark@greenpeace.org.

Mrs. BOXER. I conclude by saying what I do in this amendment is to say that adequate resources within this bill must be devoted to ensuring that the applicable environmental reviews under NEPA are completed on an expeditious basis, and that we require a report every 90 days just to make sure these projects are moving forward with the protections of NEPA but no undue delays.

So with that, I would ask for a voice vote, if I might.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 363), as further modified, was agreed to.

AMENDMENT NO. 326

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided prior to a vote in relation to amendment No. 326, offered by the Senator from Wyoming, Mr. BARRASSO.

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I appreciate the modifications of the amendment by Senator BOXER. The Boxer amendment rightly states that we should try to expedite NEPA. I appreciate the improvements she has made to that.

My amendment, which I urge Members to support, is amendment No. 326, offered by Senators ENZI and VITTER and CRAPO and RISCH and BENNETT and ROBERTS as well as myself. The amendment is a practical, moderate solution to a real problem, as every school, road, bridge or dam funded under this bill will require compliance with the National Environmental Policy Act.

The Congressional Budget Office and countless business leaders agree we must address NEPA in this legislation. My amendment would not waive NEPA, it would only require that it be completed in 9 months. I appreciate Senator BOXER's efforts to do this in an expeditious way. This amendment goes further and says 9 months. If projects are truly shovel ready, this should be no problem.

This amendment prevents bureaucratic delays and will put people to work. I am asking my colleagues to vote in favor of amendment No. 326 and I would appreciate a voice vote.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 326) was rejected.

The PRESIDING OFFICER. As clarification, the Boxer amendment that was agreed to was as further modified.

The Senator from Oklahoma is recognized.

AMENDMENT NO. 176 TO AMENDMENT NO. 98

Mr. COBURN. Mr. President, I ask unanimous consent that the pending amendments be set aside to call up amendment No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 176.

Mr. COBURN. 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 require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act)

On page 431, between lines 8 and 9, insert the following:

PROHIBITION ON NO-BID CONTRACTS AND EARMARKS

SEC. 1607. (a) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(b) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient.

Mr. COBURN. Mr. President, this is a straightforward amendment. What this amendment says is that all the money we are going to spend in this bill, the American taxpayers are going to get value.

I am not going to win the debate on this bill. We are going to spend somewhere between $750 billion and $1 trillion, but the one thing we ought to be able to assure the American people is that when we go to spend the money, they are going to get value for it. This is an amendment that says there will be competitive bidding on all the contracts, all the agreements so we get real value. As malodorous as this bill is in terms of the spending that is not going to produce the first job, the one thing we ought to make sure of is that the American taxpayer is protected.

What we know from 40 hearings in the Federal Financial Management Subcommittee is the biggest problem we have in the Government today, besides waste, fraud, and abuse, is the fact that many of the Government contracts, in violation of Federal law, are never competitively bid. That does a couple things. One is it puts people who are connected to the Government in line to get a contract that is not necessarily the best value for our country. Whether that is lobbying here or lobbying at the executive branch, what we know is that at least $50 billion a year right now is wasted because we don't do competitive bidding.

All this amendment says is that if you are going to spend the money, if it is greater than $25,000—which is what President Obama has asked us to do—you competitively bid it. You don't play favorites; you make sure we get great value.

So my hope is nobody can find a fault with this agreement and this amendment that would say in common sense:

Everybody out there who is in business who is going to do something such as that, spend any significant amount of money, is going to get value for what they pay on their money. Every household is going to try to do that as they try to make decisions on how they spend money. So as we spend $900 billion on the items that can be let for contract, we ought to insist that there is competitive bidding.

What do we know right now in the Federal Government as far as waste where we have not competitively bid? Here is what we know. We spend as a government $64 billion a year on IT contracts—on IT contracts. The vast majority are not competitively bid. Some people may say: Well, that is no problem. Well, when you hear that 40 billion of them are in trouble, way outside the cost that we thought things were going to cost, what we see is the American taxpayer doesn't get any value when it comes to IT purchasing in the Federal Government. Whether that is the Pentagon, whether it is Homeland Security, whether it is the Small Business Administration, whether it is the Department of Energy, we get no value because 50 percent of the money we spend on IT ultimately gets wasted because we don't competitively contract it and competitively bid it.

Out of this $900 billion, there is somewhere around $400 billion of that which can, at one point or another, be competitively bid. To not competitively bid it says, first of all, we are not going to be able to spend it to create as many jobs as we would like if, in fact, we don't get value when we competitively bid it. So my hope is the chairman will consider this amendment take it under advisement. I would also relate that even in spite of the fact that sections 303 of the Federal Property and Administrative Act, 10 U.S. Code 2304 all require it, the Federal Government doesn't do it. Last year, in the Consolidated Federal Funds Report, the Federal agencies issued $1.2 trillion in financial assistance in 2008.

Mr. President, $400 billion of that was in grants, so that means grants need to be competitively bid; $453 billion in contracts and $22 billion in direct loans. A large portion of that was never competitively bid.

I will shorten the time I spend on this amendment. I ask for its consideration, and I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

AMENDMENT NO. 359

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may call up amendment No. 359.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. UDALL] proposes an amendment numbered 359.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To expand the number of veterans eligible for the employment tax credit for unemployed veterans)

On page 485, strike lines 23 through 26, and insert the following:

(I) having been discharged or released from active duty in the Armed Forces during the period beginning on September 1, 2001, and ending on December 31, 2010, and

Mr. UDALL of New Mexico. Mr. President, as I rise today, our Nation is in the midst of a deep recession. Families across America are losing their homes and business owners are being forced to close doors. In my home State of New Mexico, local workforce solutions offices are besieged with calls from people who need help. Customer service centers are cutting jobs and parents can't pay for their kids' school lunches.

Our responsibility is to act, and we must do so with the accountability and oversight the American taxpayers deserve.

For months, I have been advocating for an economic recovery package that puts the American people first, one that is carefully targeted to create jobs and stabilize our economy by making the long-term investments economists have said we need now. For years we have neglected to make the needed investments in energy and in conservation, infrastructure, health care, and so much more. Today we have the opportunity to change course. We have the opportunity to make these necessary investments and help shore up our economy at the same time.

I wish to thank Chairman INOUYE and Chairman BAUCUS for their hard work in bringing this bill before us.

Make no mistake, the package we have before us is not perfect. There are many improvements that, after all the hours of work and all the hours of debate, could make it better. I rise to bring forth one more improvement we can make now.

Today I am offering an amendment which both helps address our current economic crisis and takes care of the very individuals who have been fighting for us: our veterans. My amendment, which I am proud to be joined in offering by the distinguished Senator from Louisiana, Ms. LANDRIEU, will help ensure that our veterans returning from Iraq and Afghanistan are remembered as we push for job creation in our country.

The current language in the substitute amendment provides a tax incentive to employers hiring veterans who have been discharged from the armed services in 2008, 2009, and 2010. I strongly applaud this amendment and thank Chairman BAUCUS for his leadership on this issue. However, the numbers show veterans discharged before the years included in the underlying language are also struggling to find employment. In fact, in September 2007, the Bureau of Labor Statistics reports that of those veterans who served in our military since September 2001, 6.1 percent were unemployed. As we know too well, since the study was completed in September of 2007, the economy has only worsened.

Therefore, I offer this amendment to expand the tax incentive to employers to include veterans discharged from the armed services between September 2001 and December 2010, including veterans of Operation Enduring Freedom and Operation Iraqi Freedom. Those soldiers leaving the military after serving in Iraq and Afghanistan, serving with great distinction and honor, are finding themselves back in a shrinking workforce. Yet we know from study after study that these men and women have substantial capabilities in technology, mathematics, management, crisis response, and so many other areas that are critical to employers. Expanding the tax incentive to cover employers who hire any veteran who has served since September 11 will help ensure that we do not leave these veterans out of our recovery package. It ensures that employers are encouraged to hire these men and women and put them back to work for our Nation.

The Iraq and Afghanistan Veterans of America are strongly supportive of this expansion. I urge my colleagues to join me in adopting it today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. It is Senator COBURN's time or another Republican amendment. Senator COBURN should be recognized; then Senator SANDERS after that.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

AMENDMENT NO. 309

Mr. COBURN. Mr. President, first of all, let me thank the chairman for his kindness. I agree we should be going back and forth.

Whatever we do with this bill, we ought to determine what is most important and what is least important. When we take $900 billion and are about to spend it, we ought to do that in a way that again promotes value. We as a body oftentimes are resistant to make hard choices; I know that, but every family out there in our country today is making hard choices.

I found it peculiar, when this bill came to the floor, that it didn't include a prohibition that was in the House bill. Somewhat strange. What was in the House bill, which was passed by the House and agreed to by the House, was a prohibition on any funding to pay for aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters,

art centers or highway beautification projects. Somehow, strangely, it was left out of the Senate bill.

So I ask unanimous consent that the pending amendment be set aside to call up my amendment No. 309.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN] proposes an amendment numbered 309.

Mr. COBURN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To ensure that taxpayer money is not lost on wasteful and non-stimulative projects)

At the appropriate place, insert the following:

SEC. ___. LIMIT ON FUNDS.

None of the amounts appropriated or otherwise made available by this Act may be used for any casino or other gambling establishment, aquarium, zoo, golf course, swimming pool, stadium, community park, museum, theater, art center, and highway beautification project.

Mr. COBURN. What this amendment does is it prohibits stimulus funding to pay for casinos, museums, aquariums, zoos, golf courses, swimming pools, stadiums, parks, theaters, art centers or highway beautification projects. I am not necessarily against those, but if we are going to spend money, we ought to spend money on the highest priority things first, not the finer things that we can't afford.

We cannot afford to spend a penny on a museum right now with the trouble we are in. We cannot afford to spend a penny on a golf course with the trouble we are in. We cannot afford to spend a penny on theaters or art centers or highway beautification. Those are not a priority. Plus, most of those won't generate near the jobs as if we were spending it on something more substantive. There are billions of dollars in this bill for various grant programs for State and local governments, for supposedly local shovel-ready projects. How do we know that? Because the U.S. Conference of Mayors has a wish list of shovel-ready spending projects entitled Main Street Recovery Ready-to-Go Infrastructure Report. It includes billions in questionable and wasteful projects that should never be funded by the taxpayers, even if we had extra money—which we don't—and certainly should not be funded at this time, with the limited dollars we have and the way we are funding. We are not borrowing—no, we are stealing this money from our grandkids.

Mr. ROBERTS. Mr. President, will the Senator yield for a question?

Mr COBURN. I will.

Mr. ROBERTS. Mr. President, let me ask my distinguished friend and colleague from Oklahoma this. We all know we have to address the problems we face in our economy. It is becoming a crisis. The majority leader said that, the minority leader said that, and everybody who has offered an amendment has said that. But it seems to me we have fundamental differences with the President of the United States, who called some of our concerns picayunish in an op-ed in the Washington Post, and with our colleagues across the aisle, as to what constitutes an effective stimulus. The Senator from Oklahoma is introducing an amendment that I wish more Members could listen to—and they should because it would be in their best interest.

The Senator from Oklahoma is offering an amendment that introduces an overdue criteria not only regarding whether the mayors' wishlist, and the programs he is going to enunciate, fit the role of a stimulus, but public outrage? These are the kinds of things that become fodder on late night talk shows, and we could do that—we could sort of do a late night talk show. We could go back and forth and he would mention a project and I would say: Do you mean there is money going for that? But I will skip all that and congratulate the Senator regarding his amendment.

Can the economy be best revitalized through a massive and unprecedented increase in Government spending? Or is it better to pursue progrowth policies that put money more directly into the pockets of families and businesses?

There is no question, I can answer that. Putting money back in the pockets of American families and businesses stimulates the economy. When they have additional money in their pockets, they can use that money as they see fit—to save, to purchase a home or a car, to make an investment or hire workers. So I think what the Senator from Oklahoma is trying to do—I know what he is trying to do and what I am trying to do in asking him to yield, which is to urge my colleagues to take a hard look, please, at the spending in this bill. We have already asked you to do that. There have been many amendments to do that. Ask yourselves: Is this stimulative? Do the programs in this bill truly promote economic stimulus? Do they create jobs? Do they put meaningful dollars directly in the pockets of families and businesses to encourage the economic growth of our country, or does the bill simply spread the money around to many Federal programs, or Members' requests, in the hope that such spending will solve our economic problems?

If we cannot honestly demonstrate the stimulative effect of the programs in the bill, then it is clear to me that taxpayer dollars would be best spent elsewhere or, better yet, returned to the taxpayers.

With all due respect to President Obama, in the article he wrote for the Washington Post, the op-ed, these matters are not picayunish—they are not.

The economic stimulus mantra from last year—targeted, temporary, and timely—which should also apply to this year's effort, seems no longer to be the drumbeat of the majority. I don't know if the Senator is aware, but one estimate is that this bill would cost $2,700 for every man, woman, and child in the United States. While this bill is touted as creating or conserving jobs, some of the costs of the proposed job creation in the bill are truly astounding, not picayunish.

A program at the State Department would create 388 jobs at a cost of $524 million. There are others that create jobs that would cost $480,000 per job and $333,000 per job. I know the Senator from Oklahoma is interested in that because that is the very kind of thing he likes to bring up to make us adhere to our job responsibilities.

I know Oklahomans are outraged, and I know Kansans are outraged at this reckless spending, when the vast majority of them live within their means, pay their bills, and make their mortgage payments on time. Where is their benefit under this bill? Where is their $333,000 or $480,000 job?

Many constituents who have contacted me have said, ''Just send me a check.'' They are very concerned that their tax dollars are not being used wisely here and that this bill won't get the job done. That is what the Senator from Oklahoma is trying to accomplish.

The bill is not targeted. The appropriation portion of the bill spends taxpayer dollars on everything from smoking cessation programs, all-terrain vehicle trails, and $600 million to buy new cars for new Government employees.

Again, these matters are not picayunish. As the spending in this bill grows, it has become a honey pot for every conceivable special interest group in this unprecedented environment of national crisis. I am concerned that we are well on our way to federalizing State and local governments, as many elected officials are setting up what I call ''bucket commissions.'' Our Governor in Kansas is doing that, and others are as well. I know we have problems in Kansas, and I know they have problems in Ohio, and I know they have problems in Oklahoma. But they are coming to Washington to fill these buckets. People have actually lobbied for and want the projects the Senator from Oklahoma is talking about. If you want a new county jail, don't pass a bond issue; ask for it in the stimulus. If you want a Frisbee park—I am not making that up—don't ask local taxpayers to foot the bill; ask for it in the stimulus.

With this Federal honey pot and the lure that is now out there to come to Washington and make funding requests—and some requests do have merit; I won't quarrel with that. But this is not the right time or place for them. Another danger here is that Federal money too often becomes Federal control—Federal intervention further into the daily lives of Americans. You hear a lot about that back home.

To all of those who hear the siren song lure of coming to Washington and obtaining free stimulus money, with apologies to Homer:

Circe warned all those lured by the siren songs and to too many who ignored the warning and ended up on rocky shoals:
Once he hears to his heart's content, sails on a wiser man.
Like as Vlisses wandering men,
In red seas [or in the case of this stimulus, red ink] as they pass along.
Did stoppe their ears with wax as then,
Against the suttle Mermayds [or shall we say Senator's stimulus song.]
So shall their crafty filled talk,
Here after find no listing ear.
Like Circe, I byde them go back and walk,
And spend their words some other where.

Again, with apologies to Homer, with this siren stimulus song that we sing, those attracted by the lure will bring themselves and all taxpayers to rocky shoals.

We are currently in the throes of February cold, with only Valentine's Day as a respite. This bill will have its first effect amidst the winds of March. Those projects that my distinguished friend from Oklahoma is trying to bring to the attention of the Senate will come true in the winds of March. My colleagues and taxpayers all, beware of the Ides of March. Under this massive spending bill, the taxpayer will become Caesar and the Government will become Brutus. ''Et tu, Senator Brutus''—a role no Senator should wish to play.

While some funding requests may be worthy of Federal dollars, such decisions should be made as part of the annual appropriations debate, rather than circumventing that important process by adding funding to a bill that is intended to provide short-term stimulus to the economy.

This bill is not timely, I say to my friend from Oklahoma. CBO estimates that only 15 percent of this stimulus package will be spent in 2009, and only another 37 percent spent in 2010. The remaining part will be spent in 2011 and beyond. That means that less than half of the money will be spent by the end of next year. This is not the immediate relief families and businesses desperately need now to help get the economy back on track. Rather than looking at more Federal spending and programs to fix our economy, we have tried to redirect this spending to tax relief. We need to return to families more of their hard-earned dollars and allow businesses to keep more of the money they earn, so they can reinvest and grow their businesses. This is particularly true of small business. Unfortunately, only $21 billion, or 3 percent of this bill, goes to small business. I know the Senator from Oklahoma certainly cares about small businesses. They are the Nation's job creators. How can we call this an economic stimulus bill, when only a fraction of this bill is going to help small businesses?

Mr. BAUCUS. Mr. President, I forgot what the question was.

Mr. ROBERTS. We had seven questions, and I am going to have one, and then I will cease and desist.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor. He yielded for a question.

Mr. BAUCUS. Mr. President, I am trying to find a fair way to go back and forth here.

Mr. COBURN. Does the Senator have another question?

Mr. ROBERTS. Yes, I do. We have had before us—and more to come, I think—well-thought-out alternatives to meet the commonsense test. As I said before, we have had amendments to strip out billions in spending in the bill that will not stimulate the economy. It is my understanding that the Senator's amendment deals with smaller programs and, as I have indicated, the public reaction to these programs and these relative to the stimulus package are unbelievable, is that not true?

Mr. COBURN. That is true.

Mr. ROBERTS. We have and will have amendments to provide permanent tax relief for middle-income taxpayers. Is anything in there having to do with that?

Mr. COBURN. No.

Mr. ROBERTS. Basically, we have considered amendments to address the problems in the housing market, to fix housing first. Does anything on that list have anything to do with fixing the housing market?

Mr. COBURN. No.

Mr. ROBERTS. These suggestions would improve this bill. Can we improve it, I ask the Senator from Oklahoma, to provide the right incentives to stimulate the economy and create private sector jobs?

Mr. COBURN. Yes.

Mr. ROBERTS. Let us beware of the Ides of March and the siren songs of the stimulus, I say to the Senator from Oklahoma. I thank him for doing an outstanding job to warn the majority of the sand trap they are getting into with these projects. Would the Senator not agree?

Mr. COBURN. Yes.

The PRESIDING OFFICER. The Senator yielded for a question. The Senator from Oklahoma has the floor.

Mr. COBURN. Mr. President, I thank my fine friend from Kansas for those questions.

As I was saying before I was interrupted for a question, the U.S. Conference of Mayors has a wish list. I would do the same thing. But I want my colleagues to hear what is going across the legislatures of all the States right now: How much of this money can we get so we don't have to do the hard job in our legislature right now to make cuts we need to make? How much of this money can we get?

They just happened to have 31,000 requests totaling $73.2 billion. I thought the American people would like to hear what some of them are because I guarantee you, we will fund them. We are going to fund them. If this bill passes, we are going to fund them unless we accept this amendment.

How about $192.6 million for 12 projects directed to stadiums, including $150 million for a Metromover extension to Marlin Stadium in Miami, FL, where their average attendance is less than 45 percent, less than 16,000 fans? Is that a priority for the country right now? It is not a priority. Unless we agree to this amendment, that kind of stuff is going to get funded.

How about $87 million for 56 projects on paths? Right now, when we are stealing $1 trillion from our grandchildren, is it a priority for this country to build bicycle paths? Tell me that is a priority. Tell the American people that is a priority.

How about $700,000 to plant 1,600 trees along the sidewalks in Providence, RI? Is that a priority? Because once this bill moves out of here, it is out of your control, and the bureaucrats are going to grant it based on the pressure you put on them, not on a competitive basis but based on what greases the skids the most.

How about $500,000 for eco-friendly golf course improvements in Dayton, OH? We like that one?

How about $8.4 million for a brandnew polar bear exhibit at the zoo in Providence, RI? Is that really a priority? When we are in this kind of trouble, we are going to be building zoos? That is what the Senate says we should do with this money, allow zoos to be built?

I like this one: $6.1 million for corporate jet hangars in Fayetteville, AR. Those are the kinds of jobs we want to create? We want to create that kind of program?

How about $100,000 to rehabilitate a skateboard park in Alameda, CA? We are going to take $100,000 from our kids to rehabilitate a skateboard park. That is what the American people want us to do with this money to put people to work?

How about the Sunset View Dog Park in Chula Vista, CA? Just half a million dollars. That is on this list.

If we do not accept this amendment, then tons of this stuff is going to go through—low priority, not high priority job creating but everybody's wish list in the country. When they heard this bill was first coming, every city across this country said: Well, what can we get? When you run a country that way, you can expect to get these kinds of requests.

In this request is a new museum for Las Vegas, a mob museum. We will spend $50 million on a mob museum? That is really a priority right now for American citizens, especially their grandchildren who are still in the womb who are going to come out owing $500,000 as soon as they hit the ground? If we do not add this amendment to this bill, tons of stuff just like this is going to be included.

Let me tell you the other justification for this. One of the best functioning things we have is a library and

museum grant-seeking body. They have done a wonderful job through the last few years, except when we earmark around them, which we do routinely every year. But they go through an ordered process.

What is going to happen is this is going to go around the ordered process again, and we are going to take away competitive grants. They are the only agency in the Federal Government that 100 percent follows up on every grant. They know the quality of the grants they give, and they never give another one if it was not quality. They make people pay back if it was not quality. There is nothing in this bill that will require us to get back the money from people who abuse the process.

In the next appropriations bill—probably the one that is coming in the next week or so—we are going to have well over $100 million for museums. I guarantee you, it is probably in the omnibus that is coming. I bet you we have $100 million in there in spite of this $900 billion bill. I guarantee you we have $100 million in it. Maybe by me mentioning it we will not have it when it comes to the floor. I don't know.

There is nothing in here that would say, if you are a highly endowed museum, you cannot get this money. Are we going to give the same amount of money to any museum, even when several have $1 billion or $2 billion in endowment? There is no direction in this bill. None.

The golf course industry in the United States boasts approximately 12,000 golf courses. There is no prohibition in this bill that any of this money will not be spent building golf courses. Again, if you don't believe me, ask your 6-year-old grandchild: Do you think we ought to borrow your future to pay for a golf course in this country right now? There is no prohibition on that. It is going to happen. We all know it is going to happen.

To go back to the mayors' wish list: $5 million for golf course renovations in Shreveport, LA; $1.2 million for a new golf park restoration in Brockton, MA; $1.5 million to replace the golf clubhouse in Roseville, MN; $2.1 million for Forest Park and urban golf renovation in St. Louis; $3 million for golf clubhouse replacement in Lincoln, NE; $500,000 for an environmentally friendly golf course in Dayton, OH; and $3 million for renovation of a golf course building in Hawaii.

I know it is hard to put a bill such as this together, and I am not meaning to be overly critical, but I believe that unless we put a prohibition on what the money can go for, the money is going to go for low-priority items. I think it is reprehensible that we would not put a limit on the worst tendencies of local governments, the worst tendencies of State governments, and our own worst tendencies to spend money, especially when it is 100 percent borrowed; that we would not limit ourselves, that we would not put a choke chain on us to make sure we don't allow projects to go this way.

I have talked about this long enough. I appreciate the indulgence of the chairman.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

AMENDMENT NO. 306, AS MODIFIED

Mr. SANDERS. Mr. President, I thank Senator GRASSLEY for his cosponsorship of this amendment. I ask unanimous consent to set aside the pending amendment so I may call up the Sanders-Grassley amendment No. 306 with the modification that I send to the desk.

The PRESIDING OFFICER. Is there objection? Does the Senator from North Dakota have an objection?

Mr. CONRAD. Reserving the right to object, is there an order that has been entered with respect to the offering of amendments?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There has been a general understanding, after Senator COBURN spoke on his amendment, Senator SANDERS would be able to call up his amendment. After Senator SANDERS, Senator CORNYN will call up his amendment. Then Senator FEINGOLD is after that, and then a Republican amendment after that.

I would like to, frankly, get a consent agreement fairly soon to at least vote on a small number of amendments—say, four, five amendments—get that out of the way, and while we are voting on those, we can figure out how we get the rest of the amendments processed.

Mr. CONRAD. Is it possible to get on this amendment train? Senator GRAHAM and I have an amendment. He is the lead, so it would be a Republican amendment.

Mr. GRASSLEY. I want to be right after the end of the list you just gave.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Vermont still has the floor. The Senator from Vermont has the floor.

Mr. CONRAD. I reserved the right to object. I will not object.

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

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, and Mr. GRASSLEY, proposes an amendment numbered 306, as modified, to amendment No. 98.

The amendment is as follows:

(Purpose: To require recipients of TARP funding to meet strict H–1B worker hiring standard to ensure non-displacement of U.S. workers)

At the appropriate place, insert the following:

SEC. ___. HIRING AMERICAN WORKERS IN COMPANIES RECEIVING TARP FUNDING.

(a) SHORT TITLE.—This section may be cited as the ''Employ American Workers Act''.

(b) PROHIBITION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, it shall be unlawful for any recipient of funding under title I of the Emergency Economic Stabilization Act of 2008 (Public Law 110–343) or section 13 of the Federal Reserve Act (12 U.S.C. 342 et seq.) to hire any nonimmigrant described in section 101(a)(15)(h)(i)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(h)(i)(b)) unless the recipient is in compliance with the requirements for an H–1B dependent employer (as defined in section 212(n)(3) of such Act (8 U.S.C. 1182(n)(3))), except that the second sentence of section 212(n)(1)(E)(ii) of such Act shall not apply.

(2) DEFINED TERM.—In this subsection, the term ''hire'' means to permit a new employee to commence a period of employment.

(c) SUNSET PROVISION.—This section shall be effective during the 2-year period beginning on the date of the enactment of this Act.

Mr. SANDERS. Mr. President, I thank Chairman BAUCUS and his staff for working with us on what I believe are significant improvements to the original amendment Senator GRASSLEY and I offered. This amendment has been cleared by both sides with a modification. This amendment, as modified, would simply require recipients of TARP funding to meet strict hiring standards to ensure nondisplacement of U.S. workers.

I thank Senator GRASSLEY for working with me on this amendment. I yield to him. If not, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second. The yeas and nays have not been ordered.

The Senator from Vermont still has the floor.

Mr. BAUCUS. I was wondering if we could voice vote this amendment.

Mr. SANDERS. Yes, that will be fine.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. 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. BAUCUS. Mr. President, I ask unanimous consent that the following amendments be called up for consideration: Coburn No. 176 and 309; Sanders No. 306, as modified; Cornyn No. 268; Feingold No. 486; Baucus-Grassley 404; Grassley 297; and Harkin 397; that no amendments be in order to the amendments prior to a vote in relation thereto; that the time until 8 p.m. be for debate with respect to these amendments; that at 8 p.m. the Senate proceed to a vote in relation to the amendments in the order listed, with 2 minutes equally divided for each side.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, that is very unfortunate. The reason for the objection is unfortunate because of the amendment Senator GRASSLEY and I

are offering. We are going to have to work this out because I am not going to allow the quorum call to be called off until it is worked out.

This is about the Trade Adjustment Assistance benefits. Basically, at this time in our history, with a recession going on, with unemployment, it is extremely important that American workers who lose jobs on account of trade be given a break and they get some benefits, including health benefits.

The objection, I have been told, is basically because there are some Senators who want to tie this amendment—the Trade Adjustment Assistance amendment—to either passage of or a date certain on which we would take up the Colombia Free Trade Agreement. I think that is not a good thing to do, and the reason is, the more the Colombia Free Trade Agreement is tied to Trade Adjustment Assistance, the more it will engender opposition to the Colombia Free Trade Agreement.

I personally favor the Colombia Free Trade Agreement, and I also very respectfully suggest that the circumstances under which that agreement could be brought up are a lot better if Trade Adjustment Assistance is already passed and into law because that will enable more people in the country, particularly folks who are concerned about being potentially laid off, to have some comfort here with the Trade Adjustment Assistance. Then it is easier for this Congress to bring up the Colombia Free Trade Agreement. I suspect the President is going to be bringing up free trade agreements. I respectfully say that he almost has to. Perhaps some of these may need to be negotiated, but clearly the United States of America is going to enter into free trade agreements, and the Colombia Free Trade Agreement, in my judgment, is one that should be agreed to and adopted.

So I say to my very good friend from Arizona, who I think is the one primarily objecting to this provision, that if he would withdraw his objection so we could at least get the Trade Adjustment Assistance passed, then I will work with him to find a way at an appropriate time, when the time is right, to bring up the Colombia Free Trade Agreement. But to tie it to a date or to make a connection is going to, with all due respect, make it more difficult for the Senator to accomplish his objectives.

Mr. President, without losing my right to the floor, I ask if the Senator from Arizona has a question—but without losing my right to the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to Senator BAUCUS.

First, I think the staff on the majority and minority side are attempting to put together a tranche right now of perhaps six—four amendments, two on both sides?

Mr. BAUCUS. Eight amendments, including this one.

Mr. KYL. Well, I will complete my thought. They are trying to put together a list of at least four amendments that would be equally divided.

Mr. BAUCUS. Right, four and four.

Mr. KYL. And what I suggest is that we proceed on this basis and not try to interject the TAA process, because I think that will cause this to grind to a halt here. We can discuss, as I told you, the appropriate proceeding on TAA. I am certainly not trying to tie proceeding to TAA to a date certain to vote on Colombia, but I do think it is appropriate that a plan be worked out, with the President, as you have noted, and the Members of Congress who are concerned about this to try to find a way to go forward, as we originally did, so everyone can be assured that both Trade Adjustment Assistance and the Colombia Free Trade Agreement can proceed to a successful conclusion.

Now is not the time to negotiate that, and that is why I object to the idea of going forward with this at this time. In order to keep this process moving forward tonight, and get as many of the Democratic and Republican amendments up and voted on, I suggest we keep proceeding as we have been, in good faith, and not confuse it with this extraneous issue.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 176

Mr. BAUCUS. Mr. President, I move to table Coburn amendment, No. 176. I ask that be the pending amendment, and I move to table that amendment, the Coburn amendment, No. 176.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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

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

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

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from New Hampshire (Mr. GREGG).

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

The result was announced—yeas 1, nays 96, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—1

Voinovich

NAYS—96

Akaka	Durbin	McConnell
Alexander	Ensign	Menendez
Barrasso	Enzi	Merkley
Baucus	Feingold	Mikulski
Bayh	Feinstein	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagan	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Risch
Brownback	Inhofe	Roberts
Bunning	Inouye	Rockefeller
Burr	Isakson	Sanders
Burris	Johanns	Schumer
Byrd	Johnson	Sessions
Cantwell	Kaufman	Shaheen
Cardin	Kerry	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Crapo	Lugar	Webb
DeMint	Martinez	Whitehouse
Dodd	McCain	Wicker
Dorgan	McCaskill	Wyden

NOT VOTING—2

Gregg Kennedy

The motion was rejected.

FMAP INCREASE

Mr. REED. Mr. President, I thank the chairman of the Finance Committee, Senator BAUCUS, for his inclusion of an important provision regarding State eligibility for the FMAP increase in this bill. If it were not for this provision, my State of Rhode Island may not have been eligible for the relief because a State law effective on July 1, 2008 changed eligibility, but the change was not implemented until the Centers for Medicare and Medicaid Services, CMS, approved a waiver on October 1, 2008. The timing of the State's decision, not the approval date by CMS, should be the controlling factor.

I ask the chairman, does section 5001(f)(1)(C)(ii) of the bill specifically address this situation?

Mr. BAUCUS. Yes. That provision specifically addresses the unique circumstances of Rhode Island. It should not matter when CMS is able to make a change in a waiver. What matters here is that Rhode Island had clearly determined that it would make the eligibility change on July 1, 2008. The decision to do so was made well in advance of congressional consideration of an FMAP increase, so Rhode Island has not been trying to game the system. Under this provision, Rhode Island will certainly be eligible for the FMAP increase.

Mr. REED. I agree and again thank the chairman.

EMR TECHNOLOGY

Ms. STABENOW. Mr. President, as you know, H.R. 1 provides critical incentives for the adoption of meaningful EMR technology. Adoption of this technology is essential to improving care and reducing costs.

Michigan hospitals have been at the forefront of critical advances in health information technology such as e-prescribing and developing an Electronic Medical Record. In fact, its ambulatory sites have been paperless for almost 5 years. Many of my hospitals are spending significant resources in this difficult economic environment to convert their hospital records to electronic format and upgrade EMRs to contain Clinical Practice Guidelines.

Section 4201 (a)(1)(C) of the bill seeks to prevent double payments by excluding certain physicians who practice substantially in hospital settings and use hospital-owned EMR equipment. To clarify the intent of this section, the bill lists specific examples of hospital-based professionals to be excluded. This makes sense.

But I am concerned that this language may also inadvertently exclude many physician group practices associated with hospitals may not qualify for EMR incentives under H.R. 1. The way the provision is drafted may many outstanding medical groups such as the Billings Clinic in your great state from receiving incentive payments because they are classified as ''provider-based'' entities. Because of this designation, I am concerned that HHS may consider such professionals as ''Hospital-Based Eligible Professionals'' who are prohibited from receiving incentive payments under this section of the bill.

I am sure it is not our intent to exclude such physician group practices from incentives. I hope the Chairman will work with me and my staff to ensure that Congressional intent will be carried out and early champions of HIT are eligible for EMR incentives in the H.R. 1.

Mr. BAUCUS. Mr. President, I thank Senator STABENOW for raising this issue with me. It is not our intent to exclude those early EMR champions from HIT incentives in the Stimulus bill. My staff and I will work with you to clarify our intent, which is to reward early adopters of HIT like integrated health systems.

Ms. STABENOW. I thank the Chairman and look forward to working with him on this important issue.

INVESTING IN HOME AND COMMUNITY-BASED SERVICES

Mr. KOHL. Mr. President, I would like to briefly discuss the important subject of home- and community-based services for older adults and individuals with disabilities with my distinguished colleague Senator BAUCUS, who—along with Senator INOUYE—is doing a commendable job of leading the Senate's discourse on the American Recovery and Reinvestment Act.

Mr. BAUCUS. I thank the Senator. I would be pleased to enter into a colloquy with the Senator from Wisconsin on this subject.

Mr. KOHL. As you and many other Senators are aware, home- and community-based services, or HCBS, are critically important to millions of older and disabled Americans who rely on Medicaid, which today is our country's most important publicly financed system for nursing home care and home- and community-based services. But there is a critical difference in the legal status of these services. Under Federal law, nursing home services are a mandatory benefit that must be offered by all States to all individuals who meet stipulated eligibility criteria. In contrast, HCBS services are not a mandatory benefit. Rather, they are offered by States under waiver programs granted by the U.S. Department of Health and Human Services for limited time periods and for limited numbers of individuals.

States across the country have obtained multiple HCBS waivers over the last 20 or so years. These HCBS programs tend to be extremely popular, often because they provide a considerably wider array of nonmedical support services than are otherwise offered under the Medicaid statute.

The State of Wisconsin has invested a great deal of time and effort in their waiver programs, many of which have been very successful. Nevertheless, because waiver programs are capped in terms of the number of beneficiaries who can be enrolled, there has been substantial growth in the size of waiver waiting lists, which in Wisconsin reached an unacceptably high level of more than 11,000 people. Many other States also have large waiver waiting lists.

Concerned about the State's high level of unmet need, Wisconsin has embarked on a program to try to eliminate waiver waiting lists and also absorb the projected increase in demand for services during the next decade. This program is called Family Care, and it is a good example of how a State can take on the challenge of organizing long-term care services more cost-effectively. Other States are undertaking planning efforts as well. I am pleased to say that recent research has found that States that began expanding their HCBS programs in the mid-1990s experienced initial upfront costs as their level of services expanded, followed by a leveling off of costs—with the result that aggregate spending was controlled.

We have reached a critical juncture with regard to the development of HCBS services. In the context of the stimulus package we are now considering—which provides States with an additional $87 billion in Medicaid funding—I believe we should urge States not to reduce these popular and needed services but, rather, to maintain and strengthen them. Does the Senator from Montana concur?

Mr. BAUCUS. I thank the Senator for the question. My State is making an investment in home- and community-based services for individuals 60 years and older, and I applaud these efforts. In 2007, the legislature established the Older Montanans Trust Fund that will enable more individuals to access these services in the long run. As the population ages, there will be greater pressure on the long term care system, and States like Montana face additional challenges responding to the needs of seniors and individuals with disabilities in rural and frontier areas. I join the senior Senator from Wisconsin in urging my colleagues, along with State programs, to carefully monitor HCBS services and spending, not to reduce the commitment to these very valuable and needed services.

Mr. REID. Mr. President, I rise to discuss an amendment that I have filed to address some important renewable energy issues that should be resolved before the Congress sends the final economic recovery plan to the President.

I do not plan to force it to a vote because I have great confidence that we will be able to work out most, if not all, of these issues satisfactorily in conference and with the new administration. That is provided we can get enough votes to move this critical bill through the Senate.

As my colleagues know, the recession has hit every sector of the economy hard. The growing renewable energy industry is no exception. One recent headline was ''Dark Days for Green Energy.''

Solar, wind and even geothermal businesses are caught in the credit crunch. Installations have slowed, despite the extensions of important production and investment tax credits that we included in the Troubled Asset Relief Program and the promise of the new renewable and energy efficiency incentives and loan guarantee programs that we have included in the economic recovery legislation the Senate is debating now.

The number of investors for new renewable projects, like other industries, has dwindled due to the disruption in tax equity markets. So, to keep making progress toward a clean energy revolution, making our Nation and my home State of Nevada more energy independent and creating thousands of new jobs and sustainable economic growth, we need a temporary substitute for those tax credits and incentives.

My amendment is similar to the temporary DOE grant program included in the House-passed bill, which works in lieu of the investment tax credit. However, I have modified it to be certain that it also works for utility-scale solar and geothermal projects which take slightly longer than wind or other renewable energy production facilities to commence operation.

Clearly, this grant program will not and should not remove the strong preference of most project sponsors to use the traditional tax equity markets once those markets are reestablished and functioning. The grant option is less valuable to these investors than the investment or production tax credit because it does not fully replace other tax benefits such as accelerated depreciation. But the grant program is a necessity in today's troubled market

that will get renewable project developers through these difficult times, creating thousands of jobs in the course of months instead of years.

The amendment does a number of other things, including pushing and funding the Departments of Energy, Interior and other agencies to work together more constructively and more quickly to process renewable energy projects and related transmission permits on public lands. It also raises the cap to $2.5 billion on third-party financing for transmission capacity developments that the Western Area Power Administration and the Southwestern Power Administration are allowed to accept.

Lastly, the amendment includes a nod toward the problems faced by solar and other renewable technologies that might not easily fall into the two categories of guaranteed loan eligibility in the substitute, commercial vs. noncommercial. My amendment would add a new category of ''new or significantly improved'' technologies that would be eligible for the new loan guarantee program created in the underlying bill. This definition was part of the final rule for the title XVII loan guarantee program published in October 2007.

Nevadans and all Americans are eager to get back to work and clean energy investments are one of the best ways to ensure they can get back to work and prosper.

Nevadans pay billions of dollars every year in energy bills. Much of that money goes to other States or other countries in fuel costs and enriches them, but does not add equivalent and long-lasting value for Nevada or provide much help to diversify our economy or prepare for a safer and more affordable future.

Fortunately, this economic recovery plan, with the help of the new administration, is going to start the transformation of our national energy policy that Nevada needs to become a net exporter of clean renewable energy.

This bill will stimulate the economy in the short-term, but its energy spending will have long-term benefits for Nevada and the Nation.

The entire list of potential benefits to Nevada are too numerous to list, but at my and the President's strong urging, the economic recovery bill will, for example: accelerate renewable energy project and transmission line development; stimulate the growth of businesses making energy efficient and renewable energy products and services; improve energy efficiency of schools, hospitals, public buildings and low-income housing; maintain, repair and improve critical water supply and quality projects in urban and rural areas; promote conversion of vehicle fleets to clean and efficient alternative fuels to reduce oil consumption; and, enhance energy security at military installations through renewable energy and energy efficiency investments.

Some of the specific items currently in the bill and their benefits for Nevada:

A 3 year extension of the renewable energy production tax credit. The long-term extension of this tax credit are critical to ensure investment in Nevada's geothermal and wind energy potential. $3.25 billion in new borrowing authority for the Western Area Power Administration to finance and facilitate development of renewable energy transmission capacity. The new borrowing authority should facilitate access to Nevada's vast solar and geothermal resources. $22.1 million through the Weatherization Assistance Program, with changes to the income level percentage formula for determining the eligibility, an increase in the assistance level per dwelling unit, and an increase in the funding ceiling for worker training. $5.4 million through the State Energy Program for energy efficiency, conservation and renewable energy projects. A new Advanced Energy Investment Credit for facilities that manufacture advanced energy property like solar cells or mirrors, wind turbines, technology that can access geothermal deposits, or energy storage systems for electric and hybrid-electric vehicles. $1.6 billion in Clean Renewable Energy Bonds that Nevada's cities, counties, and electric cooperatives will be able to compete for to finance renewable energy and energy efficiency projects. A 2 year extension and expansion of the 10 percent energy efficiency tax credit for existing homes to 30 percent. Approximately $20 million for energy efficiency and conservation block grants for Nevada's communities. Hundreds of millions of dollars that will make military installations more energy efficient and more energy secure through greater use of renewable power and alternative fuel vehicles. $2 billion that Nevada's public housing agencies will be able to compete for so that they can invest in energy conservation. $1.6 billion that Nevada's hospitals and schools will be able to compete for so that they can invest in energy efficiency

I should note that nothing is final until the Senate has had a chance to pass and conference this bill with the House and President Obama has signed it. Many Senators have filed or are considering amendments to cut some of these important energy programs. So we will have to see what happens.

But I am committed to making sure that the renewable energy business in Nevada and elsewhere continues to grow through this legislative package, the next energy bill and beyond. The economic, energy, environmental and national security benefits are just too important to my State, to the Nation and the world.

Mr. GRASSLEY. Mr. President, my friend from Montana referred to the CBO analysis of this bill. He rightly pointed to some proposals in the bill that will have some stimulative effect. The Chairman also talked about CBO's analysis of years 1 through 3—all relevant data. But we need to know what happens in years 4, 5, and years 6 through 10. I have asked that question because there is a reasonable fear that the spending might have a negative effect on the economy from years 4, 5 and so forth.

The spending might ''crowd out'' investment and that crowding out could adversely affect economic growth later.

It is kind of like the difference between a carbohydrate diet and a protein diet. Under this bill, there is a lot of carbohydrate-spending. The spending is like eating a sugary doughnut. It tastes good going down, but shortly thereafter the effect wears off and you are hungry again. In this case, we have a spending surge, but we might face the effects of too much spending with crowdout.

On our side, we would prefer a protein-type of stimulus. We want investment nourishment up front. Like protein, the economic body will become stronger after the investment stimulus is digested.

Now, I am not saying there shouldn't be any spending stimulus. What we need is a balanced stimulative diet. This bill's stimulus diet is too carb-oriented. It needs more protein investment stimulus.

I am afraid the detailed CBO analysis of years 4, 5 and 6 through 10 may confirm that this bill will show that we pay the price for a stimulus package that is too far tilted towards spending.

On the AMT patch point made by Senator DURBIN, I agree the AMT patch is not in the McCain admendment. As one who pushed for it in the Finance Committee, I agree the patch would be a good addition.

Senator MCCAIN would be glad to add the AMT patch. But I would ask my friends in the Democratic leadership a question. If the patch were added, would they support the bill?

They were supporters of the House bill and the Chairman's mark. Both documents did not contain the AMT patch. If we add the patch here, will they support Senator MCCAIN's amendment?

If Senator MCCAIN's amendment passes, I will seek to add the AMT patch in conference so that 24 million American families do not get hit with this stealth tax.

Mr. REID. Mr. President, although the housing crisis has devastated cities and towns across America, nowhere has been hit harder than Nevada.

Nearly 1 in 20 households has been affected by foreclosure, and that number goes up every single day.

Every time a home is lost, a family loses not just a place to live but a sense of security, financial stability and the promise of a brighter future.

Last evening, the Senate passed an amendment to the American recovery and reinvestment plan that doubles the tax credit for home buyers to $15,000. This legislation will also expand the credit to all purchasers, not just first-time buyers.

In Nevada, this incentive will help encourage those who continue to sit on the fence, hoping for further price declines, to jump into the market and buy a home. Despite the current uncertainty, many experts agree that for the long term, now is an excellent time to become a homeowner.

Nevadans know that this amendment will not solve our housing crisis, but it will help. If Democrats and Republicans keep working together with President Obama, putting partisanship aside to find commonsense solutions, we can stabilize our housing market and begin the long road to economic recovery.

Mr. INOUYE. Mr. President, I rise to bring to the Senate's attention a compelling new report by the nonpartisan Congressional Budget Office, CBO,

The February 4, 2009, report, which was requested by President Obama's nominee for Secretary of Commerce, Senator JUDD GREGG of New Hampshire, confirms what supporters of the Senate economic recovery package have said from the very beginning. The CBO has concluded that the American Recovery and Reinvestment Act would have an immediate and substantial impact on the U.S. economy, most notably in terms of job growth and GDP growth.

In crafting this legislation, our No. 1 priority has been putting the American people back to work. This report estimates that the recovery package, as reported out of the Senate Appropriations and Finance Committees, would create between 900,000 and 2.4 million new jobs in 2009, between 1.3 and 3.9 million jobs in 2010, and between 600,000 and 1.9 million jobs in 2011. These numbers would correspond to an unemployment rate reduction of 0.5 to 1.3 percent in 2009, 0.6 to 2.0 percent in 2010, and 0.3 to 1.0 percent in 2011.

Additionally, the report estimates that the legislation would grow the U.S. gross domestic product by 1.4 to 4.1 percent in 2009, 1.2 to 3.6 percent in 2010, and 0.4 to 1.2 percent in 2011.

I welcome this new data as further evidence of the job-creating potential of this economic recovery package. I believe this new analysis strongly reinforces the need for swift action by the Senate on the American Recovery and Reinvestment Act. This legislation will alleviate the painful effects of the current economic crisis by spurring real economic growth and putting millions of Americans back to work. I am confident that this body will respond with the urgency that this crisis demands of us.

Mr. CONRAD. Mr. President, during debate on H.R. 1, the Economic Recovery and Reinvestment Act of 2009, Senator CORNYN of Texas offered Senate amendment 277 to Senate amendment 98, an amendment in the nature of a substitute. Pursuant to section 312 of the Congressional Budget Act of 1974, Senate Budget Committee majority staff determined and advised the Senate Parliamentarian that the amendment violated the Senate pay-go rule, section 201 of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008. Consequently, a point of order was raised against the Cornyn amendment, and a motion to waive the point of order failed by a vote of 37 to 60.

Upon further review, committee staff concluded that the determination of a pay-go point of order was made in error—in fact, the amendment did not violate section 201. As chairman of the Committee, I regret the point of order was inadvertently raised in error.

HOSPICE

Mr. SPECTER. Mr. President, I seek recognition to support an amendment being offered by Senator SCHUMER to reverse a recent Centers for Medicare and Medicaid Services, CMS, regulation reducing payments to hospice service providers. This amendment is also cosponsored by Senators ROCKEFELLER, STABENOW, WYDEN and ROBERTS.

In October 2008, CMS finalized a rule that cut hospice reimbursement under Medicare. This reduction limits the ability of hospice providers to provide comprehensive, high quality end-of-life care to Medicare beneficiaries and their families. In 2008, an independent study from Duke University, clearly demonstrating the cost savings associated with hospice care, noted, ''Given that hospice has been widely demonstrated to improve quality of life of patients and family members . . . the Medicare program appears to have a rare situation whereby something that improves quality of life also appears to reduce costs.''

During the 110th Congress, in response this regulation, I introduced S.3484, the Hospice Protection Act, to reverse the CMS regulation. The bill received bipartisan support and garnered thirty five cosponsors however we were not able to move the legislation forward. The economic stimulus legislation offers an opportunity to correct a misguided regulation that has put an estimate 3,000 individuals out of work. During these economic times the Federal Government should not be putting forth regulations that not only hurt beneficiaries but harm the workforce.

While this amendment provides a number of jobs, I am concerned that the amendment is not offset and the cost of the bill may increase the cost of the overall bill. As a cosponsor of this legislation, I will work to ensure that the cost of this amendment is paid for without increasing the cost of the bill. I encourage my colleagues to support this amendment and to work with the sponsor and cosponsors of this amendment to ensure its inclusion in the economic stimulus package.

ARMY CORPS OF ENGINEERS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to H.R. 1, the Economic Recovery Act, which would increase funding in the bill for the U.S. Army Corps of Engineers by $4.6 billion. I am cosponsoring this amendment, offered by Senator LANDRIEU, because the funding will support construction of critical infrastructure projects across the Nation. At the Port of Pittsburgh alone, there is over $580 million worth of shovel-ready lock and dam work that could be started in 6 months. These structures support the transportation of bulk commodities to industries that depend on them. Failure at any of these locks and dams would have dramatic economic consequences, as the Port of Pittsburgh generates over $13 billion in economic activity and supports over 200,000 jobs. Not only does the long-term modernization of these structures increase the economic competitiveness of domestic manufacturing industries, but they create immediate jobs in the construction industry. This is just one example of the type of economic stimulus that funding for the U.S. Army Corps of Engineers can provide. There are more examples across Pennsylvania and the Nation.

However, despite my cosponsorship of this amendment due to its potential for stimulus, I am not committed to voting for it without an offset. Since adopting this amendment would add $4.6 billion to the size of the bill and increase the national deficit, an offset to reduce spending elsewhere in the bill by an equal amount would be preferable. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

RESCISSION OF HIGHWAY FUNDS

Mr. President, I seek recognition to comment on my cosponsorship of an amendment to prevent Federal highway funds from being rescinded. SAFETEA-LU requires that $8.7 billion in unobligated contract authority balances held by States be rescinded on September 30, 2009. This rescission will cut Pennsylvania's road and bridge program by $380 million in fiscal year 2010. That is why I am cosponsoring an amendment offered by Senators BAUCUS and BOND to prevent this rescission from happening.

However, I am not committed to voting for this amendment if it does not contain an offset. Since preventing this rescission will add $8.7 billion in new budget authority, an offset is needed to make its budgetary impact neutral. We should make every effort to identify offsets to reduce the total size of the economic recovery bill.

BROWNFIELDS

Mr. President, I seek recognition to speak on an amendment I am offering to the American Recovery and Reinvestment Act of 2009. This amendment would provide $3 billion for the purpose of redeveloping Brownfields and neglected urban properties. The $3 billion would be equally divided between the EPA Brownfields Program, the Brownfields Economic Development Initiative at the Department of Housing and Urban Development and the Urban Development Action Grant Program, also at HUD.

In 2001, I cosponsored the Brownfield's Revitalization and Environmental Restoration Act. This legislation led to the creation of the EPA Brownfields Program, and a similar program at the Department of Housing and Urban Development.

Abandoned industrial sites are common blight on the landscape in many towns and cities across Pennsylvania and the nation. Turning these industrial sites into developments, either for residential or commercial use, provides an obvious benefit: an eyesore is replaced by a new community, and economic growth is generated.

Traditional lenders are reluctant to lend initial money to brownfield development projects for a number of reasons. Liability concerns, and the fact that the cleanup costs may exceed the property's actual value, are among them. By providing seed money that redevelopers are often unable to obtain from traditional sources, the Brownfield Program spurs development and economic growth in struggling regions throughout the country.

It is estimated that every $1 invested in brownfield redevelopment leads to $15 to $20 in economic activity. I am told an investment in traditional infrastructure yields about $1.56 for every $1 invested. The proposed economic stimulus legislation provides $100 million for Brownfield redevelopment. Of that amount, the Congressional Budget Office projects that 85% could be spent within the two year time frame.

This number is insufficient. I recently met with a Pennsylvania company specializing in brownfields redevelopment. This company alone has fifteen projects that could break ground within 120 days if granted approximately $280 million in support. These projects alone could create tens of thousands of jobs and billions of dollars in economic activity.

The Congressional Budget Office has estimated that 85 percent of the funding provided by the stimulus could be spent within the 2-year window. They base their figure off the historic spending patterns at the program.

In light of the economic benefit of these projects, I recommend that we provide $3 billion to these programs.

PROMPT PAY

Mr. President, I seek recognition on my amendment to remove the prompt pay provision from the calculation of Medicare Part B drug pricing.

The prompt pay discount is a discount from the pharmaceutical manufacturer to the wholesaler for prompt payment on prescription drugs. The current Medicare payment calculation requires that this prompt pay discount be included in the calculation of average sales price, which forms the basis for the Medicare drug reimbursement provided by the manufacturer. This effectively lowers the average sales price thus artificially lowering drug reimbursement to physicians. This amendment would remove the prompt pay discount from ASP, requiring CMS to reimburse physicians based on the price they actually pay for drugs without the inclusion of discounts.

The reduced payment for Medicare Part B drugs has adversely affected physicians since its implementation. This compounded with the current economic downturn. is resulting in cancer clinic closings and staff layoffs. It is estimated that in medical specialties that have the highest usage of Medicare Part B drugs, over 12,000 individuals are at risk of losing their jobs. This not only harms the economy, it hurts cancer care.

I am very concerned that the cost of the economic stimulus bill is growing too large. To ensure that this does not contribute to that growth I am offsetting the cost of this bill by reducing funds to the Office of the Secretary of Health and Human Services. After the estimated cost of this bill of $400 million, the Office of the Secretary will still receive $700 million to examine comparative clinical effectiveness. I encourage my colleagues to support this amendment.

Mr. KERRY. Mr. President, we all know how important this legislation is to the health of our Nation's economy. I commend the managers of this bill for focusing on job creation and projects that are focused on America's future. Large-scale infrastructure projects such as new schools and better roads and bridges will benefit all of us, but when it comes to the men and women tasked with building them, I believe we have a responsibility to ensure that those most in need of work are put at the front of the line.

That is why I introduced an amendment to express the sense of the Senate that, to the extent possible, contractors using funds made available through this act should hire individuals from vulnerable and underserved populations. By focusing on helping veterans, at-risk youth, low-income people, and those trying to start a new life for themselves through a reentry or career training program, we can not only help build the future economy, but we can help these individuals become sustainable and productive members of that economy. These populations have been most affected by the downturn in the economy the most—many have lost their homes in the housing crisis or have been laid off.

My amendment also encourages the State and local agencies that receive stimulus funds to look to local organizations such as labor unions, community groups, and faith—based organizations to help them find workers. These groups can serve as an invaluable partner in our effort to stimulate the economy. So I ask my colleagues as we debate this bill that they stay mindful of the people who need our help the most and support my amendment to ensure that we put America back to work.

AMENDMENT NO. 248

Mr. UDALL of Colorado. Mr. President, as part of the debate on the the American Economic Recovery Act, I filed amendment No. 248, which addresses development and management concerns for the Republican River, a river that runs through Colorado, Kansas, and Nebraska and is part of the South Platte River Basin. This bipartisan amendment is cosponsored by Senator BENNET.

This amendment was filed to address an issue in Colorado under the purview of the U.S. Bureau of Reclamation, BOR, in the same way that the drafters of the bill permitted funding for Arizona and California. If funding under the bill to the BOR can be directed to address concerns in California and Arizona and not be considered an earmark, then similarly, this direction to benefit the South Platte River Basin should not be considered an earmark.

As you know, the language of the bill suggests that $50 million of the funds provided in the bill may be transferred to the U.S. Department of the Interior for programs, projects and activities authorized by the Central Utah Project Completion Act—titles II–V of Public Law 102–575; $50 million of the funds provided under this heading may be used for programs, projects, and activities authorized by the California Bay-Delta Restoration Act, Public Law 108–361.

In this case, I feel it is important as the senior Senator for Colorado to insist that additional funding for the Bureau of Reclamation for important job-creating projects in the West ought to be handled in an evenhanded way.

Ms. SNOWE. Mr. President, I rise to speak to an amendment to the stimulus proposal with Senator FEINSTEIN and Senator KERRY that would increase tax incentives for energy efficiency and ensure that we invest in the area that can transform our energy policy. Given the state of our country, I believe that we must be resolute and visionary in our commitment to energy efficiency, an investment that provides both short-term benefits and long-term dividends. As a result, today I am offering an amendment that will facilitate a revolution toward energy-efficient buildings.

One inexcusable legacy of this housing crisis for our future generations will be that the vast majority of homes constructed over the last 10 years during the housing boom have been inefficient. While an inefficient vehicle purchased today may guzzle gasoline for an average of 10 years, an inefficient building will require elevated levels of energy for as long as 50 years. Therefore, whenever we create inefficient buildings, generations to come will be saddled with our wasteful energy decisions.

My amendment today would create and expand tax incentives for efficient buildings to levels that would equal the additional construction costs for the higher efficient buildings. The amendment would raise the tax credit for the construction of a new home from $2,000 to $5,000, a provision that the National Association of Home Builders estimates could provide 100,000 jobs. In

fact, the association has written the Finance Committee stating that this amendment would ''provide much needed and meaningful expansions to two existing tax incentive programs that are helping to improve residential energy efficiency in both new and existing homes.''

This amendment would build on Congress's landmark energy efficiency tax credits established in the 2005 Energy Policy Act and continue to foster the burgeoning energy efficiency industry to work for homeowners who are struggling with energy bills. Specifically this amendment would provide a $500 tax credit for individuals to become professional energy auditors, experts that can reduce our country's demand for oil, reduce carbon emissions, and save our struggling families money on their energy bills. In addition, a $200 tax credit is established for homeowners to hire these professional energy auditors and analyze the deficiencies of an existing home and propose investments that will save the taxpayer money. As we move forward with dedicating significant resources to energy efficiency in this legislation it is critical that we ensure that this funding is utilized effectively by a professional energy efficiency industry, and this amendment will accomplish this critical goal.

Finally, the amendment increases the tax credit for energy efficient commercial buildings by increasing the deduction from $1.80 per square foot to $3.00 per square foot. The original version of the commercial buildings tax deduction as passed by the Senate set the deduction to $2.25 per square foot, with the critical support of the current Finance chairman and ranking member. Adjusting for inflation, this corresponds to $3.00 per square foot today with partial compliance increased to $1.00 per square foot. These changes would return the deduction to viability as it was originally designed and ensure that commercial building developers are provided an adequate incentive to pursue energy efficiency.

We must not overlook that an exacerbating factor in the collapse of our economy was our exposure to the historic price of foreign oil. With estimates that every 1 percent increase in energy prices results in a .15 percent drop in aggregate consumer spending, clearly, the United States must address this situation with boldness, clarity, and foresight and invest in energy efficiency—the low-hanging fruit of a new energy era. We must seize this historic opportunity.

Two weeks ago, a New York Times editorial pointed out that we are an extremely energy inefficient economy—the 76th best country in the world. This must change if we are to retain our leadership in this world. It is a burden to our citizens as well as our small business, and unsurprisingly, the Chamber of Commerce wrote to Congress on January 14 indicating that energy efficiency should be our first priority. We have an opportunity to do that today, and I believe it is a serious absence in this recovery package.

ENERGY EFFICIENCY

Mr. President, I rise to speak to an amendment with Senators Feinstein, Bingaman, and Kerry to improve upon the efficiency standards of residential tax credits. As a leader on energy efficiency tax credits, I am encouraged to see roughly $4.3 billion in incentives for the residential home energy efficient purchases through the 25C tax credit. As a longtime leader on efficiency, and as the one who spearheaded this landmark energy efficiency tax credits with Senator FEINSTEIN, I have strong concerns about the stimulus proposal, which must be overhauled to ensure that only the most efficient products qualify for this tax credit.

Of primary concern, the mark extends the 25C tax credit for residential property for an additional year through end of 2010 and raises the individual cap from $500 to $1500. However, the mark critically fails to overhaul the tax credits to reflect technological developments that have occurred since we passed this into law four years ago. Quite simply, during this period, products have become more energy efficient, yet the proposal fails to reflect this indisputable point. For example, as a result of technological change nearly all new windows, roughly 87 percent, now qualify for this credit. As a result, all of these windows will continue to receive a tax credit if this mark becomes law.

My amendment is very simple in that it raises efficiency levels to reduce the types of products to only the efficient residential property that is available today. I am pleased that Senator BINGAMAN, the chairman of the Energy Committee, as well as Senator FEINSTEIN, a longtime leader on transforming our energy policy, will make the tax credit more functional and reduce the overall score of the tax provision. As the sponsor of this provision in 2005, I can say that I believe this amendment returns the tax credit to the original intent of this committee when we enacted this credit into law in 2005. Without this amendment, I am concerned this tax credit will fail to facilitate a transformation to more energy efficient products that will cut energy demand and reduce carbon emissions.

I look forward to working with Chairman BAUCUS and Ranking Member GRASSLEY on this issue and appreciate their continued efforts to work with me on energy efficiency tax incentives.

Mr. BEGICH. Mr. President, America's fisheries are as important to our coastal communities as agriculture is to the Nation's breadbasket. From New England and the mid-Atlantic to the gulf coast and vast Pacific, America's fisheries contribute $185 billion to our Nation's wealth, help drive the economy of coastal communities, create jobs for harvesters and processing workers, and provides the Nation a source of healthy, sustainable—and tasty—seafood.

That is especially true in my home State, Alaska, which accounts for over 55 percent of the Nation's seafood landings, boasts 5 of the top 10 fishing ports in the Nation, and is the State's largest private sector employer, creating jobs that are spread from the largest cities to the smallest rural villages.

Alaska seafood can be found from the Nation's finest white tablecloth restaurants to your neighborhood fast food outlet. And Alaska has harvested this resource in a sustainable manner. Alaska stocks are managed under strict scientific guidelines. None of these species is considered overfished.

Fisheries elsewhere across our Nation face serious challenges from overfishing, habitat loss, climate change, and other factors, which is why Congress recently strengthened the conservation and management provisions in reauthorizing the Magnuson-Stevens Fisheries Conservation Act to end overfishing, reduce bycatch and improve science-based management of our fisheries.

Unfortunately, many of these provisions have not been implemented due to a lack of funding. Only a quarter of the species managed by the National Marine Fisheries Service have been fully assessed and provisions for the monitoring and enforcement of regulations are seriously lacking.

The amendment I propose today would provide and help fulfill the intent of Congress, the recommendations of the U.S. Commission on Ocean Policy, Pew Oceans Commission and others who called for action to protect our oceans and the bounty it provides our Nation.

It provides $39.8 million to help rebuild our Nation's fish stocks. Rebuilding the Nation's fisheries would generate approximately $19 billion in sales and create 27,600 jobs in the harvest sector and 295,000 jobs in the overall economy.

It would provide funding for bycatch monitoring, habitat assessment and other research relevant to climate change.

This amendment would provide an effective stimulus to our Nation's fishing industry and boost the economy of coastal communities from Maine to Alaska. I urge your support of this vital proposition.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, we have a lot of amendments still pending. I have made a decision in conjunction and in cooperation with the Republican leader

that we are going to stop legislating tonight and come back tomorrow, come in at 10 o'clock. We will go immediately to the bill. There are a number of amendments pending. Other Senators want to offer amendments.

The main reason I look forward to tomorrow is there are a number of Republican Senators working with Democratic Senators trying to come up with an alternative proposal. Now, I hope something works out. I know everyone is trying in good faith to move this ball down the court. But I think we need the night and some time tomorrow to see if we can do that. There is paper floating back and forth that is becoming filled with numbers, and we all need to take a look at this.

The work done by the negotiators, as I indicated earlier—about eight Republicans, about the same number of Democrats, trying to work toward making this a better piece of legislation—is ongoing. If, in fact, we find tomorrow that we are spinning our wheels, cannot get something done, then we will file cloture and have a Sunday cloture vote.

Now, Mr. President, I am optimistic we can get something done, and I hope that, in fact, is the case. Everyone is going to have to give a little and understand that this is a process where we have to move this ball down the court. The Republican leader has indicated to me that if we get this out of here, we should go to conference. I agree with him. That takes a little bit of time, and I would hope we could complete this legislation tomorrow. I have hopes, and I am cautiously optimistic we can do that.

So I wish I had all the answers, but the answers are not here tonight. I think the answers have been coming forth more rapidly in the last few days. I think staying here later tonight would not benefit us. We have a number of amendments we could dispose of, but I think we are waiting for the big amendment that has been worked on now for all this week.

Mr. MCCONNELL. Mr. President, will the majority leader yield for an inquiry?

Mr. REID. I will be happy to.

Mr. MCCONNELL. Then am I correct in assuming we would continue to process other amendments tomorrow——

Mr. REID. Absolutely.

Mr. MCCONNELL. Because there are a number over here, and I understand you have some as well—while these discussions are going on?

Mr. REID. Yes. We will come in at 10 o'clock. The managers of the bill should be here. We will go directly to the legislation. There will be votes. We could have votes early in the morning because there are amendments right now pending that the manager on this side could move to table, setting up a string of votes. But the answer to the Republican leader is, yes, we will process amendments.

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

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

MORNING BUSINESS

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

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

HEALTHY AMERICANS ACT

Mr. ALEXANDER. Mr. President, I cosponsored Senator WYDEN and Senator BENNETT Healthy Americans Act last year to support a legitimate bipartisan effort that combines ''private markets'' and ''universal access.'' I am willing to do so again this year, because health care reform is too big of an issue for one party to tackle on its own. Our only chance of achieving true, meaningful reform is if both parties work together.

However, I do have reservations about this legislation—I see it as a work in progress and would not vote for it in its current form. For example, the current budget figures are unrealistic. In order to maintain budget neutrality, as drafted, the bill would shift a new burden on middle-income Americans. We have not yet discovered a way to solve this problem without increasing the cost of the bill.

Another problem I have with the bill is that the mandated level of standard benefits is too high. As drafted, typically young, healthy Americans would be forced to pay for a richer level of coverage than they might now choose or possibly be able to afford.

I commend the efforts of Senators WYDEN and BENNETT to reach across party lines on this important issue, and look forward to working with both of them to further improve this proposal.

TRIBUTE TO JAMES PITCHFORD

Mr. BOND. Mr. President, today I would like to pay tribute to a staff member who left over the recess to pursue new opportunities.

James Pitchford—known to all of us as Pitch, is a hard-charging marine who will never cease and desist until told to do so when he is on a mission. And his mission is and always has been to serve his country, the men and women in the military, and his family.

As a former Wisconsin Air National Guardsmen, naval aviator, marine aviator, and current naval reservist, I am still trying to figure out when he's going to sign up for the Army and put a check in the final square.

Pitch served on my staff for 10 years. In that time, he was a tireless, and I do want to stress tireless, advocate for the men and women in uniform and the retirees and veterans that have served this Nation so valiantly.

He helped me establish a counter-improvised explosive device center at Fort Leonard Wood. This facility has saved lives and will continue to do so by providing critical training to Army personnel for countering explosives hazards and providing countermine working dogs that were not previously available.

He was a lead staffer on the National Guard Empowerment Act, a top priority for Senator LEAHY and me as co-chairs of the Senate National Guard Caucus. Provisions were enacted that strengthen the Guard's position within the Pentagon and its decisionmaking power.

He worked to improve health care for the Nation's service members and veterans, particularly those suffering from ''invisible injuries'' such as post-traumatic stress disorder and traumatic brain injury.

He worked to keep the F–15 and F/A–18 lines in operation, for the benefit of the Air Force, Navy, and St. Louis workers.

He was a strong advocate for military families, our heroes here at home, and particularly the Heroes at Home Program.

There is much more to Pitch's credit legislatively and in fighting or prodding the bureaucracy, depending on which was appropriate at the time.

In addition to Pitch's innumerable legislative endeavors, he was also a leader on the staff.

He took an interest in each and every staff member and mentored all of the young staff with whom he came into contact.

He actively recruited people to work in the office, and once here, actively recruited them to be members of the Armed Forces.

He took an interest in the personal lives of staff members and volunteered his time as office liaison to the Senate Chaplain's Office.

We are also grateful to Pitch's children, his son Benjamin and fraternal twin daughters, Olivia and Kate, of Wisconsin, who endured long separations from their father while he worked to serve the State of Missouri and the Nation as well as U.S. forces and military veterans.

Pitch feels strongly, and I agree, that small business owners should be encouraged to bring their innovative technologies to our Nation's service men and women to reduce their risk of injury or death as they carry the fight to America's enemies. In his new life, he will continue to pursue this high priority in the private sector.

We are sorry to see Pitch go, but we thank him for his many years of service and wish him all the best in his many endeavors.

ADDITIONAL STATEMENTS

75TH ANNIVERSARY OF HOSTELLING INTERNATIONAL USA

• Mr. BINGAMAN. Mr. President, today I recognize the Hostelling International USA for 75 years of service to intercultural understanding and youth travel.

Hostelling International USA is a nonprofit organization founded in 1934 to promote hostels and hostel-related programs in the United States. Today hostels across the country host nearly 1 million overnight stays by both domestic and foreign travelers. In doing so, it promotes cultural exchange through travel, supports tourism in small and large communities throughout the country, and makes travel available on very limited funds.

Hostels make travel safe and affordable for young and old. Hostelling International boasts more hostel rooms than most hotel chains and offers a unique experience in friendly and varied surroundings. Instead of staying in a standardized hotel room every night, travelers in a hostel have the opportunity to share a meal and engage with fellow travelers from every nation and cultural tradition they can imagine. It is these shared experiences and the unexpected encounter that makes hostelling such a unique and valuable experience for travelers across the country and around the world.

In my home State of New Mexico Hostelling International has operated hostels in Las Vegas, Silver City, Truth or Consequences, and Datil. Today their hostel in Taos offers travelers the opportunity to experience the majestic beauty of the New Mexico landscape and the unique culture of Taos pueblo, as well as a little celebrity sighting. These hostels have exposed New Mexico to a variety of travelers who, I am certain, will never forget their experiences in the Land of Enchantment.

I commend Hostelling International for their work in the last 75 years and hope that they look forward to at least another 75 years with an increasing number of hostels and travelers around the world.•

MESSAGE FROM THE HOUSE

At 12:34 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H. R. 738. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 738. An act to encourage States to report to the Attorney General certain information regarding the deaths of individuals in the custody of law enforcement agencies, and for other purposes; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. Res. 28. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Foreign Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Michele A. Flournoy, of Maryland, to be Under Secretary of Defense for Policy.

*Robert F. Hale, of Virginia, to be Under Secretary of Defense (Comptroller).

*Jeh Charles Johnson, of New York, to be General Counsel of the Department of Defense.

*William J. Lynn, III, of the District of Columbia, to be Deputy Secretary of Defense.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself, Mr. CASEY, and Mr. DURBIN):

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. SANDERS, Mr. WYDEN, Mr. CARPER, and Mr. DURBIN):

S. 385. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KAUFMAN):

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 387. A bill to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO):

S. 388. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. BENNETT:

S. 389. A bill to establish a conditional stay of the ban on lead in children's products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAPO (for himself, Mr. REID, Mr. BAUCUS, and Mr. TESTER):

S. 390. A bill to expand the authority of the Secretary of the Air Force to convey certain relocatable military housing units to Indian tribes located in Idaho and Nevada; to the Committee on Armed Services.

By Mr. WYDEN (for himself, Mr. BENNETT, Mr. INOUYE, Mr. SPECTER, Mr. LIEBERMAN, Ms. LANDRIEU, Mr. CRAPO, Mr. NELSON of Florida, Ms. STABENOW, Ms. CANTWELL, Mr. GRAHAM, Mr. ALEXANDER, and Mr. MERKLEY):

S. 391. A bill to provide affordable, guaranteed private health coverage that will make Americans healthier and can never be taken away; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DORGAN:

S. Res. 28. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. Res. 29. A resolution to limit consideration of amendments under a budget resolution; to the Committee on the Budget.

By Mr. KERRY:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Foreign Affairs; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 144

At the request of Mr. KERRY, the names of the Senator from Michigan (Ms. STABENOW), the Senator from North Dakota (Mr. DORGAN), the Senator from Louisiana (Mr. VITTER) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 144, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 298

At the request of Mr. ISAKSON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 298, a bill to establish a Financial Markets Commission, and for other purposes.

S. 381

At the request of Mr. AKAKA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 381, a bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, to provide a process for the reorganization of a Native Hawaiian and the recognition by the United States of the Native Hawaiian government, and for other purposes.

S. RES. 20

At the request of Mr. VOINOVICH, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. CRAPO), the Senator from Georgia (Mr. ISAKSON) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. Res. 20, a resolution celebrating the 60th anniversary of the North Atlantic Treaty Organization.

AMENDMENT NO. 114

At the request of Mr. BAYH, his name was added as a cosponsor of amendment No. 114 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 127

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 127 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 187

At the request of Mr. TESTER, his name was added as a cosponsor of amendment No. 187 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 189

At the request of Mr. DEMINT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of amendment No. 189 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 196

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 196 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 197

At the request of Mr. THUNE, the names of the Senator from Utah (Mr. HATCH) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 197 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 199

At the request of Mrs. LINCOLN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Washington (Mrs. MURRAY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 199 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 216

At the request of Mr. SANDERS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 216 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 218

At the request of Mrs. MURRAY, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of amendment No. 218 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 220

At the request of Mr. MENENDEZ, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 220 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 229

At the request of Mr. SCHUMER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 229 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 233

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 233 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 234

At the request of Mr. SCHUMER, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of amendment No. 234 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 235

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 235 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 236

At the request of Mr. UDALL of Colorado, his name was added as a cosponsor of amendment No. 236 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 240

At the request of Mr. CRAPO, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of amendment No. 240 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and

science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 243

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of amendment No. 243 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 250

At the request of Mrs. LINCOLN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

At the request of Mr. SPECTER, his name was added as a cosponsor of amendment No. 250 intended to be proposed to H.R. 1, supra.

AMENDMENT NO. 274

At the request of Ms. CANTWELL, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Ohio (Mr. BROWN), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 274 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 275

At the request of Ms. STABENOW, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 275 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 281

At the request of Mr. BAYH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of amendment No. 281 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 326

At the request of Mr. BARRASSO, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of amendment No. 326 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 335

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of amendment No. 335 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 344

At the request of Mr. KERRY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of amendment No. 344 intended to be proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 353

At the request of Mr. ENSIGN, the name of the Senator from Nebraska (Mr. JOHANNS) was added as a cosponsor of amendment No. 353 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

AMENDMENT NO. 359

At the request of Mr. UDALL of New Mexico, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 359 proposed to H.R. 1, a bill making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself, Mr. CASEY, and Mr. DURBIN):

S. 384. A bill to authorize appropriations for fiscal years 2010 through 2014 to provide assistance to foreign countries to promote food security, to stimulate rural economies, and to improve emergency response to food crises, to amend the Foreign Assistance Act of 1961, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am pleased today to announce the introduction of the Global Food Security Act of 2009. I would like to thank my friend Senator CASEY for lending his ideas and support to this bipartisan effort, and Senator DURBIN for his early cosponsorship. Finally, I want to thank the members of USAID's informal food security team, who advised us on the nature of food insecurity and possible legislative solutions.

As we know, food prices started a steep climb in the fall of 2007 and continued to increase during 2008. The increases pushed an additional 75 million people into poverty. While prices have abated somewhat, millions of people still face difficulty in food access and availability, and malnutrition rates in many parts of the world remain alarmingly high. The price crisis demonstrated that there are significant structural challenges to attaining global food security. The system is vulnerable to periodic disruptions that both expose and exacerbate deeper problems.

We live in a world where nearly one billion people suffer from chronic food insecurity. When droughts occur, hurricanes hit, or other disruptions arise—creating transitory food insecurity the economic prospects of those living in or near poverty are gravely threatened. In fact, the World Food Program reports that 25,000 people die each day from malnutrition-related causes. Health experts advise us that a diverse and secure food supply has major health benefits, including increasing child survival, improving cognitive and physical development of children, and increasing immune system function including resistance to HIV/AIDS. Prolonged malnutrition in children results in stunting and cognitive difficulties that last a lifetime.

Food insecurity is a global tragedy, but it is also an opportunity for the United States. The United States is the indisputable world leader in agricultural production and technology. A more focused effort on our part to join with other nations to increase yields, create economic opportunities for the rural poor, and broaden agricultural knowledge could begin a new era in U.S. diplomacy. Such an effort could improve our broader trade relations and serve as a model for similar endeavors in the areas of energy and scientific cooperation. Achieving food security for all people also would have profound implications for peace and U.S. national security. Hungry people are desperate people, and desperation often sows the seeds of conflict and extremism.

The United States has always stood for big ideas—from the founding of the

Republic on the basis of freedom to President Kennedy's vow to put a man on the moon. One of today's big ideas should be the eradication of hunger. We can bring America's dedication to science, innovation, technology, and education together to lead an effort devoted to overcoming the obstacles to food security.

The Global Food Security Act of 2009 is a 5-year authorization that seeks to provide solutions that will have the greatest effect. First, it creates a Special Coordinator for Global Food Security and puts that person in charge of developing a food security strategy. We call on the development of that strategy to take a whole-of-government approach and to work with other international donors, the NGO community, and the private sector. Addressing food security requires more than investing in agriculture; it also requires improvements in infrastructure, the development of markets, access to finance, and sound land tenure systems, to name just a few.

Second, the bill authorizes additional resources for agricultural productivity and rural development. U.S. foreign assistance for agriculture has declined by nearly 70 percent since the 1980s. Globally, only four percent of official development assistance from all donors is currently allocated for agriculture. This amounts to neglect of what should be considered one of the most vital sectors in the alleviation of poverty. Food shortages are likely to recur frequently if the United States and the global community fail to invest in agricultural productivity in the developing world.

Third, the bill improves the U.S. emergency response to food crises by creating a separate Emergency Food Assistance Fund that can make local and regional purchases of food, where appropriate. Funds can be used for emergency food and non-food assistance. The Government Accountability Office reports that it can often take four to six months from the time a crisis occurs until U.S. food shipments arrive. Our intention is to provide USAID with the flexibility to respond to emergencies more quickly in order to complement food aid programs in the U.S. Department of Agriculture.

World leaders must understand that over the long term, satisfying global demand for more and better food can be achieved only by increasing yields per acre. In the 1930s, my father, Marvin Lugar, produced corn yields of approximately 40 to 50 bushels per acre. Today, the Lugar farm yields about 150 bushels per acre on the same land in Marion County, Indiana. The Green Revolution saw the introduction of high yield seeds and improved agricultural techniques that resulted in a near doubling of cereal grain production per acre over 20 years. But more recently, food production has not kept pace with population increases. By 2050, it is projected that population growth will require another doubling of food production. Unless much greater effort is devoted to this problem, the world is likely to experience more frequent and intense food crises that increase migration, stimulate conflicts and intensify pandemics.

Moreover, the task of doubling food production is likely to be complicated by the effects of climate change. The important report by Sir Nicolas Stern estimated that a 2 degree celsius increase in global temperature will cut agricultural yields in Africa by as much as 35 percent. Thus, farmers around the world will be asked to meet the demands of global demographic expansion, even as they may be contending with a degrading agricultural environment that significantly depresses yields in some regions.

Increasing acreage under production will not satisfy the growth in food demand, and these steps come with serious environmental and national security costs. We need a second green revolution that will benefit developed and developing nations alike.

Recent studies have demonstrated that funds spent in agriculture can be up to twice as beneficial to economic growth as spending in other areas. It seems, therefore, that our overall foreign aid strategy would benefit from restoring agriculture programs to their former prominence. The bill increases funding for these programs in the first year by $750 million. The increase would reach $2.5 billion in year five. Because those who subsist on less than $1 a day spend at least half their incomes on food, according to the International Food Policy Research Institute, the bill highlights the need to focus on those living in extreme poverty.

In thinking about how to approach agricultural productivity, we tried to draw from the experience of U.S. land grant colleges and the contributions they have made to U.S. agriculture. The bill seeks to strengthen institutions of higher education in the areas of agriculture sciences, research and extension programs. Investments in human capital and institutional capacity are important to developing a robust agricultural sector.

Universities and research centers can play an important role in achieving technological advances that are appropriate to local conditions. As such, the bill calls for increasing collaborative research on the full range of biotechnological advances including genetically modified technologies.

I hope that our bill will begin a productive dialogue on how our government can be a more effective partner with NGOs and private actors in promoting food security. There is no good reason why nearly a billion people should be food insecure or that the world should have to endure the social upheaval and risks of conflict that this insecurity causes.

I look forward to working with colleagues to improve the U.S. and global efforts to alleviate food insecurity and advance agricultural knowledge and technology worldwide.

By Mr. AKAKA (for himself, Mr. LAUTENBERG, Mrs. MCCASKILL, Mr. SANDERS, Mr. WYDEN, Mr. CARPER, and Mr. DURBIN):

S. 385. A bill to reaffirm and clarify the authority of the Comptroller General to audit and evaluate the programs, activities, and financial transactions of the intelligence community, and for other purposes; to the Select Committee on Intelligence.

Mr. AKAKA. Mr. President, I rise today to introduce the Intelligence Community Audit Act of 2009, with Senators CARPER, DURBIN, LAUTENBERG, MCCASKILL, SANDERS, and WYDEN. This legislation reaffirms and clarifies the authority of the Comptroller General of the United States, as head of the Government Accountability Office, GAO, to audit and evaluate the programs and activities of the Intelligence Community, IC.

Our bill is not new. I have introduced similar bills twice before. But today, as I reintroduce this bill, I share with many of my colleagues a renewed commitment to accountability. This legislation would be an important step in that direction. GAO has well-established expertise that should be leveraged to improve the performance of the Intelligence Community. In particular, GAO could provide much needed guidance to the IC related to human capital, financial management, information sharing, strategic planning, information technology, and other areas of management and administration. By employing GAO's expertise to improve IC management and operations while carefully protecting sensitive information, this bill would reinforce the Intelligence Community's ability to meet its mission.

The Intelligence Community has faced greater demands and increased responsibilities over the past few years. It is Congress's responsibility to ensure that the IC carries out its critical functions effectively and consistent with congressional authorization. For too long, GAO's expertise and ability to engage in constructive oversight of the IC have been underutilized. This legislation would enhance, in a complementary manner, rather than detract from the work of the congressional intelligence committees. Dr. Marvin Ott, a former professional staff member on the Senate Select Committee on Intelligence, testified before my Subcommittee on Oversight of Government Management in February 2008 that the growth in the complexity, diversity, and size of the IC requires additional oversight resources. GAO is in a position to help. According to then-Comptroller General David Walker, who testified at the same hearing, GAO has the expertise and cleared personnel to increase the management oversight of the IC.

I also believe that safeguards need to be in effect to protect the IC's most

sensitive information from unauthorized disclosure. Under this bill, only the Senate Select Committee on Intelligence, the House Permanent Select Committee on Intelligence, and the majority and the minority leaders of the Senate and the House of Representatives would be able to request reviews of intelligence sources and methods or covert actions. Results of an audit of this nature would be restricted to the original requester, the Director of National Intelligence, and the head of the relevant IC element. Employees of the GAO participating in these audits would be subject to the same penalties for unauthorized disclosure or use of sensitive information as their counterparts in the IC. There are additional mechanisms in place to keep this information secure.

Congress and GAO have a crucial role in ensuring that the IC elements are fulfilling their responsibilities of protecting this country. By removing the barrier to more comprehensive oversight, this bill will help improve our national security.

Mr. Presdient, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Intelligence Community Audit Act of 2009''.

SEC. 2. COMPTROLLER GENERAL AUDITS AND EVALUATIONS OF ACTIVITIES OF ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) REAFFIRMATION AND CLARIFICATION OF AUTHORITY; AUDITS OF INTELLIGENCE COMMUNITY ACTIVITIES.—Chapter 35 of title 31, United States Code, is amended by inserting after section 3523 the following:

''§ 3523a. Audits of intelligence community; audits and requesters

''(a) In this section, the term 'element of the intelligence community' means an element of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

''(b) Congress finds that—

''(1) the authority of the Comptroller General to perform audits and evaluations of financial transactions, programs, and activities of elements of the intelligence community under sections 712, 717, 3523, and 3524, and to obtain access to records for purposes of such audits and evaluations under section 716, is reaffirmed for matters referred to in paragraph (2); and

''(2) such audits and evaluations may be requested by any committee of jurisdiction (including the Committee on Homeland Security and the Committee on the Judiciary of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate), and may include matters relating to the management and administration of elements of the intelligence community in areas such as strategic planning, financial management, information technology, human capital, knowledge management, and information sharing (including information sharing by and with the Department of Homeland Security and the Department of Justice).

''(c)(1) The Comptroller General may conduct an audit or evaluation of intelligence sources and methods or covert actions only upon request of the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, or the majority or the minority leader of the Senate or the House of Representatives.

''(2)(A) Whenever the Comptroller General conducts an audit or evaluation under paragraph (1), the Comptroller General shall provide the results of such audit or evaluation only to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(B) The Comptroller General may only provide information obtained in the course of an audit or evaluation under paragraph (1) to the original requestor, the Director of National Intelligence, and the head of the relevant element of the intelligence community.

''(3)(A) Notwithstanding any other provision of law, the Comptroller General may inspect records of any element of the intelligence community relating to intelligence sources and methods, or covert actions in order to conduct audits and evaluations under paragraph (1).

''(B) If in the conduct of an audit or evaluation under paragraph (1), an agency record is not made available to the Comptroller General in accordance with section 716, the Comptroller General shall consult with the original requestor before filing a report under subsection (b)(1) of such section.

''(4)(A) The Comptroller General shall maintain the same level of confidentiality for a record made available for conducting an audit under paragraph (1) as is required of the head of the element of the intelligence community from which it is obtained. Officers and employees of the Government Accountability Office are subject to the same statutory penalties for unauthorized disclosure or use as officers or employees of the intelligence community element that provided the Comptroller General or officers and employees of the Government Accountability Office with access to such records.

''(B) All workpapers of the Comptroller General and all records and property of any element of the intelligence community that the Comptroller General uses during an audit or evaluation under paragraph (1) shall remain in facilities provided by that element of the intelligence community. Elements of the intelligence community shall give the Comptroller General suitable and secure offices and furniture, telephones, and access to copying facilities, for purposes of audits and evaluations under paragraph (1).

''(C) After consultation with the Select Committee on Intelligence of the Senate and with the Permanent Select Committee on Intelligence of the House of Representatives, the Comptroller General shall establish procedures to protect from unauthorized disclosure all classified and other sensitive information furnished to the Comptroller General or any representative of the Comptroller General for conducting an audit or evaluation under paragraph (1).

''(D) Before initiating an audit or evaluation under paragraph (1), the Comptroller General shall provide the Director of National Intelligence and the head of the relevant element with the name of each officer and employee of the Government Accountability Office who has obtained appropriate security clearance and to whom, upon proper identification, records, and information of the element of the intelligence community shall be made available in conducting the audit or evaluation.

''(d) Elements of the intelligence community shall cooperate fully with the Comptroller General and provide timely responses to Comptroller General requests for documentation and information.

''(e) With the exception of the types of audits and evaluations specified in subsection (c)(1), nothing in this section or any other provision of law shall be construed as restricting or limiting the authority of the Comptroller General to audit and evaluate, or obtain access to the records of, elements of the intelligence community absent specific statutory language restricting or limiting such audits, evaluations, or access to records.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 31, United States Code, is amended by inserting after the item relating to section 3523 the following:

''3523a. Audits of intelligence community; audits and requesters.''.

By Mr. LEAHY (for himself, Mr. GRASSLEY, and Mr. KAUFMAN):

S. 386. A bill to improve enforcement of mortgage fraud, securities fraud, financial institution fraud, and other frauds related to federal assistance and relief programs, for the recovery of funds lost to these frauds, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, today, I am pleased to introduce with Senator GRASSLEY the Fraud Enforcement and Recovery Act, FERA, of 2009, a bipartisan bill that will reinvigorate our Nation's capacity to investigate and prosecute the kinds of financial frauds that have so severely undermined our economy and hurt so many hard working people in this country.

Our Nation is in the midst of its most serious economic crisis since the Great Depression. With each passing week, tens of thousands more Americans lose their jobs to layoffs, and many thousands have already lost their homes to foreclosure. We learn more and more each day about the causes of this debacle, and it is now clear that unscrupulous mortgage brokers and Wall Street financiers were among the principle contributors of this economic collapse.

As the crisis worsened last fall, I called upon Federal law enforcement to track down and punish those whose conduct went beyond mere negligence or incompetence and who were directly responsible for the corporate and mortgage frauds that helped make the economic downturn far worse than anyone predicted. With the new tools and resources in this bill, it will be easier to ensure that all of those responsible for these financial crimes are held accountable.

While the full scope of the fraud that triggered this economic crisis is still unknown, we have already learned a great deal about what went wrong. As banks and private mortgage companies relaxed their standards for loans, approving ever riskier mortgages with less and less due diligence, they created an environment that invited fraud. Private mortgage brokers and

lending businesses came to dominate the home housing market, and these companies were not subject to the kind of banking oversight and internal regulations that had traditionally helped to prevent fraud. We are now seeing the results of this lax supervision and accountability.

In the last six years, suspicious activity reports alleging mortgage fraud that have been filed with the Treasury Department have increased more than tenfold, from about 5,400 in 2002 to more than 60,000 in 2008. In the last three years, the number of criminal mortgage fraud investigations opened by the FBI has more than doubled, and the FBI anticipates a new wave of cases that may double that number yet again. Despite the increase, the FBI currently has fewer than 250 special agents nationwide assigned to financial fraud cases. At current levels, they cannot even begin to investigate the more than 5,000 fraud allegations they receive from the Treasury Department each month.

Of course, the problem is not limited to mortgage frauds. As is so common in today's financial markets, home mortgages were packaged together and turned into securities that were bought and sold in largely unregulated markets on Wall Street. Here again, the environment invited fraud. As the value of the mortgages started to decline with falling housing prices, Wall Street financiers began to see these mortgage-backed securities unravel. Unfortunately, some were not honest about these securities, leading to even more fraud, and victimizing investors nationwide.

All of this fraud has contributed to an unprecedented collapse in the mortgage-backed securities market. In the past year, banks and financial institutions in the United States alone have suffered more than $500 billion in losses associated with the sub-prime mortgage industry. Some of our Nation's largest and most venerable financial institutions collapsed as a result. The list of publicly-traded companies that declared bankruptcy or have been taken over by the Federal Government because of the mortgage-backed securities market collapse include Fannie Mae, Freddie Mac, Bear Stearns, IndyMac, and Lehman Brothers.

As we take steps to make sure this kind of collapse cannot happen again, we must reinvigorate our anti-fraud measures and give law enforcement the tools and resources they need to root out fraud so that it can never again place our financial system at risk. Taxpayers, who bear the burden of this financial downturn, deserve to know that government is doing all it can to hold responsible those who committed fraud in the run-up to this collapse. This bill will do just that.

This bipartisan legislation begins by providing the resources needed for law enforcement to uncover and go after these frauds. The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for fiscal years 2010 and 2011. This includes $65 million a year for the FBI to bring on 190 additional special agents and more than 200 professional staff and forensic analysts to rebuild its ''white collar'' investigation program. With this funding, the FBI can double the number of its mortgage fraud task forces nationwide—from 26 to more than 50—that target fraud in the hardest hit areas in our Nation. This also includes $50 million a year for U.S. Attorneys' offices to staff those strike forces and $40 million for the criminal, civil, and tax divisions at the Justice Department to provide special litigation and investigative support to those efforts. The bill also authorizes $60 million a year for fiscal years 2010 and 2011 for investigators and analysts at the U.S. Postal Inspection Service and the Office of Inspector General for the Housing and Urban Development Department to combat fraud against Federal assistance programs and financial institutions.

Of course, the economic recovery legislation includes new appropriations of $75 million for FBI salaries and $2 million for the Inspector General for the Treasury Department, yet certainly far more needs to be done to address the full scope of these enforcement issues now and in the future.

The Fraud Enforcement and Recovery Act also makes a number of straightforward, important improvements to fraud and money laundering statutes to strengthen prosecutors' ability to combat this growing wave of fraud. Specifically, the bill amends the definition of ''financial institution'' in the criminal code in order to extend Federal fraud laws to mortgage lending businesses that are not directly regulated or insured by the Federal Government. These companies were responsible for nearly half the residential mortgage market before the economic collapse, yet they remain largely unregulated and outside the scope of traditional Federal fraud statutes. This change will apply the Federal fraud laws to private mortgage businesses like Countrywide Home Loans and GMAC Mortgage, just as they apply to federally insured and regulated banks.

The bill would also amend the major fraud statute to protect funds expended under the Troubled Asset Relief Program and the economic stimulus package, including any government purchases of preferred stock in financial institutions. The U.S. Government has provided extraordinary economic support to our banking system, and we need to make sure that none of those funds are subject to fraud or abuse. This change will give Federal prosecutors and investigators the explicit authority they need to protect taxpayer funds.

The legislation would amend the Federal securities statute to cover fraud schemes involving commodities futures and options, including derivatives involving the mortgage-backed securities that caused such damage to our banking system.

This bill will also strengthen one of the core offenses in so many fraud cases—money laundering—which was significantly weakened by a recent Supreme Court case. In United States v. Santos, the Supreme Court misinterpreted the money laundering statutes, limiting their scope to only the ''profits'' of crimes, rather than the ''proceeds'' of the offenses. The Court's mistaken decision was contrary to Congressional intent and will lead to financial criminals escaping culpability simply by claiming their illegal scams had not made a profit. This erroneous decision must be corrected immediately, as dozens of money laundering cases have already been dismissed.

Lastly, FERA improves one of the most potent civil tools we have for rooting out waste and fraud in government—the False Claims Act. The effectiveness of the False Claims Act has recently been undermined by court decisions which limit the scope of the law and allow sub-contractors paid with government money to escape responsibility for proven frauds. The False Claims Act must quickly be corrected and clarified in order to protect from fraud the Federal assistance and relief funds expended in response to our current economic crisis.

The Federal Government has spent hundreds of billions of dollars to stabilize our banking system, and Congress will soon spend even more to restart our economic recovery. But to date, we have paid far too little attention to investigating and prosecuting the mortgage and corporate frauds that has so dramatically contributed to this economic collapse.

Congress should move quickly to pass this legislation so the American taxpayers can be confident that those who are criminally responsible for contributing to this economic disaster are caught and held fully accountable and to ensure that the money we are now spending to restore America is protected from fraud in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 386

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fraud Enforcement and Recovery Act of 2009'' or ''FERA''.

SEC. 2. AMENDMENTS TO IMPROVE MORTGAGE, SECURITIES, AND FINANCIAL FRAUD RECOVERY AND ENFORCEMENT.

(a) DEFINITION OF FINANCIAL INSTITUTION AMENDED TO INCLUDE MORTGAGE LENDING BUSINESS.—Section 20 of title 18, United States Code, is amended—

(1) in paragraph (8), by striking ''or'' after the semicolon;

(2) in paragraph (9), by striking the period and inserting ''; or''; and

(3) by inserting at the end the following:

''(10) a mortgage lending business (as defined in section 27 of this title) or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1).''.

(b) MORTGAGE LENDING BUSINESS DEFINED.—

(1) IN GENERAL.—Chapter 1 of title 18, United States Code, is amended by inserting after section 26 the following:

''§ 27. Mortgage lending business defined

''In this title, the term 'mortgage lending business' means an organization which finances or refinances any debt secured by an interest in real estate, including private mortgage companies and any subsidiaries of such organizations, and whose activities affect interstate or foreign commerce.''.

(2) CHAPTER ANALYSIS.—The chapter analysis for chapter 1 of title 18, United States Code, is amended by adding at the end the following:

''27. Mortgage lending business defined.''.

(c) FALSE STATEMENTS IN MORTGAGE APPLICATIONS AMENDED TO INCLUDE FALSE STATEMENTS BY MORTGAGE BROKERS AND AGENTS OF MORTGAGE LENDING BUSINESSES.—Section 1014 of title 18, United States Code, is amended by—

(1) striking ''or'' after ''the International Banking Act of 1978),''; and

(2) inserting after ''section 25(a) of the Federal Reserve Act'' the following: ''or a mortgage lending business whose activities affect interstate or foreign commerce, or any person or entity that makes in whole or in part a federally-related mortgage loan as defined in 12 U.S.C. 2602(1)''.

(d) MAJOR FRAUD AGAINST THE GOVERNMENT AMENDED TO INCLUDE ECONOMIC RELIEF AND TROUBLED ASSET RELIEF PROGRAM FUNDS.—Section 1031(a) of title 18, United States Code, is amended by—

(1) inserting after ''or promises, in'' the following: ''any grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance, including through the Troubled Assets Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any preferred stock in a company, or''; and

(2) striking ''the contract, subcontract'' and inserting ''such grant, contract, subcontract, subsidy, loan, guarantee, insurance or other form of Federal assistance,''.

(e) SECURITIES FRAUD AMENDED TO INCLUDE FRAUD INVOLVING OPTIONS AND FUTURES IN COMMODITIES.—

(1) IN GENERAL.—Section 1348 of title 18, United States Code, is amended—

(A) in the caption, by inserting ''and commodities'' after ''**Securities**'';

(B) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''any person in connection with'' ; and

(C) by inserting ''any commodity for future delivery, or any option on a commodity or a commodity for future delivery, or'' after ''in connection with the purchase or sale of''.

(2) CHAPTER ANALYSIS.—The item for section 1348 in the chapter analysis for chapter 63 of title 18, United States Code, is amended by inserting ''and commodities'' after ''Securities''.

(f) MONEY LAUNDERING AMENDED TO DEFINE PROCEEDS OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c) of title 18, United States Code, is amended—

(1) in paragraph (8), by striking the period and inserting ''; and''; and

(2) by inserting at the end the following:

''(9) the term 'proceeds' means any property derived from or obtained or retained, directly or indirectly, through the commission of a specified unlawful activity, including the gross receipts of such specified unlawful activity.''.

(g) MAKING THE INTERNATIONAL MONEY LAUNDERING STATUTE APPLY TO TAX EVASION.—Section 1956(a)(2)(A) of title 18, United States Code, is amended by—

(1) inserting ''(i)'' before ''with the intent to promote''; and

(2) adding at the end the following:

''(ii) with the intent to engage in conduct constituting a violation of section 7201 or 7206 of the Internal Revenue Code of 1986; or''.

SEC. 3. ADDITIONAL FUNDING FOR INVESTIGATORS AND PROSECUTORS FOR MORTGAGE FRAUD, SECURITIES FRAUD, AND OTHER CASES INVOLVING FEDERAL ECONOMIC ASSISTANCE.

(a) IN GENERAL.—

(1) AUTHORIZATION.—There is authorized to be appropriated to the Attorney General, to remain available until expended, $155,000,000 for each of the fiscal years 2010 and 2011, for the purposes of investigations, prosecutions, and civil proceedings involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(2) ALLOCATIONS.—With respect to fiscal years 2010 and 2011, the amount authorized to be appropriated under paragraph (1) shall be allocated as follows:

(A) Federal Bureau of Investigation: $65,000,000.

(B) The offices of the United States Attorneys: $50,000,000.

(C) The criminal division of the Department of Justice: $20,000,000.

(D) The civil division of the Department of Justice: $15,000,000.

(E) The tax division of the Department of Justice: $5,000,000.

(b) ADDITIONAL APPROPRIATIONS FOR THE POSTAL INSPECTION SERVICE.—There is authorized to be appropriated to the Postal Inspection Service of the United States Postal Service, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(c) ADDITIONAL APPROPRIATIONS FOR THE INSPECTOR GENERAL FOR THE HOUSING AND URBAN DEVELOPMENT DEPARTMENT.—There is authorized to be appropriated to the Inspector General of the Department of Housing and Urban Development, $30,000,000 for each of the fiscal years 2010 and 2011 for investigations involving Federal assistance programs and financial institutions, including financial institutions to which this Act and amendments made by this Act apply.

(d) USE OF FUNDS.—The funds authorized to be appropriated under subsections (a), (b), and (c), shall be limited to cover the costs of each listed agency or department for investigating possible criminal, civil, or administrative violations and for prosecuting criminal, civil, or administrative proceedings involving financial crimes and crimes against Federal assistance programs, including mortgage fraud, securities fraud, financial institution fraud, and other frauds related to Federal assistance and relief programs

(e) REPORT TO CONGRESS.—Following the final expenditure of all funds appropriated under this section that were authorized by subsections (a), (b), and (c), the Attorney General, in consultation with the United States Postal Inspection Service and the Inspector General for the Department of Housing and Urban Development, shall submit a joint report to Congress identifying—

(1) the amounts expended under subsections (a), (b), and (c) and a certification of compliance with the requirements listed in subsection (d); and

(2) the amounts recovered as a result of criminal or civil restitution, fines, penalties, and other monetary recoveries resulting from criminal, civil, or administrative proceedings and settlements undertaken with funds authorized by this Act.

SEC. 4. CLARIFICATIONS TO THE FALSE CLAIMS ACT TO REFLECT THE ORIGINAL INTENT OF THE LAW.

(a) CLARIFICATION OF THE FALSE CLAIMS ACT.—Section 3729 of title 31, United States Code, is amended—

(1) by striking subsection (a) and inserting the following:

''(a) LIABILITY FOR CERTAIN ACTS.—

''(1) IN GENERAL.—Subject to paragraph (2), any person who—

''(A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;

''(B) knowingly makes, uses, or causes to be made or used, a false record or statement to get a false or fraudulent claim paid or approved;

''(C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G) or otherwise to get a false or fraudulent claim paid or approved;

''(D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;

''(E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

''(F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or

''(G) knowingly makes, uses, or causes to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the Government, or knowingly conceals, avoids, or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104–410), plus 3 times the amount of damages which the Government sustains because of the act of that person.

''(2) REDUCED DAMAGES.—If the court finds that—

''(A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;

''(B) such person fully cooperated with any Government investigation of such violation; and

''(C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

''(3) COSTS OF CIVIL ACTIONS.—A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.'';

(2) by striking subsections (b) and (c) and inserting the following:

''(b) DEFINITIONS.—For purposes of this section—

''(1) the terms 'knowing' and 'knowingly' mean that a person, with respect to information—

''(A) has actual knowledge of the information;

''(B) acts in deliberate ignorance of the truth or falsity of the information; or

''(C) acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required;

''(2) the term 'claim'—

''(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that—

''(i) is presented to an officer, employee, or agent of the United States; or

''(ii) is made to a contractor, grantee, or other recipient if the United States Government—

''(I) provides or has provided any portion of the money or property requested or demanded; or

''(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

''(B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property; and

''(3) the term 'obligation' means a fixed duty, or a contingent duty arising from an express or implied contractual, quasi-contractual, grantor-grantee, licensor-licensee, fee-based, or similar relationship, and the retention of any overpayment.'';

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively; and

(4) in subsection (c), as redesignated, by striking ''subparagraphs (A) through (C) of subsection (a)'' and inserting ''subsection (a)(2)''.

Mr. KAUFMAN. Mr. President, as we struggle to restore growth and hope to our economy, we must continue to repair the weaknesses in our legal and regulatory system weaknesses that contributed to the crisis we face today. A lot of what has happened to our economy was the result of greed and incompetence. But too much of it can be traced to fraud, insider deals, and other acts that are illegal, and to actions that should be illegal.

That is why I am joining today with Senator LEAHY and Senator GRASSLEY to introduce the Fraud Enforcement and Recovery Act of 2009. As we survey the damage to every aspect of our economy from manufacturing to retail, from construction to services we can trace the origins of this disaster to the real estate market and the financing that drove a bubble that finally burst.

We now know that behind the explosion in housing values, and the explosion in the secondary market for mortgages, were misrepresentations, false reporting, insider deals, and other forms of fraud. Many of these actions clearly broke existing financial regulations and consumer protection laws. Others took place in so-called ''shadow'' financial markets that are outside of our existing laws.

The legislation we are introducing today will provide the Justice Department with the resources it needs to prosecute the crimes that played a part in precipitating the crisis we are now facing. The FBI has been overwhelmed by reports of mortgage fraud, now running at over ten times the pace of a few years ago.

The bill authorizes $155 million a year for hiring fraud prosecutors and investigators at the Justice Department for 2010 and 2011, including $65 million a year for 190 additional FBI special agents and more than 200 professionals to fight white collar crime.

In addition, this bill exposes some of the ''shadow'' financial systems to the fraud laws that apply today in the better regulated sectors of our banking industry. It also extends antifraud protections to the money we are sending out under the Troubled Asset Relief Program and the economic stimulus package. It also amends Federal securities laws to cover fraud schemes involving commodities futures and options, including so-called derivatives involving the mortgage-backed securities that caused such damage to our banking system.

Further, this legislation will strengthen one of the most effective tools to combat waste and fraud in government the False Claims Act. We will need these improvements so that we can protect the taxpayer dollars we are using to respond to the economic crisis.

I hope we can move this legislation quickly. It moves against the root causes of this economic crisis and improves protections for the taxpayer funds we are committing to fight it.

By Mr. DURBIN:

S. 387. A bill to designate the United States courthouse located at 211 South Court Street, Rockford, Illinois, as the ''Stanley J. Roszkowski United States Courthouse''; to the Committee on Environment and Public Works.

Mr. DURBIN. Mr. President, today I am pleased to introduce legislation to designate the United States Courthouse at 211 South Court Street, Rockford, IL, as the ''Stanley J. Roszkowski United States Courthouse.''

Stanley Roszkowski was raised in Royalton in southern Illinois, one of fifteen children. During World War II, he volunteered as a nose gunner on a B26 bomber, flying over 25 missions in Italy and Germany. After the war he went on to earn his B.A. from the University of Illinois and then his law degree, working as an appliance salesman to pay for school and meeting his wife Catherine along the way.

When he moved to Rockford, he opened up a successful law practice and became involved in his community. He gave up this practice when President Carter appointed him to the bench, serving for the next 20 years as a Federal Judge in the Northern District of Illinois. He became known for running a business-like but relaxed courtroom, and was praised by his peers for being extremely knowledgeable, fair and objective, and a gentleman at all times, with a wide breadth of experience and an uncommon sense of decency. As one lawyer put it: ''You couldn't ask for a better trial judge.''

Nobody worked harder than Stanley Roszkowski to make the United States Courthouse in Rockford a reality. He spent 6 years commuting between Rockford and Chicago building up the case load at Rockford and becoming Rockford's first full time Federal judge. As far back as 1992, he was writing countless letters and paying numerous visits to federal officials in Washington, DC, to make his case. It took many years but he never gave up on his belief that if the Federal courts had a physical presence in Rockford, it would be welcomed and frequently used by the lawyers there. He turned out to be right, and I am pleased that Representative MANZULLO and I could work together to help secure the funding for it.

Whether in a bomber or on the bench, Stanley Roszkowski has dedicated his life to serving his country. I can think of no better way to honor his commitment than by naming this Federal courthouse, which he worked so tirelessly to see built, after him. I hope my colleagues will join me in enacting this tribute to him.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STANLEY J. ROSZKOWSKI UNITED STATES COURTHOUSE.

(a) DESIGNATION.—The United States courthouse, located at 211 South Court Street, Rockford, Illinois, shall be known and designated as the ''Stanley J. Roszkowski United States Courthouse''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a) shall be deemed to be a reference to the ''Stanley J. Roszkowski United States Courthouse''.

By Ms. MIKULSKI (for herself, Mr. SPECTER, Mr. LEVIN, Mr. CRAPO, Mr. BOND, Mr. LIEBERMAN, Mr. REED, Mr. KERRY, Mr. ENZI, Ms. COLLINS, Mr. BENNETT, Mr. COBURN, Mr. WHITEHOUSE, Mr. BURR, Ms. SNOWE, Mr. LEAHY, Mr. CARPER, Mr. CARDIN, Mr. HATCH, and Mr. BARRASSO):

S. 388. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, today I rise to introduce a bill that is needed by small and seasonal businesses all over the nation. In 2005 I introduced and the Senate overwhelmingly passed legislation to keep these small and seasonal businesses alive. For many years they have relied on the H–2B visa program to meet these needs, but this year they can't get the temporary labor they need because they have been shut out of the H–2B visa program. That program lets them hire temporary foreign workers when no American workers are available.

So today, I join with my colleague Senator SPECTER to introduce legislation that provides a quick and temporary fix to the H–2B problem. The Save our Small and Seasonal Businesses Act of 2009 will help these employers by extending the H–2B returning worker exemption for three years. It does not raise the cap and keeps the limit at 66,000. I urge my colleagues to work with us to pass this legislation quickly to save these businesses and the thousands of American jobs they provide.

Many in this body know about the H–2B crisis—a real crisis to thousands of small and seasonal businesses who face a shortage of workers as they approach their seasons. These small businesses count on the H–2B visa program to keep their businesses afloat. But this year, because the cap was reached so early in the year, many of these businesses will be unable to get the seasonal workers that they need to survive.

Hitting the cap so early will have a great impact on Maryland. We have a lot of summer seasonal businesses in Maryland on the Eastern Shore, in Ocean City or working the Chesapeake Bay. Many of our businesses use the program year after year. They hire all the American workers they can find, but they need additional help to meet seasonal demands. Because the cap will be reached so early this year summer employers face a disadvantage. They can't use the program, so they can't meet their seasonal needs and many will be forced to limit services, lay-off permanent U.S. workers or, worse yet, close their doors.

These are family businesses and small businesses in small communities in Maryland. If the business suffers the whole community suffers. For seafood companies like J.M. Clayton, what they do is more than a business, it's a way of life. Started over a century ago and run by the great grandsons of the founder, J.M. Clayton works the waters of the Chesapeake Bay, supplying crabs, crabmeat and other seafood, including Maryland's famous oysters, to restaurants, markets, and wholesalers all over the nation. It is the oldest working crab processing plant in the world and by employing 70 H–2B workers the company can retain over 50 full time American workers.

But its not just seafood companies that have a long history on the Eastern Shore. It's companies like S.E.W. Friel Cannery, which began its business over 100 years ago when there were 300 canneries on the Eastern Shore. But now those others are gone and Friel's is the last corn cannery left. Ten years ago, when the cannery could not find local workers, it turned to the new H–2B visa Program. It has used the program every year since, and many workers are repeat users who come each year and then go home after the season. What's important is that having this help each year has not only allowed the company to maintain its American workforce, but it has paved the way for local workers to return to the cannery.

Now these employers can't just turn to the H–2B program whenever they want seasonal workers. First, employers must try to vigorously recruit U.S. workers. These businesses try to hire American workers—they would love to hire American workers. In fact, the H–2B program requires these businesses to prove that they have vigorously tried to recruit American workers. They have to advertise for American workers and give American workers a chance to apply. They have to prove to the Department of Labor that there are no U.S. workers available. Only after that are they allowed to fill seasonal vacancies with H–2B visa workers. The workers that they bring in often participate in the H–2B program year after year. They often work for the same companies. But they cannot and do not stay in the U.S. They return to their home countries, to their families and their U.S. employer must go through the whole visa process again the following year to get them back. That means an employer must prove again to the Department of Labor that they cannot get U.S. workers.

This legislative fix keeps that visa process in place. It's a short-term legislative fix to solve the immediate H–2B visa shortage. It does not take the place of comprehensive immigration reform.

This legislation is a temporary 3 year fix. It exempts returning seasonal workers from the cap. These are workers who have already successfully participated in the H–2B visa Program. They received a visa in one of the past 3 years and have returned home to their families after their seasonal employment with a U.S. company.

Everyone must still play by the rules. Employers must go through the whole visa process, prove they need the seasonal help and only after that are returning employees exempt from the cap. Employees must be those who have left the U.S. and are requesting a new H–2B visa to come back for another season. This new system rewards those who have played by the rules, worked hard and successfully participated in the program. The bill gives a helping hand to businesses by allowing them to retain workers who they have already trained to do their seasonal jobs.

This is a quick and simple fix. It lasts three years. And it does not get in the way of comprehensive immigration reform.

I worked with my colleagues to get a bill with strong bi-partisan support. A bill that would work.

This bill is realistic. It provides a temporary solution because immediate action is needed to help these small and seasonal businesses stay in business. Yes—we need to help them now. Their seasons start soon. If they don't get seasonal workers this year, there may not be any businesses around next year to help.

Every member of the Senate who has heard from their constituents—whether they are seafood processors, landscapers, resorts, timber companies, fisheries, pool companies or carnivals—knows the urgency in their voices, knows the immediacy of the problem and knows that the Congress must act now to save these businesses. I urge my colleagues to join this effort, support the Save our Small and Seasonal Businesses Act, and push this Congress to fix the problem today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Save Our Small and Seasonal Businesses Act of 2009''.

SEC. 2. EXTENSION OF RETURNING WORKER EXEMPTION TO H–2B NUMERICAL LIMITATION.

(a) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A) is amended to read as follows:

''(A) Subject to subparagraphs (B) and (C), an alien who has already been counted toward the numerical limitation under paragraph (1)(B) during any 1 of the 3 fiscal years immediately prior to the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not again be counted toward such limitation for the fiscal year for which the petition is approved. Such an alien shall be considered a returning worker.''.

(b) EFFECTIVE DATE; 3-YEAR LIMITATION; SUNSET PROVISION.—The amendment made by subsection (a) shall—

(1) take effect as if enacted on December 1, 2008;

(2) apply only to petitions with an approved start date in fiscal year 2009, 2010, or 2011; and

(3) terminate on the date that is 3 years after the date of the enactment of this Act.

By Mr. BENNETT:

S. 389. A bill to establish a conditional stay of the ban on lead in children's products, and for 'other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BENNETT. Mr. President, I rise to introduce important legislation today.

Last year, this body passed the Consumer Product Safety Improvement Act. Overall, I think this was a good bill, and will contribute to improving our children's safety.

However, as is the case sometimes, we are now learning about some of the unintended consequences arising from that legislation. I've heard from Utahns who are very concerned that parts of the act are going to put them out of business and harm those that benefit from their products and services.

Next week, as part of the Consumer Product Safety Improvement Act, a new lead standard for products goes into effect. The act makes it illegal to sell products that contain more lead than the new standard allows—it classifies those products as banned hazardous substances. The new standard should help protect our children from the harmful effects of lead poisoning.

The act also requires manufacturers to use accredited third-party laboratories to certify the safety of their products made for children ages 12 and under. If you don't test the product, you can't sell it. This makes perfect sense.

But here's the problem: while resellers of those products are exempt from the testing requirements of the legislation, they are not exempt from the penalties associated with violating the act. Violations can result in criminal punishment of up to $250,000 and 5 years in prison, and civil liability up to $15 million. All of this is scheduled to go into effect on February 10th of this year—less than one week from today.

However, the Consumer Product Safety Commission understands there are problems associated with the act. I met with Acting Commissioner Nancy Nord last Friday about these issues. We discussed both the act's potential problems and the importance of maintaining public safety. That same day, her organization postponed the testing and certification requirements of the act for one year. They needed additional time to finalize the rules, and issue clearer guidance on how businesses should comply with the law. Congress gave them the discretion to do this.

However, and this is the problem, the Consumer Product Safety Commission doesn't have the discretion to postpone the actual standard—how much lead is legally allowable in certain products. So you have a situation where the agency is not enforcing the standard by requiring testing and certification while at the same time, the companies that have products in their inventory that exceed the lead standard are subject to both criminal and civil penalties. As one who ran his own business, I can tell you that this makes no sense.

The legislation that I introduce here today will remedy this seeming contradiction. My legislation gives the commission the authority, if it determines it's necessary, to also delay implementing the new lead standards until they have finalized the rules and begin to enforce the law. If the commission were to exercise those authorities, it would give both Congress and the Consumer Product Safety Commission enough time to really evaluate the effects of this legislation, particularly on our small businesses and thrift enterprises, and implement something that actually makes sense.

You must understand that I am not opposed to the new lead standards or keeping our children safe. My bill is not mandating a year delay; it's simply giving the commission that authority. In the meantime, we must craft some sort of compromise before this well-intended law wreaks havoc upon many of our small businesses and those in the thrift industry that serve the lower income in our country.

Let me explain some of the problems associated with the CPSIA.

Some of my constituents who are concerned about this bill are running small businesses out of their homes to supplement their family income during these difficult economic times. One constituent, Katie Erwin, recently wrote to my office to tell me her personal experience. She designs and makes baby dresses that are sold on the Internet. Her dresses require the use of many fabrics, buttons, snaps, and elastic materials. She has done her research into what her business will have to do after the CPSIA becomes law. Even though she uses only materials that have been proven to have safe lead content, she has to have her end product tested. Not just each dress, but each element of each dress. At $75 per test, one dress could end up costing $750. She told us that, in order to be compliant, the dresses would be so expensive that she'd never make a profit. And that is if she could even sell the more expensive dresses. Other small and home-based businesses tell the same story. Many fear going out of business, and don't know how to cope with the new enforcement.

The Ogden Rescue Mission in northern Utah has two thrift stores that have been around for decades selling used goods. The owner has made it clear that he will stop selling any children's products on February 10 because he doesn't want to break the law or be held liable for inadvertently selling a now-illegal product. Companies risk losing their insurance if they accidentally sell an unsafe product. With the new standards required by the Consumer Product Safety Improvement Act, the chance of that happening is almost certain. I have to believe that larger thrift stores like Deseret Industries, the Salvation Army, and Goodwill Industries will all have similar concerns once the Act is fully understood and implemented.

Remember, these companies are going to be subject to criminal penalties and civilly liable for products they sell that exceed the standard, including the resellers whom the law exempts from the testing and certification requirements. Again, five years in prison, $250,000 in criminal penalties and $15 million in civil penalties.

At a time when we are debating how to stimulate the economy and keep businesses afloat, we should not overlook this problem that has the potential to cost our economy millions of dollars in litigation costs and many, many jobs if it is not implemented in the right way. During an economic downturn like the one we are experiencing, thrift stores and others that sell used goods are going to be more important than ever. Let's make sure they are able to serve our communities by providing the commission with the tools necessary to work out the problems associated with implementing the CPSIA.

I hope the Senate expeditiously considers my legislation. I think this approach makes sense, and will ultimately help the commission to better implement this law. I understand others may have different approaches to resolving the same problem, and I would invite a discussion of this issue during the coming weeks with my colleagues so we can fix it quickly before we do irreparable damage to businesses across the country.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 28—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 28

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $1,449,343.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $2,546,445.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized

by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $1,083,838.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations''.

SENATE RESOLUTION 29—TO LIMIT CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Budget:

S. RES. 29

Resolved,

SECTION 1. LIMITATION ON CONSIDERATION OF AMENDMENTS UNDER A BUDGET RESOLUTION.

For purposes of consideration of any budget resolution reported under section 305(b) of the Congressional Budget Act of 1974—

(1) time on a budget resolution may only be yielded back by consent;

(2) no first degree amendment may be proposed after the 10th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 10th hour;

(3) no second degree amendment may be proposed after the 20th hour of debate on a budget resolution unless it has been submitted to the Journal Clerk prior to the expiration of the 20th hour;

(4) after not more than 40 hours of debate on a budget resolution, the resolution shall be set aside for 1 calendar day, so that all filed amendments are printed and made available in the Congressional Record before debate on the resolution continues; and

(5) provisions contained in a budget resolution, or amendments to that resolution, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.

SEC. 2. WAIVER AND APPEAL.

Section 1 may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under section 1.

Mr. SPECTER. Mr. President, I have sought recognition to introduce legislation to provide greater efficiencies to what I believe is a broken process for consideration of the budget resolution. The need for reform is based on the most recent consideration of the budget resolution on March 13, 2008, when the Senate conducted 44 stacked roll call votes in one day—the so-called ''vote-a-rama.'' With the 44 stacked votes, the frequent unavailability of amendment text in advance so there could be no analysis and preparation, the chamber full of Senators, the unusual noise level, the constant banging of the gavel by the Presiding Officer, the near impossibility of hearing even just the 2 minutes allotted for discussion, and consideration of matters entirely unrelated to the budget, I believe the process needs reform. The resolution I am introducing today is based on a proposal previously submitted by Senator ROBERT BYRD, whom most would agree is our most-knowledgeable Senator on parliamentary procedure. The Byrd proposal seeks to correct these problems I have cited by imposing several new rules designed to foster greater transparency and efficiency on a budget resolution.

Under the budget rules, once all debate time has been used or yielded back, the Senate must take action to agree to or to dispose of pending amendments before considering final passage. This scenario creates a dizzying process of voting on numerous amendments in a stacked sequence, often referred to as a ''vote-a-rama.'' During the course of the ''vote-a-rama'', dozens of votes may occur with little or no explanation, often leaving Senators with insufficient information or time to deliberate and evaluate the merits of an issue prior to casting a vote. By consent, the Senate has typically allowed 2 minutes of debate, equally divided, prior to votes. However, the budget process does not require Senators to file their amendments prior to their consideration. In many instances, members are voting on amendments on which the text has never been made available. This difficult working environment is further compounded by a chamber full of Senators and the constant banging of the gavel by the presiding officer to maintain order. This unusual noise level makes it nearly impossible to hear the one minute of debate per side.

The Budget Act of 1974 outlines the many clearly defined rules for consideration of a budget resolution, including debate time and germaneness. Despite these rules, the Senate has often set aside these rules and found clever ways to circumvent the rules. To restore some order to the process, the resolution I am offering today would require first-degree amendments to be filed at the desk with the Journal Clerk prior to the 10th hour of debate. Accordingly, second-degree amendments must be filed prior to the 20th hour of debate. This legislation would require a budget resolution to be set aside for one calendar day prior to the 40th hour of debate. Doing so would allow all filed amendments to be printed in the RECORD allowing Senators, and their staff, an opportunity for review before debate on the resolution continues. To preserve the integrity of these new rules, debate time may only be yielded back by consent, instead of the current procedure whereby time may be yielded at the discretion of either side.

Another problem has been the subversion with the budget's germaneness rules by offering amendments to deal with authorization and substantive policy changes. It is important to remember that the Federal budget has two distinct but equally important purposes: the first is to provide a financial measure of Federal expenditures, receipts, deficits, and debt levels; and the second is to provide the means for the Federal Government to efficiently collect and allocate resources. To keep the debate focused, amendments to the budget resolution must be germane, meaning those which strike, increase or decrease numbers, or add language that restricts some power in the resolution. Otherwise, a point of order lies against the amendment, and 60 votes are required to waive the point of order. Yet, to circumvent this germaneness requirement and inject debate on substantive policy changes, Senators have offered Sense of the Senate amendments and deficit-neutral reserve fund amendments that include exorbitant programmatic detail.

A sense of the Senate amendment allows a Senator to force members to either support or oppose any policy position they seek to propose. An excerpt of an amendment to the FY09 budget resolution follows:

Vitter Amendment #4299:

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the leadership of the Senate should bring to the floor for full debate in 2008 comprehensive legislation that legalizes the importation of prescription drugs from highly industrialized countries with safe pharmaceutical infrastructures and creates a regulatory pathway to ensure that such drugs are safe; (2) such legislation should be given an up or down vote on the floor of the Senate; and (3) previous Senate approval of 3 amendments in support of prescription drug importation shows the Senate's strong support for

passage of comprehensive importation legislation.

The use of sense of the Senate amendments on the budget resolution has been discouraged in recent years because they have little relevance to the intended purpose of the budget resolution. As a result, it has become increasingly popular to offer deficit-neutral reserve fund amendments. Prior to the fiscal year 06 budget resolution, reserve funds were used sparingly. In fiscal year 07, 22 were included in the Senate resolution and 8 in the House resolution; in fiscal year 08, 38 were included in the Senate resolution and 23 in the conference report; and in fiscal year 09, 31 were included in the Senate resolution.

Deficit-neutral reserve funds—which are specifically permitted by section 301(b)(7) of the Budget Act of 1974—have an important functional use in the budget process, but do not require extensive programmatic detail to be useful. On the speculation that Congress may enact legislation on a particular issue—perhaps ''immigration,'' ''energy,'' or ''health care''—a reserve fund acts as a ''placeholder'' to allow the Chairman of the Budget Committee to later revise the spending and revenue levels in the budget so that the future deficit-neutral legislation would not be vulnerable to budgetary points of order. Absent a reserve fund, legislation which increases revenues to offset increases in direct spending would be subject to a Budget Act point of order because certain overall budget levels, total revenues, total new budget authority, total outlays, or total revenues and outlays of Social Security, or budgetary levels specific to authorizing committees and the appropriations committee, committee allocations, would be breached.

However, it is unnecessary to include extensive programmatic detail into the language of a deficit-neutral reserve fund for it to be useful at a later date. An excerpt of an amendment to the fiscal year 09 budget resolution demonstrates the unnecessary level of programmatic detail that I refer to:

Sessions Amendment #4231:

DEFICIT-NEUTRAL RESERVE FUND FOR BORDER SECURITY, IMMIGRATION ENFORCEMENT, AND CRIMINAL ALIEN REMOVAL PROGRAMS.

(a) In General.—The Chairman of the Committee on the Budget of the Senate may revise the allocations of 1 or more committees, aggregates, and other appropriate levels in this resolution by the amounts authorized to be appropriated for the programs described in paragraphs (1) through (6) in 1 or more bills, joint resolutions, amendments, motions, or conference reports that funds border security, immigration enforcement, and criminal alien removal programs, including programs that—

(1) expand the zero tolerance prosecution policy for illegal entry (commonly known as ''Operation Streamline'') to all 20 border sectors;

(2) complete the 700 miles of pedestrian fencing required under section 102(b)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note);

(3) deploy up to 6,000 National Guard members to the southern border of the United States;

(4) evaluate the 27 percent of the Federal, State, and local prison populations who are noncitizens in order to identify removable criminal aliens;

(5) train and reimburse State and local law enforcement officers under Memorandums of Understanding entered into under section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); or

(6) implement the exit data portion of the US-VISIT entry and exit data system at airports, seaports, and land ports of entry.

Voting on amendments that advocate substantive policy changes in the context of a budget debate are a subversion of the budget's germaneness requirements and clearly fall outside the jurisdiction of the Budget Committee. In many instances, the programmatic detail is of a controversial nature, such as a recent amendment to ''provide for a deficit-neutral reserve fund for transferring funding for Berkeley, CA, earmarks to the Marine Corps'', Coburn Amendment #4380.

To bring the focus back to the budget, my legislation states that ''provisions contained in a budget resolution, or amendments thereto, shall not include programmatic detail not within the jurisdiction of the Senate Committee on the Budget.'' It is my hope that this language will bring about a change in practice in the Senate whereby Senators will avoid including excessive programmatic detail in their reserve fund amendments. Doing so will put the focus back on the important purposes of a budget resolution.

The provisions in my legislation may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members. Also, an affirmative vote of ⅗ of the Members of the Senate is required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

I commend the Chairman and Ranking Member of the Senate Budget Committee for their hard work in processing amendments to the budget resolution. Unfortunately, the process needs reforms to provide structure and to increase transparency and efficiency. The 44 roll call votes conducted in relation to S. Con. Res. 70 are the largest number of votes held in one session dating back to 1964, according to records maintained by the Senate Historical Office. The Senate cast more votes on the budget in one day than it had previously cast all year on various other issues. It is my hope that this resolution, modeled in part on a previous proposal by Senator BYRD, will lead us to a more constructive debate on the budget resolution.

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN AFFAIRS

Mr. KERRY submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 30

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2009, through September 30, 2009, under this resolution shall not exceed $4,291,761.00, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2009, through September 30, 2010, expenses of the committee under this resolution shall not exceed $7,546,310.00, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2010, through February 28, 2011, expenses of the committee under this resolution shall not exceed $3,214,017, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2011.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United

States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2009, through September 30, 2009; October 1, 2009, through September 30, 2010; and October 1, 2010, through February 28, 2011, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

AMENDMENTS SUBMITTED AND PROPOSED

SA 364. Mr. MCCAIN (for himself, Mr. GRAHAM, Mr. THUNE, Mr. CHAMBLISS, and Mr. JOHANNS) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes.

SA 365. Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 366. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 367. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 368. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 370. Mr. VOINOVICH (for himself, Ms. STABENOW, Mr. LEVIN, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 371. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 372. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 373. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 374. Mr. INHOFE (for himself, Mrs. BOXER, Mr. BOND, Mr. VITTER, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 375. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 376. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 377. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 378. Mr. CASEY (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DODD, Mr. SCHUMER, Mr. KERRY, Mr. JOHNSON, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 379. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 380. Mr. GRASSLEY (for himself, Ms. MIKULSKI, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 381. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 382. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 383. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 384. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 385. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 386. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 387. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 388. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 389. Mr. ALEXANDER (for himself, Mr. CARPER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 390. Ms. SNOWE (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 391. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 392. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 393. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 394. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 395. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 396. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 397. Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 398. Mr. BAUCUS (for himself, Mr. BOND, Mr. VOINOVICH, Mr. BROWNBACK, Mr. SPECTER, Mr. SANDERS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 399. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 400. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 401. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 402. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 403. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 404. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 405. Mr. HARKIN submitted an amendment intended to be proposed to amendment

SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 406. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 407. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 408. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 353 proposed by Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 409. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 410. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 411. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 412. Mr. BINGAMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 413. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 414. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 415. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 416. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 417. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 418. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 419. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 420. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 421. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 422. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 423. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 424. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 425. Mr. ROCKEFELLER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 426. Mr. SCHUMER (for himself, Mr. LAUTENBERG, and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 427. Mr. DODD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 428. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 429. Mr. BINGAMAN (for himself, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 430. Mr. UDALL, of New Mexico (for himself, Ms. MURKOWSKI, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 431. Mr. COCHRAN (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 432. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 433. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 434. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 436. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 437. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 438. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 439. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 440. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 441. Mr. REID (for himself, Mr. ENSIGN, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 442. Mr. BAUCUS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 444. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 445. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 446. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 447. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 448. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 449. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 450. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 451. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 452. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 453. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 454. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 455. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 456. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 457. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 458. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 459. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 460. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 461. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 462. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 463. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table .

SA 464. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 465. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 466. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 467. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 468. Mr. WYDEN (for himself, Ms. SNOWE, and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 469. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 470. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 471. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 472. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 473. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 474. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 475. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 476. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 477. Ms. SNOWE (for herself, Mr. GRASSLEY, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H .R. 1, supra; which was ordered to lie on the table.

SA 478. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 479. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 480. Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. WYDEN, Mr. KERRY, Mr. TESTER, Ms. STABENOW, Mr. UDALL, of New Mexico, Mr. BAUCUS, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL, of Colorado, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 481. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 482. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 483. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 484. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 485. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 486. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 487. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 488. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 489. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 490. Mr. FEINGOLD (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 491. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 492. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 493. Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. MURRAY, Mr. MENENDEZ, Mr. DURBIN, Mr. KERRY, and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 494. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 495. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 496. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 497. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 498. Mr. BEGICH (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 499. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 500. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 504. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 505. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 506. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 507. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 508. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 509. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 510. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 511. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 512. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 513. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 515. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 517. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 518. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 519. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 521. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 522. Mrs. FEINSTEIN (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 523. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 524. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 525. Mr. REID submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 526. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 364. Mr. MCCAIN (for himself, Mr. GRAHAM, and Mr. THUNE) proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Recovery and Reinvestment Act of 2009''.

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

Sec. 1. Short title and table of contents.

TITLE I—USE OF FUNDS

Sec. 101. Relationship to other appropriations.
Sec. 102. Preference for quick-start activities.
Sec. 103. Requirement of timely award of grants.
Sec. 104. Use it or lose it requirements for grantees.
Sec. 105. Period of availability.
Sec. 106. Prohibition on use of recovery and reinvestment Federal funds for lobbying and political contributions.
Sec. 107. Guidelines for the use of funds.

TITLE II—CONGRESSIONAL OVERSIGHT PANEL

Sec. 201. Congressional Oversight Panel.

TITLE III—ESTABLISHMENT OF RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

Sec. 301. Definitions.
Sec. 302. Establishment of the Recovery Accountability and Transparency Board.
Sec. 303. Composition of Board.
Sec. 304. Functions of the Board.
Sec. 305. Powers of the Board.
Sec. 306. Employment, personnel, and related authorities.
Sec. 307. Independence of inspectors general.
Sec. 308. Coordination with the Comptroller General and State auditors.
Sec. 309. Protecting State and local government and contractor whistleblowers.
Sec. 310. Board website.
Sec. 311. Authorization of appropriations.
Sec. 312. Termination of the Board.

TITLE IV—RECOVERY INDEPENDENT ADVISORY PANEL

Sec. 401. Establishment of Recovery Independent Advisory Panel.
Sec. 402. Duties of the Panel.
Sec. 403. Powers of the Panel.
Sec. 404. Panel personnel matters.
Sec. 405. Termination of the Panel.
Sec. 406. Authorization of appropriations.

TITLE V—SPECIAL INSPECTOR GENERAL

Sec. 501. Special Inspector General.

TITLE VI—REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS

Sec. 601. Reports of the Council of Economic Advisers.

TITLE VII—OVERSIGHT AND AUDITS

Sec. 701. Oversight and audits.

TITLE VIII—DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS

Sec. 801. Disclosure of lobbying on behalf of recipients of Federal funds.

TITLE IX—NATIONAL COMMISSIONS ON SOCIAL SECURITY SOLVENCY AND MEDICARE AND MEDICAID SOLVENCY

Subtitle A—National Commission on Social Security Solvency

Sec. 901. Definitions.
Sec. 902. Establishment of Commission.
Sec. 903. Expedited consideration of Commission recommendations.

Subtitle B—National Commission on Medicare and Medicaid Solvency

Sec. 911. Definitions.
Sec. 912. Establishment of Commission.
Sec. 913. Expedited consideration of Commission recommendations.

TITLE X—ENFORCEMENT PROVISIONS

Sec. 1000. Reducing spending upon economic growth to relieve future generations' debt obligations.
Sec. 1000A. Termination of programs.

DIVISION B—APPROPRIATIONS

TITLE I—MILCON.

TITLE II—TRANSPORTATION

TITLE III—DEPARTMENT OF DEFENSE

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

Sec. 10001. Reduction in social security payroll taxes.
Sec. 10002. Temporary reduction in corporate income tax rates.
Sec. 10003. Temporary increase in limitations on expensing of certain depreciable business assets.
Sec. 10004. Credit for certain home purchases.
Sec. 10005. Reduction in 10-percent and 15-percent rate brackets for 2009.
Sec. 10006. Temporary suspension of tax on unemployment compensation.

TITLE II—ASSISTANCE FOR AMERICANS IN NEED

Sec. 20001. Extension of emergency unemployment compensation program.
Sec. 20002. Supplemental nutrition assistance program.
Sec. 20003. Training and employment services.

TITLE III—FIXING THE HOUSING CRISIS

Sec. 30001. Short title.
Sec. 30002. Definitions.
Sec. 30003. Payments to eligible servicers authorized.
Sec. 30004. Temporary extension of loan limit increase.
Sec. 30005. Authorization of appropriations.
Sec. 30006. Sunset of authority.

TITLE I—USE OF FUNDS

SEC. 101. RELATIONSHIP TO OTHER APPROPRIATIONS.

Each amount appropriated or made available in this Act is in addition to amounts otherwise appropriated for the fiscal year involved. Enactment of this Act shall have no effect on the availability of amounts under the Continuing Appropriations Resolution, 2009 (division A of Public Law 110–329).

SEC. 102. PREFERENCE FOR QUICK-START ACTIVITIES.

In using funds made available in this Act for infrastructure investment, recipients shall give preference to activities that can be started and completed expeditiously, including a goal of using at least 50 percent of the funds for activities that can be initiated not later than 120 days after the date of the enactment of this Act. Recipients shall also use grant funds in a manner that maximizes job creation and economic benefit.

SEC. 103. REQUIREMENT OF TIMELY AWARD OF GRANTS.

(a) FORMULA GRANTS.—Formula grants using funds made available in this Act shall be awarded not later than 30 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 30 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(b) COMPETITIVE GRANTS.—Competitive grants using funds made available in this Act shall be awarded not later than 90 days after the date of the enactment of this Act (or, in the case of appropriations not available upon enactment, not later than 90 days after the appropriation becomes available for obligation), unless expressly provided otherwise in this Act.

(c) ADDITIONAL PERIOD FOR NEW PROGRAMS.—The time limits specified in subsections (a) and (b) may each be extended by up to 30 days in the case of grants for which funding was not provided in fiscal year 2008.

SEC. 104. USE IT OR LOSE IT REQUIREMENTS FOR GRANTEES.

(a) DEADLINE FOR BINDING COMMITMENTS.—Each recipient of a grant made using amounts made available in this Act in any account listed in subsection (c) shall enter into contracts or other binding commitments not later than 1 year after the date of the enactment of this Act (or not later than 9 months after the grant is awarded, if later) to make use of 50 percent of the funds awarded, and shall enter into contracts or other binding commitments not later than 2 years after the date of the enactment of this Act (or not later than 21 months after the grant is awarded, if later) to make use of the remaining funds. In the case of activities to be carried out directly by a grant recipient (rather than by contracts, subgrants, or other arrangements with third parties), a certification by the recipient specifying the amounts, planned timing, and purpose of such expenditures shall be deemed a binding commitment for purposes of this section.

(b) REDISTRIBUTION OF UNCOMMITTED FUNDS.—The head of the Federal department or agency involved shall recover or deobligate any grant funds not committed in accordance with subsection (a), and redistribute such funds to other recipients eligible under the grant program and able to make use of such funds in a timely manner (including binding commitments within 120 days after the reallocation).

SEC. 105. PERIOD OF AVAILABILITY.

(a) IN GENERAL.—All funds appropriated in this Act shall remain available for obligation until September 30, 2010, unless expressly provided otherwise in this Act.

(b) REOBLIGATION.—Amounts that are not needed or cannot be used under title ____ of this Act for the activity for which originally obligated may be deobligated and, notwithstanding the limitation on availability specified in subsection (a), reobligated for other activities that have received funding from the same account or appropriation in such title.

SEC. 106. PROHIBITION ON USE OF RECOVERY AND REINVESTMENT FEDERAL FUNDS FOR LOBBYING AND POLITICAL CONTRIBUTIONS.

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) RECOVERY AND REINVESTMENT ASSISTANCE.—The term ''recovery and reinvestment assistance'' means any funds made available to any recipient under this Act.

(2) LOBBYING EXPENDITURES.—The term ''lobbying expenditures'' has the meaning given under section 4911(c)(1) of the Internal Revenue Code of 1986.

(3) POLITICAL CONTRIBUTIONS.—The term ''political contributions'' means any contribution on behalf of a political candidate or to a separate segregated fund described in section 316(b)(2)(C) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)(2)(C)).

(b) PROHIBITION ON THE USE OF RECOVERY AND REINVESTMENT FUNDING.—Any recipient of funds under this Act and any subsidiary thereof may not use such funds for lobbying expenditures or political contributions.

SEC. 107. GUIDELINES FOR THE USE OF FUNDS.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury, in consultation with the Comptroller General and the Advisory Panel shall develop and publish corporate governance principles and ethical guidelines for recipients of emergency economic assistance including restrictions governing—

(1) the hosting, sponsorship, or payments for conferences and events;

(2) the use of corporate aircraft, travel accommodations, and travel expenditures;

(3) expenses relating to office or facility renovations or relocations; and

(4) expenses relating to entertainment, holiday parties, employee recognition events, or similar ancillary corporate expenses.

(b) INTERNAL REPORTING AND OVERSIGHT.—The Secretary of the Treasury shall publish suggested mechanisms for addressing noncompliance with the guidelines developed pursuant to subsection (a) through enhanced internal reporting and oversight requirements.

TITLE II—CONGRESSIONAL OVERSIGHT PANEL

SEC. 201. CONGRESSIONAL OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Congressional Oversight Panel (in this section referred to as the ''Oversight Panel'') as an establishment in the legislative branch to coordinate and conduct oversight of covered funds to ensure the recovery and reinvestment goals and purposes of the Act are achieved through the use of covered funds, and to determine their impact in achieving the goals of this Act including stimulating the economy, creating and saving jobs, preventing home foreclosures and facilitating purchase of homes, and helping individual Americans and their communities who are most adversely affected by the economic crisis.

(1) REGULAR REPORTS.—

(A) IN GENERAL.—Regular reports of the Oversight Panel shall include the following:

(i) The rate of expenditure of covered funds by federal, state, and local government agencies and compliance with applicable ethical and legal provisions relating to the expenditure of covered funds.

(ii) Assessments of the impact of expenditures of covered funds on reducing unemployment, helping Americans prevent foreclosure of their homes and facilitate home purchases, stimulating the economy, and stabilizing financial markets and institutions.

(iii) The extent to which the activities of inspectors general, the Board, the Advisory Panel, the Comptroller General, and recipients of covered funds comply with and contribute to transparency and accountability in the use of covered funds.

(iv) An assessment of the effectiveness of tax cuts included in the Act on achieving the goals of stimulating the economy, achieving financial stability, and helping businesses and individual Americans adversely affected by the economic crisis.

(B) TIMING.—The reports required under this paragraph shall be submitted not later than 90 days after the first exercise by the Secretary of the authority under section 101(a) or 102, and every 90 days thereafter.

(2) SPECIAL REPORT ON RECOVERY AND REINVESTMENT.—The Oversight Panel shall submit a special report on the status and effects

of expenditure of covered funds not later than July 20, 2009. The Oversight Panel shall analyze the current state of the economy and the effectiveness of the Act and provide recommendations regarding revision in the Act and uses of covered funds and measures to improve transparency and accountability.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Oversight Panel shall consist of 5 members, as follows:

(A) 1 member appointed by the Speaker of the House of Representatives.

(B) 1 member appointed by the minority leader of the House of Representatives.

(C) 1 member appointed by the majority leader of the Senate.

(D) 1 member appointed by the minority leader of the Senate.

(E) 1 member appointed by the Speaker of the House of Representatives and the majority leader of the Senate, after consultation with the minority leader of the Senate and the minority leader of the House of Representatives.

(2) PAY.—Each member of the Oversight Panel shall each be paid at a rate equal to the daily equivalent of the annual rate of basic pay for level I of the Executive Schedule for each day (including travel time) during which such member is engaged in the actual performance of duties vested in the Commission.

(3) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Oversight Panel who are full-time officers or employees of the United States or Members of Congress may not receive additional pay, allowances, or benefits by reason of their service on the Oversight Panel.

(4) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(5) QUORUM.—Four members of the Oversight Panel shall constitute a quorum but a lesser number may hold hearings.

(6) VACANCIES.—A vacancy on the Oversight Panel shall be filled in the manner in which the original appointment was made.

(7) MEETINGS.—The Oversight Panel shall meet at the call of the Chairperson or a majority of its members.

(c) STAFF.—

(1) IN GENERAL.—The Oversight Panel may appoint and fix the pay of any personnel as the Commission considers appropriate.

(2) EXPERTS AND CONSULTANTS.—The Oversight Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(3) STAFF OF AGENCIES.—Upon request of the Oversight Panel, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Oversight Panel to assist it in carrying out its duties under this Act.

(d) POWERS.—

(1) HEARINGS AND SESSIONS.—The Oversight Panel may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Panel considers appropriate and may administer oaths or affirmations to witnesses appearing before it.

(2) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Oversight Panel may, if authorized by the Oversight Panel, take any action which the Oversight Panel is authorized to take by this section.

(3) OBTAINING OFFICIAL DATA.—The Oversight Panel may secure directly from any department or agency of the United States or any recipient of funds under this Act information necessary to enable it to carry out this section. Upon request of the Chairperson of the Oversight Panel, the head of that department or agency shall furnish that information to the Oversight Panel.

(4) REPORTS.—The Oversight Panel shall receive and consider all reports required to be submitted to the Recovery Independent Advisory Panel under this Act.

(e) FUNDING FOR EXPENSES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Oversight Panel such sums as may be necessary for any fiscal year, half of which shall be derived from the applicable account of the House of Representatives, and half of which shall be derived from the contingent fund of the Senate.

(2) REIMBURSEMENT OF AMOUNTS.—An amount equal to the expenses of the Oversight Panel shall be promptly transferred by the Secretary, from time to time upon the presentment of a statement of such expenses by the Chairperson of the Oversight Panel, from funds made available to the Secretary under this Act to the applicable fund of the House of Representatives and the contingent fund of the Senate, as appropriate, as reimbursement for amounts expended from such account and fund under paragraph (1).

TITLE III—ESTABLISHMENT OF RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD

SEC. 301. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) BOARD.—The term ''Board'' means the Recovery Accountability and Transparency Board established in section 302.

(3) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board.

(4) COVERED FUNDS.—The term ''covered funds'' means any funds that are expended or obligated—

(A) from appropriations made under this Act; and

(B) under any other authorities provided under this Act.

SEC. 302. ESTABLISHMENT OF THE RECOVERY ACCOUNTABILITY AND TRANSPARENCY BOARD.

There is established the Recovery Accountability and Transparency Board to coordinate and conduct oversight of covered funds to prevent fraud, waste, and abuse.

SEC. 303. COMPOSITION OF BOARD.

(a) CHAIRPERSON.—

(1) CHAIR AND VICE CHAIR.—The President shall—

(A) appoint an individual as the Chairperson of the Board; and

(B)(i) designate the Deputy Director for Management of the Office of Management and Budget to serve as Vice-Chairperson of the Board; or

(ii) designate another Federal officer who was appointed by the President Vice-Chairperson of the Board and confirmed by the Senate.

(2) COMPENSATION.—

(A) DESIGNATION OF FEDERAL OFFICER.—If the President designates a Federal officer under paragraph (1), that Federal officer may not receive additional compensation for services performed as Chairperson or Vice-Chairperson.

(B) APPOINTMENT OF NON-FEDERAL OFFICER.—If the President appoints an individual as Chairperson under paragraph (1), that individual shall be compensated at the rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) MEMBERS.—The members of the Board shall include—

(1) the Inspectors General of the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Justice, Transportation, Treasury, and the Treasury Inspector General for Tax Administration;

(2) any other Inspector General as designated by the President from any agency that expends or obligates covered funds; and

(3) the Special Inspector General established by title V of this division.

SEC. 304. FUNCTIONS OF THE BOARD.

(a) FUNCTIONS.—

(1) IN GENERAL.—The Board shall coordinate and conduct oversight of covered funds in order to prevent fraud, waste, and abuse.

(2) SPECIFIC FUNCTIONS.—The functions of the Board shall include—

(A) reviewing whether the reporting of contracts and grants using covered funds meets applicable standards and specifies the purpose of the contract or grant and measures of performance;

(B) reviewing whether competition requirements applicable to contracts and grants using covered funds have been satisfied;

(C) auditing and investigating covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring;

(D) reviewing whether there are sufficient qualified acquisition and grant personnel overseeing covered funds;

(E) reviewing whether personnel whose duties involve acquisitions or grants made with covered funds receive adequate training; and

(F) reviewing whether there are appropriate mechanisms for interagency collaboration relating to covered funds.

(b) REPORTS.—

(1) QUARTERLY REPORTS.—The Board shall submit quarterly reports to the President and Congress, including the Oversight Panel and the Committees on Appropriations of the Senate and House of Representatives, summarizing the findings of the Board and the findings of inspectors general of agencies. The Board may submit additional reports as appropriate.

(2) ANNUAL REPORTS.—The Board shall submit annual reports to the Oversight Panel, the President, and the Committees on Appropriations of the Senate and House of Representatives, consolidating applicable quarterly reports on the use of covered funds.

(3) PUBLIC AVAILABILITY.—

(A) IN GENERAL.—All reports submitted under this subsection shall be made publicly available and posted on a website established by the Board.

(B) REDACTIONS.—Any portion of a report submitted under this subsection may be redacted when made publicly available, if that portion would disclose information that is not subject to disclosure under section 552 of title 5, United States Code (commonly known as the Freedom of Information Act).

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—The Board shall make recommendations to agencies on measures to prevent fraud, waste, and abuse relating to covered funds.

(2) RESPONSIVE REPORTS.—Not later than 30 days after receipt of a recommendation under paragraph (1), an agency shall submit a report to the President, the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, and the Board on—

(A) whether the agency agrees or disagrees with the recommendations; and

(B) any actions the agency will take to implement the recommendations.

SEC. 305. POWERS OF THE BOARD.

(a) IN GENERAL.—The Board shall conduct, supervise, and coordinate audits and investigations by inspectors general of agencies relating to covered funds.

(b) AUDITS AND INVESTIGATIONS.—The Board may—

(1) conduct its own independent audits and investigations relating to covered funds; and

(2) collaborate on audits and investigations relating to covered funds with any inspector general of an agency.

(c) AUTHORITIES.—

(1) AUDITS AND INVESTIGATIONS.—In conducting audits and investigations, the Board shall have the authorities provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) STANDARDS AND GUIDELINES.—The Board shall carry out the powers under subsections (a) and (b) in accordance with section 4(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) PUBLIC HEARINGS.—The Board may hold public hearings and Board personnel may conduct investigative depositions. The head of each agency shall make all officers and employees of that agency available to provide testimony to the Board and Board personnel. The Board may issue subpoenas to compel the testimony of persons who are not Federal officers or employees. Any such subpoenas may be enforced as provided under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).

(e) CONTRACTS.—The Board may enter into contracts to enable the Board to discharge its duties under this subtitle, including contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Board.

(f) TRANSFER OF FUNDS.—The Board may transfer funds appropriated to the Board for expenses to support administrative support services and audits or investigations of covered funds to any office of inspector general, the Office of Management and Budget, the General Services Administration, and the Panel.

SEC. 306. EMPLOYMENT, PERSONNEL, AND RELATED AUTHORITIES.

(a) EMPLOYMENT AND PERSONNEL AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITIES.—Subject to paragraph (2), the Board may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(B) APPLICATION.—For purposes of exercising the authorities described under subparagraph (A), the term ''Chairperson of the Board'' shall be substituted for the term ''head of a temporary organization''.

(C) CONSULTATION.—In exercising the authorities described under subparagraph (A), the Chairperson shall consult with members of the Board.

(2) EMPLOYMENT AUTHORITIES.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under paragraph (1) of this subsection—

(A) paragraph (2) of subsection (b) of section 3161 of that title (relating to periods of appointments) shall not apply; and

(B) no period of appointment may exceed the date on which the Board terminates under section 321.

(b) INFORMATION AND ASSISTANCE.—

(1) IN GENERAL.—Upon request of the Board for information or assistance from any agency or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Board, or an authorized designee.

(2) REPORT OF REFUSALS.—Whenever information or assistance requested by the Board is, in the judgment of the Board, unreasonably refused or not provided, the Board shall report the circumstances to the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives, without delay, and to the Special Inspector General established by this division.

(c) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 307. INDEPENDENCE OF INSPECTORS GENERAL.

(a) INDEPENDENT AUTHORITY.—Nothing in this subtitle shall affect the independent authority of an inspector general to determine whether to conduct an audit or investigation of covered funds.

(b) REQUESTS BY BOARD.—If the Board requests that an inspector general conduct or refrain from conducting an audit or investigation and the inspector general rejects the request in whole or in part, the inspector general shall, not later than 30 days after rejecting the request, submit a report to the Board, the head of the applicable agency, and the congressional committees of jurisdiction, including the Committees on Appropriations of the Senate and House of Representatives. The report shall state the reasons that the inspector general has rejected the request in whole or in part.

SEC. 308. COORDINATION WITH THE COMPTROLLER GENERAL AND STATE AUDITORS.

The Board shall coordinate its oversight activities with the Special Inspector General established by this division and the Comptroller General of the United States and State auditor generals.

SEC. 309. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to the Board, an inspector general, the Special Inspector General established by this division, the Comptroller General, a member of Congress, or a the head of a Federal agency, or their representatives, information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety; or

(4) a violation of law related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Special Inspector General established by this division or appropriate inspector general. Unless the inspector general determines that the complaint is frivolous, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, the Board, and the Special Inspector General established by this division.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall make a determination that a complaint is frivolous or submit a report under paragraph (1) within 180 days after receiving the complaint.

(B) EXTENSION.—If the inspector general is unable to complete an investigation in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned or the Special Inspector General established by this division shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency.

(2) CIVIL ACTION.—If the head of an agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(3) EVIDENCE.—An inspector general determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought in accordance with this subsection.

(4) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief and compensatory and exemplary damages.

(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the

head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

SEC. 310. BOARD WEBSITE.

(a) ESTABLISHMENT.—The Board shall establish and maintain a user-friendly, public-facing website to foster greater accountability and transparency in the use of covered funds.

(b) PURPOSE.—The website established and maintained under subsection (a) shall be a portal or gateway to key information relating to this Act and provide connections to other Government websites with related information.

(c) CONTENT AND FUNCTION.—In establishing the website established and maintained under subsection (a), the Board shall ensure the following:

(1) The website shall provide materials explaining what this Act means for citizens. The materials shall be easy to understand and regularly updated.

(2) The website shall provide accountability information, including a database of findings from audits, inspectors general, and the Government Accountability Office.

(3) The website shall provide data on relevant economic, financial, grant, and contract information in user-friendly visual presentations to enhance public awareness of the use of covered funds.

(4) The website shall provide detailed data on contracts awarded by the Government that expend covered funds, including information about the competitiveness of the contracting process, notification of solicitations for contracts to be awarded, and information about the process that was used for the award of contracts.

(5) The website shall include printable reports on covered funds obligated by month to each State and congressional district.

(6) The website shall provide a means for the public to give feedback on the performance of contracts that expend covered funds.

(7) The website shall be enhanced and updated as necessary to carry out the purposes of this subtitle.

(d) WAIVER.—The Board may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SEC. 311. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

SEC. 312. TERMINATION OF THE BOARD.

The Board shall terminate on September 30, 2012.

TITLE IV—RECOVERY INDEPENDENT ADVISORY PANEL

SEC. 401. ESTABLISHMENT OF RECOVERY INDEPENDENT ADVISORY PANEL.

(a) ESTABLISHMENT.—There is established the Recovery Independent Advisory Panel.

(b) MEMBERSHIP.—The Panel shall be composed of 5 members who shall be appointed by the President.

(c) QUALIFICATIONS.—Members shall be appointed on the basis of expertise in economics, public finance, contracting, accounting, or any other relevant field.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

(e) MEETINGS.—The Panel shall meet at the call of the Chairperson of the Panel.

(f) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among its members.

SEC. 402. DUTIES OF THE PANEL.

The Advisory Panel shall make recommendations to the Congressional Oversight Panel, the Transparency and Accountability Board, the Special Inspector General, and the Comptroller General on actions they could take to ensure that covered funds accomplish the goals of stimulating the economy, creating and saving jobs, preventing home foreclosures, helping Americans most adversely affected by the economic crisis, and preventing prevent fraud, waste, and abuse relating to covered funds.

SEC. 403. POWERS OF THE PANEL.

(a) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any agency such information as the Panel considers necessary to carry out this subtitle. Upon request of the Chairperson of the Panel, the head of such agency shall furnish such information to the Panel.

(c) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as agencies of the Federal Government.

(d) GIFTS.—The Panel may accept, use, and dispose of gifts or donations of services or property.

SEC. 404. PANEL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Panel who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel. All members of the Panel who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Panel to perform its duties. The employment of an executive director shall be subject to confirmation by the Panel.

(2) COMPENSATION.—The Chairperson of the Panel may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Panel who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(B) MEMBERS OF PANEL.—Subparagraph (A) shall not be construed to apply to members of the Panel.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(f) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide the Board with administrative support services, including the provision of office space and facilities.

SEC. 405. TERMINATION OF THE PANEL.

The Panel shall terminate on September 30, 2012.

SEC. 406. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as necessary to carry out this title.

TITLE V—SPECIAL INSPECTOR GENERAL

SEC. 501. SPECIAL INSPECTOR GENERAL.

(a) OFFICE OF INSPECTOR GENERAL.—There is hereby established the Office of the Special Inspector General for the Recovery and Reinvestment Funds Program to prevent fraud, waste, and abuse of covered funds under this Act and to determine whether covered funds are achieving their intended purpose.

(b) PRESIDENT. APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—(1)(A) The head of the Office of the Special Inspector General for Recovery and Reinvestment Programs is the Special Inspector General for Recovery and Reinvestment (in this section referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The nomination and appointment of the Special Inspector General shall be made on the basis of the nominee's integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(2) The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The nomination of an individual as Special Inspector General shall be made as soon as practicable after the implementation of activities and projects under this Act.

(4) The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(c) DUTIES.—(1) It shall be the duty of the Special Inspector General to oversee the activities of inspectors general of federal agencies with respect to expenditure of funds

under this Act and independently to conduct, supervise, and coordinate audits and investigations of the effectiveness of expenditures of covered funds in stimulating the economy, saving and creating jobs, and achieving the goals of this legislation, including establishment of the highest standards of transparency and accountability related to expenditure of covered funds.

(2) The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(d) POWERS AND AUTHORITIES.—(1) In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(3) The Office of the Special Inspector General for the Recovery and Reinvestment Act shall be treated as an office included under section 6(e)(3) of the Inspector General Act of 1978 (5 U.S.C. App.) relating to the exemption from the initial determination of eligibility by the Attorney General.

(e) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—(1) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(2) The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Inspector General.

(4)(A) Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REPORTS.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the appropriate committees of Congress without delay.

(f) REPORTS.—(1) Not later than 60 days after the confirmation of the Special Inspector General, and every calendar quarter thereafter, the Special Inspector General shall submit to the appropriate committees of Congress a report summarizing the activities of the Special Inspector General during the 120-day period ending on the date of such report. Each report shall include, for the period covered by such report, a detailed statement of actions taken by Federal, State, and local agencies in allocating and expending covered funds, the purposes to which these funds are applied, an estimate of the number of jobs created through each allocation of covered funds, an assessment of the effectiveness of this Act and implementing actions in achieving the goals of stimulating the economy, saving and creating jobs, and upholding maximum transparency and accountability, and any other related subjects deemed appropriate by the Special Inspector General.

(2) Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(3) Any reports required under this section shall also be submitted to the Congressional Oversight Panel established under this division.

(g) FUNDING.—(1) Of the amounts made available to the Secretary of the Treasury under this Act, $50,000,000 shall be available to the Special Inspector General to carry out this section.

(2) The amount available under paragraph (1) shall remain available until expended.

TITLE VI—REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS

SEC. 601. REPORTS OF THE COUNCIL OF ECONOMIC ADVISERS.

(a) IN GENERAL.—In consultation with the Director of the Office of Management and Budget and the Secretary of the Treasury, the Chairperson of the Council of Economic Advisers shall submit quarterly reports to the Committees on Appropriations of the Senate and House of Representatives that detail the estimated impact of programs funded through covered funds on employment, economic growth, and other key economic indicators.

(b) SUBMISSION.—The first report under subsection (a) shall be submitted not later than 15 days after the end of the first full quarter following the date of enactment of this Act. The last report required to be submitted under subsection (a) shall apply to the quarter in which the Board terminates under section 1521.

TITLE VII—OVERSIGHT AND AUDITS

SEC. 701. OVERSIGHT AND AUDITS.

(a) COMPTROLLER GENERAL OVERSIGHT.—

(1) SCOPE OF OVERSIGHT.—The Comptroller General of the United States shall not later than after the date of 30 days of enactment of this Act, commence ongoing oversight of the expenditures of covered funds and assessments of their effectiveness in achieving economic recovery and stimulation and assistance to those Americans adversely affected by the economic crisis including—

(A) the performance of the agencies receiving covered funds and the effect of their expenditures in improving infrastructure and creating jobs in such areas as transportation, public housing, environmental cleanup, public health, energy savings, and education;

(B) assessments of whether the expenditures under this Act have enhanced economic stability, reduced unemployment, prevented home foreclosures, and ameliorated disruption to the financial markets and the banking system;

(C) whether the Act has assisted American workers, created jobs, and protected taxpayers;

(D) the financial condition and internal controls over covered funds devoted to the recovery and reinvestment programs under this Act;

(E) effectiveness of the internal controls and systems used to achieve transparency and accountability;

(F) compliance with all applicable laws and regulations under this Act by the Federal and State agencies, their agents, and representatives;

(G) the efforts of the Federal Government to prevent, identify, and minimize conflicts of interest involving any agent or representative performing activities on behalf of or under the authority of this Act; and

(H) the incidence, or potential for waste, fraud, and abuse in the expenditure of funds under this Act.

(2) CONDUCT AND ADMINISTRATION OF OVERSIGHT.—

(A) GAO PRESENCE.—Secretaries of Federal Agencies and agents of all recipients of funds under this Act shall provide the Comptroller General with appropriate space and facilities in their offices as necessary to facilitate oversight of the expenditure of Recovery Act funds until the termination date established.

(B) ACCESS TO RECORDS.—To the extent otherwise consistent with law, the Comptroller General shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by recipients or oversight agencies of funds under this Act, or any vehicles established by the Secretary under this Act, and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives or any such vehicle at such reasonable time as the Comptroller General may request. The Comptroller General shall be afforded full facilities for verifying transactions and may make and retain copies of such books, accounts, and other records as the Comptroller General deems appropriate.

(C) REIMBURSEMENT OF COSTS.—The Treasury shall reimburse the Government Accountability Office for the full cost of any such oversight activities as billed therefor by the Comptroller General of the United States. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended.

(3) REPORTING.—The Comptroller General shall submit reports of findings under this section, regularly and no less frequently than once every 60 days, to the appropriate committees of Congress, and the Special Inspector General for the Recovery and Reinvestment Program established under this Act on the activities and performance under this Act. The Comptroller may also submit special reports under this subsection as warranted by the findings of its oversight activities.

(b) COMPTROLLER GENERAL AUDITS.—

(1) ANNUAL AUDIT.—Federal agencies receiving funds under this Act shall annually prepare and issue to the appropriate committees of Congress and the public audited financial statements prepared in accordance with generally accepted accounting principles, and the Comptroller General shall annually audit such statements in accordance with generally accepted auditing standards. The Treasury shall reimburse the Government Accountability Office for the full cost of any such audit as billed therefor by the Comptroller General. Such reimbursements shall be credited to the appropriation account ''Salaries and Expenses, Government Accountability Office'' current when the payment is received and remain available until expended. The financial statements prepared under this paragraph shall be on the fiscal year basis prescribed under section 1102 of title 31, United States Code.

(2) AUTHORITY.—The Comptroller General may audit the programs, activities, receipts, expenditures, and financial transactions under this Act.

(3) CORRECTIVE RESPONSES TO AUDIT PROBLEMS.—Federal agencies shall—

(A) take action to address deficiencies identified by the Comptroller General or other auditor engaged under this Act; or

(B) certify to appropriate committees of Congress that no action is necessary or appropriate.

(c) INTERNAL CONTROL.—

(1) ESTABLISHMENT.—Federal and State agencies receiving funds under this Act shall establish and maintain effective systems of internal control focused on recovery and reinvestment funds under this Act, consistent with the standards prescribed under section 3512(c) of title 31, United States Code, that provide reasonable assurance of—

(A) the effectiveness and efficiency of operations, including the use of the resources under this Act;

(B) the reliability of financial reporting, including financial statements and other reports for internal and external use; and

(C) compliance with applicable laws and regulations.

(2) REPORTING.—In conjunction with each annual financial statement issued under this section, federal and state agencies shall—

(A) state the responsibility of management for establishing and maintaining adequate internal control over financial reporting; and

(B) state its assessment, as of the end of the most recent year covered by such financial statement covering expenditure of funds under this Act, of the effectiveness of the internal control over financial reporting.

(d) REPORTS. AUDITS. SHARING OF INFORMATION.—Any report or audit required under this section shall also be submitted to the Congressional Oversight Panel established under this Act.

TITLE VIII—DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS

SEC. 801. DISCLOSURE OF LOBBYING ON BEHALF OF RECIPIENTS OF FEDERAL FUNDS.

The Lobbying Disclosure Act of 1995 is amended by adding after section 5 the following:

"SEC. 5A. REPORTS BY RECIPIENTS OF FEDERAL FUNDS.

''(a) IN GENERAL.—A recipient of Federal funds shall file a report as required by section 5(a) containing—

''(1) the name of any lobbyist registered under this Act to whom the recipient paid money to lobby on behalf of the Federal funding received by the recipient; and

''(2) the amount of money paid as described in paragraph (1).

''(b) DEFINITION.—In this section, the term 'recipient of Federal funds' means the recipient of Federal funds constituting an award, grant, or loan.''.

TITLE IX—NATIONAL COMMISSIONS ON SOCIAL SECURITY SOLVENCY AND MEDICARE AND MEDICAID SOLVENCY

Subtitle A—National Commission on Social Security Solvency

SEC. 901. DEFINITIONS.

In this subtitle:

(1) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(2) COMMISSION.—The term ''Commission'' means the National Commission on Social Security Solvency established under section 902(a).

(3) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of Social Security.

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) SOCIAL SECURITY.—The term ''Social Security'' means the program of old-age, survivors, and disability insurance benefits established under title II of the Social Security Act (42 U.S.C. 401 et seq.).

(6) SOCIAL SECURITY COMMISSION BILL.—The term ''Social Security commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 903(a).

SEC. 902. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Social Security Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Social Security program for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Social Security program.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Social Security program.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Social Security program.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Social Security program and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Social Security program consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Social Security program that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Commissioner.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Social Security Administration.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(ii) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Social Security Administration, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Commissioner for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 903. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 902(c)(2)(C) shall be combined into a Social Security commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Social Security commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Social Security commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Social Security commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Social Security commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Social Security commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Social Security commission bill, each Committee of Congress to which the Social Security commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 902(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Social Security commission bill has not reported a Social Security commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Social Security commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Social Security commission bill, and such Social Security commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Social Security commission bill, or such bill as amended, or has been discharged from consideration of a Social Security commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Social Security commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Social Security commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Social Security commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Social Security commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Social Security commission bill without intervening motion, order, or other business, and the Social Security commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Social Security commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Social Security commission bill or the Social Security commission bill. A motion further to limit debate on the Social Security commission bill is in order and is not debatable. All time used for consideration of the Social Security commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Social Security commission bill or the Social Security commission bill shall be in order in the Senate. All amendments must comply with the requirements of section 902(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Social Security commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Social Security commission bill shall be considered under the provisions of section 902(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Social Security commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the vote on final passage of the Social Security commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Social Security commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Social Security commission bill is agreed to in the Senate or House of Representatives, the Social Security commission bill has been amended, the Social Security commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Social Security commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Social Security commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Social Security commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Social Security commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Social Security commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Social Security commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Social Security commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Subtitle B—National Commission on Medicare and Medicaid Solvency

SEC. 911. DEFINITIONS.

In this subtitle:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Centers for Medicare & Medicaid Services.

(2) CALENDAR DAY.—The term ''calendar day'' means a calendar day other than one in which either House is not in session because of an adjournment of more than 3 days to a date certain.

(3) COMMISSION.—The term ''Commission'' means the National Commission on Medicare and Medicaid solvency established under section 912(a).

(4) LONG-TERM.—The term ''long-term'' means a period of not less than 75 years beginning on the date of enactment of this Act.

(5) MEDICAID.—The term ''Medicaid'' means the program established under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(6) MEDICARE.—The term ''Medicare'' means the program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) MEDICARE AND MEDICAID COMMISSION BILL.—The term ''Medicare and Medicaid commission bill'' means a bill consisting of the proposed legislative language provisions of the Commission introduced under section 913(a).

SEC. 912. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''National Commission on Medicare and Medicaid Solvency''.

(b) PURPOSE.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs for the following purposes:

(1) REVIEW.—Reviewing analyses of the current and long-term actuarial financial condition of the Medicare and Medicaid programs.

(2) IDENTIFYING PROBLEMS.—Identifying problems that may threaten the long-term solvency of the Medicare and Medicaid programs.

(3) ANALYZING POTENTIAL SOLUTIONS.—Analyzing potential solutions to problems that threaten the long-term solvency of the Medicare and Medicaid programs.

(4) PROVIDING RECOMMENDATIONS.—Providing recommendations that will ensure the long-term solvency of the Medicare and Medicaid programs and the provision of appropriate benefits.

(c) DUTIES.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the Medicare and Medicaid programs consistent with the purposes described in subsection (b) and shall submit the report required under paragraph (2).

(2) REPORT AND RECOMMENDATIONS.—

(A) IN GENERAL.—Not later than 120 days after the date on which the Commission holds its first meeting, the Commission shall submit a report on the long-term solvency of the Medicare and Medicaid programs that contains a detailed statement of the findings, conclusions, and recommendations of the Commission to the President, Congress, and the Administrator.

(B) APPROVAL OF REPORT.—The report of the Commission submitted under subparagraph (A) shall require the approval of not less than 12 members of the Commission.

(C) LEGISLATIVE LANGUAGE.—If a recommendation submitted under subparagraph (A) involves legislative action, the report shall include proposed legislative language to carry out such action.

(d) APPOINTMENT OF MEMBERS.—

(1) IN GENERAL.—

(A) MEMBERSHIP.—The membership of the commission shall not exceed 16 members appointed pursuant to subparagraph (B) as voting members and 3 nonvoting members described in subparagraph (C).

(B) VOTING MEMBERS.—

(i) IN GENERAL.—Voting members of the commission shall be appointed as follows:

(I) The President shall appoint 2 members, 1 of whom shall be the Secretary of the Treasury.

(II) The majority leader of the Senate shall appoint 4 members.

(III) The minority leader of the Senate shall appoint 3 members.

(IV) The Speaker of the House of Representatives shall appoint 4 members.

(V) The minority leader of the House of Representatives shall appoint 3 members.

(ii) CONGRESSIONAL APPOINTEES.—The members of the Commission appointed under subclauses (II), (III), (IV), and (V) of clause (i) shall be Members of Congress.

(C) NON-VOTING MEMBERS.—The following shall be nonvoting members of the Commission and shall advise and assist at the request of the Commission:

(i) The Chief Actuary of the Centers for Medicare & Medicaid Services.

(ii) The Director of the Congressional Budget Office.

(2) CHAIRPERSON.—The Secretary of the Treasury shall be the chairperson of the Commission.

(3) DATE.—Members of the Commission shall be appointed by not later than 30 days after the date of enactment of this Act.

(4) PERIOD OF APPOINTMENT.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(5) TERMINATION.—The Commission shall terminate on the date that is 90 days after the Commission submits the report required under subsection (c)(2).

(e) ADMINISTRATION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum for purposes of voting, but a quorum is not required for members to meet and hold hearings.

(2) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of its members.

(3) HEARINGS.—Subject to paragraph (7), the Commission may, for the purpose of carrying out this Act—

(A) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and administer such oaths the Commission considers advisable;

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses the Commission considers advisable; and

(C) require, by subpoena or otherwise, the production of such books, records, correspondence, memoranda, papers, documents, tapes, and other evidentiary materials relating to any matter under investigation by the Commission.

(4) SUBPOENAS.—

(A) ISSUANCE.—

(i) IN GENERAL.—A subpoena may be issued under this subsection only—

(I) by the chairperson; or

(II) by the affirmative vote of 8 members of the Commission.

(ii) SIGNATURE.—Subpoenas issued under this subsection may be issued under the signature of the chairperson of the Commission and may be served by any person designated by the chairperson or by a member designated by a majority of the Commission.

(B) ENFORCEMENT.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(5) COMPENSATION.—Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code, while away from their homes or regular places of business in performance of services for the Commission.

(6) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Commission, the chairperson of the Commission may appoint an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) ACTUARIAL EXPERTS AND CONSULTANTS.—With the approval of a majority of the Commission, the Executive Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(C) COMPENSATION.—Upon the approval of the chairperson, the executive director may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the maximum rate payable for a position at GS–15 of the General Schedule under section 5332 of such title.

(D) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, 89A, 89B, and 90 of that title.

(ii) MEMBERS OF COMMISSION.—Clause (i) shall not be construed to apply to members of the Commission.

(E) FEDERAL AGENCIES.—

(i) DETAIL OF GOVERNMENT EMPLOYEES.—Upon the request of the Commission, the head of any Federal agency may detail, without reimbursement by the Commission, any of the personnel of such agency to the Commission to assist in carrying out the duties of the Commission. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

(ii) TECHNICAL ASSISTANCE.—Upon the request of the Commission, the head of a Federal agency shall provide such technical assistance to the Commission as the Commission determines to be necessary to carry out its duties.

(7) INFORMATION.—

(A) RESOURCES.—The Commission shall have reasonable access to materials, resources, statistical data, and other information the Commission determines to be necessary to carry out its duties from the Library of Congress, the Chief Actuary of the Centers for Medicare & Medicaid Services, the Congressional Budget Office, and other agencies and representatives of the executive and legislative branches of the Federal Government. The chairperson shall make requests for such access in writing when necessary.

(B) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION OF INFORMATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(C) LIMITATION OF ACCESS TO TAX INFORMATION.—Information requested, subpoenaed, or otherwise accessed under this subtitle shall not include tax data from the United States Internal Revenue Service, the release of which would otherwise be in violation of law.

(8) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(f) FUNDING.—The Commission shall receive, from amounts appropriated to the Administrator for fiscal year 2008 for administrative expenses, such sums as are necessary to carry out the purposes of this section.

SEC. 913. EXPEDITED CONSIDERATION OF COMMISSION RECOMMENDATIONS.

(a) INTRODUCTION AND COMMITTEE CONSIDERATION.—

(1) INTRODUCTION.—The aggregate legislative language provisions submitted pursuant to section 912(c)(2)(C) shall be combined into a Medicare and Medicaid commission bill to be introduced in the Senate by the majority leader, or the majority leader's designee, and in the House of Representatives, by the Speaker, or the Speaker's designee. Upon such introduction, the Medicare and Medicaid commission bill shall be referred to the appropriate committees of Congress under paragraph (2). If the Medicare and Medicaid commission bill is not introduced in accordance with the preceding sentence, then any member of Congress may introduce the Medicare and Medicaid commission bill in their respective House of Congress beginning on the date that is the 5th calendar day that such House is in session following the date of the submission of such aggregate legislative language provisions.

(2) COMMITTEE CONSIDERATION.—

(A) REFERRAL.—A Medicare and Medicaid commission bill introduced in the Senate shall be referred to the Committee on Finance of the Senate. A Medicare and Medicaid commission bill introduced in the House of Representatives shall be referred to the Committee on Ways and Means and the Committee on Energy and Commerce of the House of Representatives.

(B) REPORTING.—Not later than 30 calendar days after the introduction of the Medicare and Medicaid commission bill, each Committee of Congress to which the Medicare and Medicaid commission bill was referred shall report such bill or such bill as amended by the committee. All committee amendments must comply with the requirements of section 912(b)(4).

(C) DISCHARGE OF COMMITTEE.—If a committee to which is referred a Medicare and Medicaid commission bill has not reported a Medicare and Medicaid commission bill or such bill as amended, at the end of 30 calendar days after its introduction or at the end of the first day after there has been reported to the House involved a Medicare and Medicaid commission bill or such bill as amended, whichever is earlier, such committee shall be deemed to be discharged from further consideration of such Medicare and Medicaid commission bill, and such Medicare and Medicaid commission bill shall be placed on the appropriate calendar of the House involved.

(b) EXPEDITED PROCEDURE.—

(1) CONSIDERATION.—

(A) IN GENERAL.—Not later than 5 days of session after the date on which a committee reports a Medicare and Medicaid commission bill, or such bill as amended, or has been discharged from consideration of a Medicare and Medicaid commission bill, the majority leader of the Senate, or the majority leader's designee, or the Speaker of the House of Representatives, or the Speaker's designee, shall move to proceed to the consideration of the Medicare and Medicaid commission bill or such bill as amended. It shall also be in order for any member of the Senate or the House of Representatives, respectively, to move to proceed to the consideration of the Medicare and Medicaid commission bill at any time after the conclusion of such 5-day period.

(B) MOTION TO PROCEED.—A motion to proceed to the consideration of the Medicare and Medicaid commission bill is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment or to a motion to postpone consideration of the Medicare and Medicaid commission bill. A motion to proceed to the consideration of other business shall not be in order. A motion to reconsider the vote by which the motion to proceed is agreed to or not agreed to shall not be in order. If the motion to proceed is agreed to, the Senate or the House of Representatives, as the case may be, shall immediately proceed to consideration of the Medicare and Medicaid commission bill without intervening motion, order, or other business, and the Medicare and Medicaid commission bill shall remain the unfinished business of the Senate or the House of Representatives, as the case may be, until disposed of.

(C) IN THE SENATE.—

(i) CONSIDERATION.—In the Senate, consideration of the Medicare and Medicaid commission bill and all amendments thereto and on all debatable motions and appeals in connection therewith shall be limited to not more than 50 hours, which shall be divided equally between those favoring and those opposing amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill. A motion further to limit debate on the Medicare and Medicaid commission bill is in order and is not debatable. All time used for consideration of the Medicare and Medicaid commission bill, including time used for quorum calls (except quorum calls immediately preceding a vote) and voting, shall be counted against the 50 hours of consideration.

(ii) AMENDMENTS.—No amendment that is not germane to the provisions of committee amendments to the Medicare and Medicaid commission bill or the Medicare and Medicaid commission bill shall be in order in the Senate. All amendments must comply with the requirements of section 912(b)(4). In the Senate, an amendment, any amendment to an amendment, or any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the amendment, motion, or appeal.

(iii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration of the Medicare and Medicaid commission bill, the measure shall be recommitted to the Committee on Finance of the Senate for further consideration unless by a ⅗ vote of the Members, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the bill is recommitted under subclause (I), any new amendments to the Medicare and Medicaid commission bill shall be considered under the provisions of section 912(b)(4).

(iv) VOTE ON FINAL PASSAGE.—In the Senate, immediately following the conclusion of consideration of the Medicare and Medicaid commission bill, the disposition of any pending amendments under clause (ii), a motion to recommit under clause (iii), and a request to establish the presence of a quorum, the

vote on final passage of the Medicare and Medicaid commission bill shall occur.

(v) OTHER MOTIONS NOT IN ORDER.—A motion to postpone or a motion to proceed to the consideration of other business is not in order in the Senate. A motion to reconsider the vote by which the Medicare and Medicaid commission bill is agreed to or not agreed to is not in order in the Senate.

(2) CONFERENCE.—

(A) PROCEEDING TO CONFERENCE.—If, after a Medicare and Medicaid commission bill is agreed to in the Senate or House of Representatives, the Medicare and Medicaid commission bill has been amended, the Medicare and Medicaid commission bill shall be deemed to be at a stage of disagreement and motions to proceed to conference are deemed to be agreed to. There shall be no motions to instruct. The Senate and the House of Representatives shall appoint conferees after the vote of the second House that results in such disagreement without any intervening action or debate. In the event that conferees are not appointed in accordance with the preceding sentence, the following shall be deemed to be the duly appointed conferees:

(i) The majority leader of the Senate or the majority leader's designee.

(ii) The Speaker of the House of Representatives or the Speaker's designee

(iii) The Chairman and Ranking Member of the Senate Committee on the Budget.

(iv) The Chairman and Ranking Member of the Senate Committee on Finance.

(v) The Chairman and Ranking Member of the Committee on the Budget of the House of Representatives.

(vi) The Chairman and Ranking Member of the Committee on Ways and Means of the House of Representatives.

(vii) The Chairman and Ranking Member of the Committee on Energy and Commerce of the House of Representatives.

(B) MOTION TO PROCEED IN THE SENATE.—The motion to proceed to consideration in the Senate of the conference report on the Medicare and Medicaid commission bill may be made even though a previous motion to the same effect has been disagreed to.

(C) PROCEDURE.—Debate on the conference report on the Medicare and Medicaid commission bill considered under this section shall be limited to 20 hours equally divided between the manager of the conference report and the minority leader, or his designee.

(D) FINAL PASSAGE.—A vote on final passage of the conference report on the Medicare and Medicaid commission bill shall be taken in the Senate and the House of Representatives on or before the close of the 10th day of session of that House after the date the conference report is submitted in that House. If the conference report is passed, the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, shall cause the conference report to be transmitted to the other House before the close of the next day of session of that House.

(E) ACTION OF SENATE.—

(i) IN GENERAL.—If the Senate has received from the House the conference report on the Medicare and Medicaid commission bill prior to the vote required under subparagraph (D), then the Senate shall consider, and the vote under subparagraph (D) shall occur on, the House conference report or the version of the Medicare and Medicaid commission bill passed by the House.

(ii) MOTION TO RECOMMIT.—

(I) VOTE.—Upon expiration of the time for consideration, the conference report on the Medicare and Medicaid commission bill shall be recommitted to the Committee of Conference for further consideration unless by a ⅗ vote of the Senate, duly chosen and sworn, the Senate agrees to proceed to final passage.

(II) RECOMMITAL.—If the conference report is recommitted under subclause (I), the conference report accompanying the bill shall be recommitted to the Conference Committee or it shall be in order to immediately proceed without intervening action to consideration of the motions for a new conference.

(F) CONFERENCE REPORT DEFEATED.—Should the conference report be defeated, the provisions of this subsection shall apply to any request for a new conference and the appointment of conferees.

(3) NO SUSPENSION.—No motion to suspend the application of this subsection shall be in order in the Senate or in the House of Representatives, nor shall it be in order in the House of Representatives to suspend the application of this subsection by unanimous consent.

(c) RULES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a Medicare and Medicaid commission bill, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

TITLE X—ENFORCEMENT PROVISIONS

SEC. 1000. REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS' DEBT OBLIGATIONS.

(a) ENFORCEMENT.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by inserting at the end thereof the following:

''(d) REDUCING SPENDING UPON ECONOMIC GROWTH TO RELIEVE FUTURE GENERATIONS DEBT OBLIGATIONS.—

''(1) SEQUESTER.—Section 251 shall be implemented in accordance with this subsection in any fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP.

''(2) AMOUNTS PROVIDED IN THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.—Appropriated amounts provided in the American Recovery and Reinvestment Act of 2009 for a fiscal year to which paragraph (1) applies that have not been otherwise obligated are rescinded.

''(3) REDUCTIONS.—The reduction of sequestered amounts required by paragraph (1) shall be 2% from the baseline for the first year, minus any discretionary spending provided in the American recovery and Reinvestment act of 2009, and each of the 4 fiscal years following the first year in order to balance the Federal budget.

''(e) DEFICIT REDUCTION THROUGH A SEQUESTER.—

''(1) SEQUESTER.—Section 253 shall be implemented in accordance with this subsection.

''(2) MAXIMUM DEFICIT AMOUNTS.—

''(A) IN GENERAL.—When the President submits the budget for the first fiscal year following a fiscal year in which there are 2 consecutive quarters of economic growth greater than 2% of inflation adjusted GDP, the President shall set and submit maximum deficit amounts for the budget year and each of the following 4 fiscal years. The President shall set each of the maximum deficit amounts in a manner to ensure a gradual and proportional decline that balances the federal budget in not later than 5 fiscal years.

''(B) MDA.—The maximum deficit amounts determined pursuant to subparagraph (A) shall be deemed the maximum deficit amounts for purposes of section 601 of the Congressional Budget Act of 1974, as in effect prior to the enactment of Public Law 105–33.

''(C) DEFICIT.—For purposes of this paragraph, the term 'deficit' shall have the meaning given such term in Public Law 99–177..''.

(b) PROCEDURES REESTABLISHED.—Section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

''(b) PROCEDURES REESTABLISHED.—Subject to subsection (d), sections 251 and 252 of this Act and any procedure with respect to such sections in this Act shall be effective beginning on the date of enactment of this subsection.''.

(c) BASELINE.—The Congressional Budget Office shall not include any amounts, including discretionary, mandatory, and revenues, provided in this Act in the baseline for fiscal year 2010 and fiscal years thereafter.

SEC. 1000A. TERMINATION OF PROGRAMS.

Any program established by this Act shall terminate at the end of fiscal year 2012. Amounts made available by this Act for such a program that remain unobligated after September 30, 2012 are rescinded.

DIVISION B—APPROPRIATIONS

TITLE I—MILCON

MILITARY CONSTRUCTION, ARMY

For an additional amount for ''Military Construction, Army'', $481,000,000, to remain available until September 30, 2012, for acquisition, construction, installation, and equipment of permanent public works, military installations, facilities, and real property for the Army: *Provided*, That notwithstanding any other provision of law, such funds may be obligated and expended to carry out military construction projects for warrior transition complexes at locations authorized by section 2911 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4750), as amended by section 1000.

MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECTS

SEC. 1001. (a) INSIDE THE UNITED STATES PROJECTS.—The table in section 2911(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4751) is amended to read as follows:

Army: Inside the United States

State	Installation or location	Amount
Kentucky.	Fort Campbell	$78,000,000
North Carolina.	Fort Bragg	$77,000,000
Texas	Fort Bliss	$56,000,000
	Fort Sam Houston.	$78,000,000
	Fort Hood	$58,000,000
Virginia	Fort Belvoir	$70,000,000
Washington.	Fort Lewis	$99,000,000

(b) CONFORMING AMENDMENTS.—Section 2911(b) of such Act is amended by striking ''$450,000,000, as follows:'' and all that follows through ''$50,000,000.'' and inserting ''$481,000,000, for military construction projects inside the United States authorized by subsection (a).''.

TITLE II—TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SUPPLEMENTAL DISCRETIONARY GRANTS FOR A NATIONAL SURFACE TRANSPORTATION SYSTEM

For an additional amount for capital investments in surface transportation infrastructure, $10,000,000,000, to remain available until September 30, 2011: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to State and local governments on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: *Provided further*, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments; public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service; passenger and freight rail transportation projects; and port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement: *Provided further*, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds and an appropriate balance in addressing the needs of urban and rural communities: *Provided further*, That a grant funded under this heading shall be not less than $20,000,000 and not greater than $500,000,000: *Provided further*, That the Federal share of the costs for which an expenditure is made under this heading may be up to 100 percent: *Provided further*, That the Secretary shall give priority to projects that require an additional share of Federal funds in order to complete an overall financing package, and to projects that are expected to be completed within 3 years of enactment of this Act: *Provided further*, That the Secretary shall publish criteria on which to base the competition for any grants awarded under this heading not later than 75 days after enactment of this Act: *Provided further*, That the Secretary shall require applications for funding provided under this heading to be submitted not later than 180 days after enactment of this Act, and announce all projects selected to be funded from such funds not later than 1 year after enactment of this Act: *Provided further*, That the Secretary may retain up to $5,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Maritime Administration, to fund the award and oversight of grants made under this heading.

FEDERAL AVIATION ADMINISTRATION

SUPPLEMENTAL DISCRETIONARY GRANTS FOR AIRPORT INVESTMENT

For an additional amount for capital expenditures authorized under sections 47102(3) and 47504(c) of title 49, United States Code, $1,500,000,000: *Provided*, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to airports, with priority given to those projects that demonstrate to his or her satisfaction their ability to be completed within 2 years of enactment of this Act, and serve to supplement and not supplant planned expenditures from airport-generated revenues or from other State and local sources on such activities: *Provided further*, That the Federal share payable of the costs for which a grant is made under this heading shall be 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: *Provided further*, That the Administrator of the Federal Aviation Administration may retain and transfer to ''Federal Aviation Administration, Operations'' up to one-quarter of 1 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading.

FEDERAL HIGHWAY ADMINISTRATION

SUPPLEMENTAL GRANTS FOR HIGHWAY INVESTMENT

For an additional amount for restoration, repair, construction and other activities eligible under paragraph (b) of section 133 of title 23, United States Code, $30,000,000,000: *Provided*, That funds provided under this heading shall be apportioned to States using the formula set forth in section 104(b)(3) of such title: *Provided further*, That 180 days following the date of such apportionment, the Secretary of Transportation shall withdraw from each State an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this proviso in the manner described in section 120(c) of division K of Public Law 110–161: *Provided further*, That of the funds provided under this heading, $1,000,000,000 shall be for investments in transportation at Indian reservations and Federal lands, and administered in accordance with chapter 2 of title 23, United States Code: *Provided further*, That of the funds identified in the preceding proviso, at least $320,000,000 shall be for the Indian Reservation Roads program, $100,000,000 shall be for the Park Roads and Parkways program, $70,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program: *Provided further*, That up to 4 percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses: *Provided further*, That the Federal share payable on account of any project or activity carried out with funds made available under this heading shall be at the option of the recipient, and may be up to 100 percent of the total cost thereof: *Provided further*, That funding provided under this heading shall be in addition to any and all funds provided for fiscal years 2008 and 2009 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That for the purposes of the definition of States for this paragraph, sections 101(a)(32) of title 23, United States Code, shall apply: *Provided further*, That the Administrator of the Federal Highway Administration may retain up to $12,000,000 of the funds provided under this heading to carry out the function of the ''Federal Highway Administration, Limitation on Administrative Expenses'' and to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act.

FEDERAL TRANSIT ADMINISTRATION

SUPPLEMENTAL GRANTS FOR PUBLIC TRANSIT INVESTMENT

For an additional amount for capital expenditures authorized under section 5302(a)(1) of title 49, United States Code, $3,500,000,000: *Provided further*, That 180 days following the date of such apportionment, the Secretary shall withdraw from each grantee an amount equal to 50 percent of the funds awarded to that grantee less the amount of funding obligated, and the Secretary shall redistribute such amounts to other grantees that have had no funds withdrawn under this proviso utilizing whatever method he or she deems appropriate to ensure that all funds provided under this paragraph shall be utilized promptly: *Provided further*, That the Federal share of the costs for which any grant is made under this heading shall be at the option of the recipient, and may be up to 100 percent: *Provided further*, That the amount made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act: *Provided further*, That section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this heading: *Provided further*, That the Administrator of the Federal Transit Administration may retain up to $1,000,000 of the funds provided under this heading to carry out the function of ''Federal Transit Administration, Administrative Expenses'' and to fund the oversight of grants made under this heading by the Administrator.

TITLE III—DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, to repair or acquire vehicles, equipment, and materials required to reset or reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material, $3,125,950,000, to remain available for obligation until September 30, 2010, as follows:

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $2,000,000,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $26,000,000.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for ''Operation and Maintenance, Army Reserve'', $400,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $99,950,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for ''Operation and Maintenance, Army National Guard'', $600,000,000.

FACILITY INFRASTRUCTURE INVESTMENTS, DEFENSE

For expenses, not otherwise provided for, to repair, restore, improve, or modernize Department of Defense facilities, improve unaccompanied personnel housing, repair or upgrade facilities and infrastructure directly supporting the readiness and training of the Armed Forces, and invest in the energy efficiency of Department of Defense facilities, $9,348,343,000, for facilities sustainment, restoration, and modernization programs of the Department of Defense (including minor construction and major maintenance and repair), as follows:

(1) For an additional amount for ''Operation and Maintenance, Army'', $3,310,109,000.

(2) For an additional amount for ''Operation and Maintenance, Navy'', $1,624,380,000.

(3) For an additional amount for ''Operation and Maintenance, Marine Corps'', $285,311,000.

(4) For an additional amount for ''Operation and Maintenance, Air Force'', $2,665,016,000.

(5) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Health Program)'', $454,658,000.

(6) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Education Activity)'', $68,600,000.

(7) For an additional amount for ''Operations and Maintenance, Defense Wide (Defense Logistics Agency)'', $24,605,000.

(8) For an additional amount for ''Operations and Maintenance, Defense Wide (Special Operations)'', $19,300,000.

(9) For an additional amount for ''Operation and Maintenance, Army Reserve'', $246,234,000.

(10) For an additional amount for ''Operation and Maintenance, Navy Reserve'', $62,162,000.

(11) For an additional amount for ''Operation and Maintenance, Marine Corps Reserve'', $99,938,000.

(12) For an additional amount for ''Operation and Maintenance, Air Force Reserve'', $33,014,000.

(13) For an additional amount for ''Operation and Maintenance, Army National Guard'', $368,026,000.

(14) For an additional amount for ''Operation and Maintenance, Air National Guard'', $86,990,000.

PROCUREMENT

For expenses, not otherwise provided for, to manufacture or acquire vehicles, equipment, ammunition, and materials required to reconstitute military units to an acceptable readiness rating and to restock prepositioned assets and war reserve material, $4,225,406,000 as follows:

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for ''Aircraft Procurement, Army'', $320,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of aircraft, equipment, including ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

MISSILE PROCUREMENT, ARMY

For an additional amount for ''Missile Procurement, Army'', $800,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for ''Procurement of Weapons and Tracked Combat Vehicles, Army'', $100,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for ''Procurement of Ammunition, Army'', $175,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, ARMY

For an additional amount for ''Other Procurement, Army'', $2,225,000,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for reset purposes only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

WEAPONS PROCUREMENT, NAVY

For an additional amount for ''Weapons Procurement, Navy'', $51,905,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and related support equipment for reset purposes, including spare parts and accessories for replacement of Hellfire missiles and the transportation of procured items from vendor to first government point of storage may be acquired.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for ''Procurement of Ammunition, Navy and Marine Corps'', $164,772,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, and modification of ammunition, and accessories for reset purposes therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes.

OTHER PROCUREMENT, NAVY

For an additional amount for ''Other Procurement, Navy'', $61,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Navy expeditionary forces and capabilities for reset purposes; including, tactical vehicles, construction and maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, communications equipment, and other expeditionary items which are required to equip sailors and improve Navy expeditionary capabilities and support of Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF), as well as the Global War on Terror (GWOT) in support of joint warfighting commanders.

PROCUREMENT, MARINE CORPS

For an additional amount for ''Procurement, Marine Corps'', $244,529,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, replacement and recapitalization of Marine Corps tactical fixed wing and certain rotary aircraft for reset purposes to improve AV–8B and F/A–18 daytime/nighttime and all weather targeting capability; improve AV–8B sustainability in Operation Enduring Freedom (OEF) and Operation Iraqi Freedom (OIF) through countermeasure suite upgrades; improvements of F/A–18 radar reliability during sustained deployments; improve downlink and communication capabilities and launcher upgrades for F/A–18 aircraft; increase C/MH–53 performance degraders due to sustained deployments through various C/MH–53 helicopter engine and avionics upgrades; improve CH–46 operational capability and survivability during deployments by reducing brownout conditions and reducing the risk of engagement by battlefield IR missile systems; modify MV–22 aircraft to deployable block configuration and increase that aircraft's survivability through fire suppression; and spare parts and other accessories necessary for the foregoing purposes.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for ''Aircraft Procurement, Air Force'', $83,100,000, to remain available for obligation until September 30, 2010, for construction, procurement, production, modification, and modernization of Air Force Reserve aircraft, equipment, spare parts, and accessories for reset purposes; including, replacement panels for C–5A aircraft to remediate corrosion cracking; armor and refurbishment kits for currently fielded C–130 aircraft to provide enhanced protection against small arms fire; new and updated .50 caliber machine guns for HH–60 rotary wing aircraft to help negate aircraft vulnerabilities; a replacement armor system for C–130 aircraft that affords protection against 12.7mm threats to the aircraft;

a rescue board for combat, search and rescue (CSAR) HH–60 aircraft that will help maximize usable space within that aircraft so as to eliminate the requirement for additional CSAR aircraft to enter a threat environment; and other expenses necessary for the foregoing purposes.

GENERAL PROVISIONS—THIS TITLE

SEC. 3001. FACILITY INFRASTRUCTURE INVESTMENTS.

(a) TRANSFER TO DEFENSE WORKING CAPITAL FUNDS.—

(1) TRANSFER AUTHORIZED.—Notwithstanding any other provision of law and subject to paragraph (2), amounts available to a military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be transferred by the Secretary of the military department to the Defense Working Capital Funds for purposes relating to the improvement, repair, and modernization of defense depots, arsenals, ammunition plants, and shipyards. Amounts transferred under this paragraph shall be merged with amounts in the Defense Working Capital Funds that are available for such purposes, and shall be available for such purposes under the same terms and conditions, and subject to the same limitations, as amounts in the Defense Working Capital Funds with which merged.

(2) LIMITATION ON AMOUNT TRANSFERABLE.—The amount transferable by a military department under paragraph (1) may not exceed the amount equal to 30 percent of the aggregate amount available to the military department under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(b) PLAN FOR USE OF FUNDS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan for the utilization of the funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS''.

(c) LIMITATION ON UTILIZATION.—No funds provided under this title under the heading ''FACILITY INFRASTRUCTURE INVESTMENTS'' may be obligated or expended until the receipt by the congressional defense committees of the report required by subsection (b).

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION C—OTHER PROVISIONS

TITLE I—TAX PROVISIONS

SEC. 10001. REDUCTION IN SOCIAL SECURITY PAYROLL TAXES.

(a) IN GENERAL.—

(1) EMPLOYER TAXES.—The table in section 3101(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of wages received during:	The rate shall be:
2009	3.1 percent
2010 or thereafter	6.2 percent''.

(2) SELF-EMPLOYMENT TAXES.—

(A) IN GENERAL.—The table in section 1401(a) of the Internal Revenue Code of 1986 is amended to read as follows:

''In the case of a taxable beginning after:	And before:	Percent
December 31, 2008.	January 1, 2010.	9.3
December 31, 2009.	.....	12.40''.

(B) CONFORMING AMENDMENTS.—

(i) Section 164(f) of such Code is amended adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR 2009.—In the case of taxable years beginning after December 31, 2008, and before January 1, 2010, the deduction allowed under paragraph (1) with respect to taxes imposed by section 1401(a) shall equal to two-thirds of the taxes so paid.''.

(ii) Section 1402(a)(12)(B) is amended by inserting ''(in the case of taxable years beginning after December 31, 2008, and before January 1, 2010, two-thirds of the taxes of the rate imposed by section 1401(a) and one-half of the rate imposed by section 1401(b))'' after ''year''.

(b) FUNDING FROM GENERAL FUND.—There are hereby appropriated to the Federal Old-age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by paragraphs (1) and (20(A) of subsection (a) . Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

SEC. 10002. TEMPORARY REDUCTION IN CORPORATE INCOME TAX RATES.

(a) IN GENERAL.—Section 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(e) ECONOMIC STIMULUS RATE REDUCTIONS.—In the case of taxable years beginning in calendar year 2009—

''(1) subsection (b)(1) shall be applied by disregarding—

''(A) 'but does not exceed $75,000,' in subparagraph (B) thereof,

''(B) subparagraphs (C) and (D) thereof, and

''(C) the last 2 sentences,

''(2) subsection (b)(2) shall be applied by substituting '25 percent' for '35 percent', and

''(3) paragraphs (1) and (2) of section 1445(e) shall each be applied by substituting '25 percent' for '35 percent'.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 10003. TEMPORARY INCREASE IN LIMITATIONS ON EXPENSING OF CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (7) of section 179(b) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2008, AND 2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 10004. CREDIT FOR CERTAIN HOME PURCHASES.

(a) ALLOWANCE OF CREDIT.—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 qualified principal residence during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to 10 percent of the purchase price of the residence.

''(2) DOLLAR LIMITATION.—The amount of the credit allowed under paragraph (1) shall not exceed $15,000.

''(3) ALLOCATION OF CREDIT AMOUNT.—At the election of the taxpayer, the amount of the credit allowed under paragraph (1) (after application of paragraph (2)) may be equally divided among the 2 taxable years beginning with the taxable year in which the purchase of the qualified principal residence is made.

''(b) LIMITATIONS.—

''(1) DATE OF PURCHASE.—The credit allowed under subsection (a) shall be allowed only with respect to purchases made—

''(A) after December 31, 2008, and

''(B) before January 1, 2010.

''(2) LIMITATION BASED ON AMOUNT OF TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, the credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(B) the sum of the credits allowable under this subpart (other than this section) for the taxable year.

''(3) ONE-TIME ONLY.—

''(A) IN GENERAL.—If a credit is allowed under this section in the case of any individual (and such individual's spouse, if married) with respect to the purchase of any qualified principal residence, no credit shall be allowed under this section in any taxable year with respect to the purchase of any other qualified principal residence by such individual or a spouse of such individual.

''(B) JOINT PURCHASE.—In the case of a purchase of a qualified principal residence by 2 or more unmarried individuals or by 2 married individuals filing separately, no credit shall be allowed under this section if a credit under this section has been allowed to any of such individuals in any taxable year with respect to the purchase of any other qualified principal residence.

''(c) QUALIFIED PRINCIPAL RESIDENCE.—For purposes of this section, the term 'qualified principal residence' means a single-family residence that is purchased to be the principal residence of the purchaser.

''(d) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any purchase for which a credit is allowed under section 36 or section 1400C.

''(e) SPECIAL RULES.—

''(1) JOINT PURCHASE.—

''(A) MARRIED INDIVIDUALS FILING SEPARATELY.—In the case of 2 married individuals filing separately, subsection (a) shall be applied to each such individual by substituting '$7,500' for '$15,000' in subsection (a)(1).

''(B) UNMARRIED INDIVIDUALS.—If 2 or more individuals who are not married purchase a qualified principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals in such manner as the Secretary may prescribe, except that the total amount of the credits allowed to all such individuals shall not exceed $15,000.

''(2) PURCHASE.—In defining the purchase of a qualified principal residence, rules similar to the rules of paragraphs (2) and (3) of section 1400C(e) (as in effect on the date of the enactment of this section) shall apply.

''(3) REPORTING REQUIREMENT.—Rules similar to the rules of section 1400C(f) (as so in effect) shall apply.

''(f) RECAPTURE OF CREDIT IN THE CASE OF CERTAIN DISPOSITIONS.—

''(1) IN GENERAL.—In the event that a taxpayer—

''(A) disposes of the principal residence with respect to which a credit was allowed under subsection (a), or

''(B) fails to occupy such residence as the taxpayer's principal residence,

at any time within 24 months after the date on which the taxpayer purchased such residence, then the tax imposed by this chapter

for the taxable year during which such disposition occurred or in which the taxpayer failed to occupy the residence as a principal residence shall be increased by the amount of such credit.

''(2) EXCEPTIONS.—

''(A) DEATH OF TAXPAYER.—Paragraph (1) shall not apply to any taxable year ending after the date of the taxpayer's death.

''(B) INVOLUNTARY CONVERSION.—Paragraph (1) shall not apply in the case of a residence which is compulsorily or involuntarily converted (within the meaning of section 1033(a)) if the taxpayer acquires a new principal residence within the 2-year period beginning on the date of the disposition or cessation referred to in such paragraph. Paragraph (1) shall apply to such new principal residence during the remainder of the 24-month period described in such paragraph as if such new principal residence were the converted residence.

''(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1041(a) applies—

''(i) paragraph (1) shall not apply to such transfer, and

''(ii) in the case of taxable years ending after such transfer, paragraph (1) shall apply to the transferee in the same manner as if such transferee were the transferor (and shall not apply to the transferor).

''(D) RELOCATION OF MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply in the case of a member of the Armed Forces of the United States on active duty who moves pursuant to a military order and incident to a permanent change of station.

''(3) JOINT RETURNS.—In the case of a credit allowed under subsection (a) with respect to a joint return, half of such credit shall be treated as having been allowed to each individual filing such return for purposes of this subsection.

''(4) RETURN REQUIREMENT.—If the tax imposed by this chapter for the taxable year is increased under this subsection, the taxpayer shall, notwithstanding section 6012, be required to file a return with respect to the taxes imposed under this subtitle.

''(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section with respect to the purchase of any residence, the basis of such residence shall be reduced by the amount of the credit so allowed.

''(h) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—In the case of a purchase of a principal residence during the period described in subsection (b)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.''.

(b) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 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.''.

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

(1) IN GENERAL.—Subsection (h) of section 36 of the Internal Revenue Code of 1986 is amended by striking ''July 1, 2009'' and inserting ''the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009''.

(2) ELECTION TO TREAT PURCHASE IN PRIOR YEAR.—Subsection (g) of section 36 of such Code is amended by striking ''July 1, 2009'' and inserting ''the date of the American Job Creation and Reinvestment Act of 2009''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 10005. REDUCTION IN 10-PERCENT AND 15-PERCENT RATE BRACKETS FOR 2009.

(a) IN GENERAL.—Section 1(i) of the Internal Revenue Code of 1986 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new subparagraph:

''(3) REDUCTIONS FOR 2009.—In the case of any taxable year beginning in 2009—

''(A) IN GENERAL.—Each of the tables under subsections (a), (b), (c), (d), and (e) (as in effect after the application of paragraphs (1) and (2)) shall be applied —

''(i) by substituting '5 percent' for '10 percent', and

''(ii) by substituting '10 percent' for '15 percent'.

''(B) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

''(i) Subsection (g)(7)(B)(ii)(II) shall be applied by substituting '5 percent' for '10 percent'.

''(ii) Section 3402(p)(2) shall be applied by substituting '5 percent' for '10 percent'.''.

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

(2) WITHHOLDING PROVISIONS.—Clause (ii) of section 1(i)(3)(B) of the Internal Revenue Code of 1986, as added by subsection (a), shall apply to amounts paid after the 60th day after the date of the enactment of this Act.

SEC. 10006. TEMPORARY SUSPENSION OF TAX ON UNEMPLOYMENT COMPENSATION.

(a) IN GENERAL.—Section 85 of the Internal Revenue Code of 1986 (relating to unemployment compensation) is amended by adding at the end the following new subsection:

''(c) SPECIAL RULE FOR 2009.—This section shall not apply to any taxable year beginning in 2009 and gross income shall not include any unemployment compensation received by an individual during such taxable year.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2008.

TITLE II—ASSISTANCE FOR AMERICANS IN NEED

SEC. 20001. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 26 U.S.C. 3304 note), as amended by section 4 of the Unemployment Compensation Extension Act of 2008 (Public Law 110-449; 122 Stat. 5015), is amended—

(1) by striking ''March 31, 2009'' each place it appears and inserting ''December 31, 2009'';

(2) in the heading for subsection (b)(2), by striking ''MARCH 31, 2009'' and inserting ''DECEMBER 31, 2009''; and

(3) in subsection (b)(3), by striking ''August 27, 2009'' and inserting ''May 31, 2010''.

(b) FINANCING PROVISIONS.—Section 4004 of such Act is amended by adding at the end the following:

''(e) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, the Secretary of the Treasury shall transfer from the general fund of the Treasury (from funds not otherwise appropriated)—

''(1) to the extended unemployment compensation account (as established by section 905 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary to make payments to States under this title by reason of the amendments made by section 2001(a) of the American Recovery and Reinvestment Act of 2009; and

''(2) to the employment security administration account (as established by section 901 of the Social Security Act) such sums as the Secretary of Labor estimates to be necessary for purposes of assisting States in meeting administrative costs by reason of the amendments referred to in paragraph (1).

There are appropriated from the general fund of the Treasury, without fiscal year limitation, the sums referred to in the preceding sentence and such sums shall not be required to be repaid.''.

SEC. 20002. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

For the costs of State administrative expenses associated with administering the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) during a period of rising caseloads, the Secretary of Agriculture shall make available $150,000,000 to remain available through December 31, 2009.

SEC. 20003. TRAINING AND EMPLOYMENT SERVICES.

There is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2009, for an additional amount for ''Training and Employment Services'' for activities authorized by the Workforce Investment Act of 1998 (''WIA''), $1,770,000,000, which shall be available on the date of enactment of this Act, as follows:

(1) $500,000,000 for adult employment and training activities, including supportive services and needs-related payments described in section 134(e)(2) and (3) of the WIA, except that a priority use of these funds shall be services to individuals described in section 134(d)(4)(E) of the WIA;

(2) $1,000,000,000 for grants to the States for dislocated worker employment and training activities;

(3) $250,000,000 under the dislocated worker national reserve for a program of competitive grants for worker training in high growth and emerging industry sectors and assistance under section 132(b)(2)(A) of the WIA; and

(4) $20,000,000 to carry out section 166 of the WIA (relating to employment and training activities for Indians, Alaska Natives, and Native Hawaiians).

TITLE III—FIXING THE HOUSING CRISIS

SEC. 30001. SHORT TITLE.

This title may be cited as the ''Keep Families in Their Homes Act of 2009''.

SEC. 30002. DEFINITIONS.

For purposes of this title—

(1) the term ''securitized mortgages'' means residential mortgages that have been pooled by a securitization vehicle;

(2) the term ''securitization vehicle'' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(A) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans;

(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and

(C) has not issued securities that are guaranteed by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association;

(3) the term ''servicer'' means a servicer of securitized mortgages;

(4) the term ''eligible servicer'' means a servicer of pooled and securitized residential mortgages, all of which are eligible mortgages;

(5) the term ''eligible mortgage'' means a residential mortgage, the principal amount of which did not exceed the conforming loan size limit that was in existence at the time of origination for a comparable dwelling, as

established by the Federal National Mortgage Association;

(6) the term ''Secretary'' means the Secretary of the Treasury;

(7) the term ''effective term of the title'' means the period beginning on the effective date of this title and ending on December 31, 2011;

(8) the term ''incentive fee'' means the monthly payment to eligible servicers, as determined under section 30003(a);

(9) the term ''Office'' means the Office of Aggrieved Investor Claims established under section 30004(a); and

(10) the term ''prepayment fee'' means the payment to eligible servicers, as determined under section 30003(b).

SEC. 30003. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) AUTHORITY.—The Secretary is authorized during the effective term of the title, to make payments to eligible servicers in an amount not to exceed an aggregate of $10,000,000,000, subject to the terms and conditions established under this title.

(b) FEES PAID TO ELIGIBLE SERVICERS.—

(1) IN GENERAL.—During the effective term of the title, eligible servicers may collect monthly fee payments, consistent with the limitation in paragraph (2).

(2) CONDITIONS.—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may collect an incentive fee equal to 10 percent of mortgage payments received during that month, not to exceed $60 per loan; and

(B) prepaid during a month, an eligible servicer may collect a one-time prepayment fee equal to 12 times the amount of the incentive fee for the preceding month.

(c) SAFE HARBOR.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) owes any duty to maximize the net present value of the pooled mortgages in the securitization vehicle to all investors and parties having a direct or indirect interest in such vehicle, and not to any individual party or group of parties; and

(2) shall be deemed to act in the best interests of all such investors and parties if the servicer agrees to or implements a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitutes a part or all of the pooled mortgages in such securitization vehicle, if—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor of such mortgage; and

(C) the servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the modification or workout plan exceeds, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage through foreclosure;

(3) shall not be obligated to repurchase loans from, or otherwise make payments to, the securitization vehicle on account of a modification, workout, or other loss mitigation plan that satisfies the conditions of paragraph (2); and

(4) if it acts in a manner consistent with the duties set forth in paragraphs (1) and (2), shall not be liable for entering into a modification or workout plan to any person—

(A) based on ownership by that person of a residential mortgage loan or any interest in a pool of residential mortgage loans, or in securities that distribute payments out of the principal, interest, and other payments in loans in the pool;

(B) who is obligated to make payments determined in reference to any loan or any interest referred to in subparagraph (A); or

(C) that insures any loan or any interest referred to in subparagraph (A) under any provision of law or regulation of the United States or any State or political subdivision thereof.

(d) LEGAL COSTS.—If an unsuccessful suit is brought by a person described in subsection (d)(4), that person shall bear the actual legal costs of the servicer, including reasonable attorney fees and expert witness fees, incurred in good faith.

(e) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Each servicer shall report regularly, not less frequently than monthly, to the Secretary on the extent and scope of the loss mitigation activities of the mortgage owner.

(2) CONTENT.—Each report required by this subsection shall include—

(A) the number of residential mortgage loans receiving loss mitigation that have become performing loans;

(B) the number of residential mortgage loans receiving loss mitigation that have proceeded to foreclosure;

(C) the total number of foreclosures initiated during the reporting period;

(D) data on loss mitigation activities, disaggregated to reflect whether the loss mitigation was in the form of—

(i) a waiver of any late payment charge, penalty interest, or any other fees or charges, or any combination thereof;

(ii) the establishment of a repayment plan under which the homeowner resumes regularly scheduled payments and pays additional amounts at scheduled intervals to cure the delinquency;

(iii) forbearance under the loan that provides for a temporary reduction in or cessation of monthly payments, followed by a reamortization of the amounts due under the loan, including arrearage, and a new schedule of repayment amounts;

(iv) waiver, modification, or variation of any material term of the loan, including short-term, long-term, or life-of-loan modifications that change the interest rate, forgive the payment of principal or interest, or extend the final maturity date of the loan;

(v) short refinancing of the loan consisting of acceptance of payment from or on behalf of the homeowner of an amount less than the amount alleged to be due and owing under the loan, including principal, interest, and fees, in full satisfaction of the obligation under such loan and as part of a refinance transaction in which the property is intended to remain the principal residence of the homeowner;

(vi) acquisition of the property by the owner or servicer by deed in lieu of foreclosure;

(vii) short sale of the principal residence that is subject to the lien securing the loan;

(viii) assumption of the obligation of the homeowner under the loan by a third party;

(ix) cancellation or postponement of a foreclosure sale to allow the homeowner additional time to sell the property; or

(x) any other loss mitigation activity not covered; and

(E) such other information as the Secretary determines to be relevant.

(3) PUBLIC AVAILABILITY OF REPORTS.—After removing information that would compromise the privacy interests of mortgagors, the Secretary shall make public the reports required by this subsection.

SEC. 30004. TEMPORARY EXTENSION OF LOAN LIMIT INCREASE.

(a) FANNIE MAE AND FREDDIE MAC.—Section 201(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 619) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) FHA LOANS.—Section 202(a) of the Economic Stimulus Act of 2008 (Public Law 110-185, 122 Stat. 620) is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 30005. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary, such sums as may be necessary to carry out this title.

SEC. 30006. SUNSET OF AUTHORITY.

The authority of the Secretary to provide assistance under this title shall terminate on December 31, 2011.

SA 365. Mr. BROWN (for himself, Mr. DURBIN, Mr. SCHUMER, Mr. VOINOVICH, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, insert the following:

SEC. ____. TEMPORARY WAIVER OF RECOVERY BY THE PENSION BENEFIT GUARANTY CORPORATION OF CERTAIN PENSION OVERPAYMENTS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Pension Benefit Guaranty Corporation shall not, during the 2-year period beginning on the date of the enactment of this Act, recoup from any participant or beneficiary any amount paid to such participant or beneficiary before such date of enactment that exceeded the amount of the net benefit to which such participant or beneficiary was otherwise entitled under title IV of the Employee Retirement Income Security Act of 1974 (21 U.S.C. 1301 et seq.).

(b) EFFECT OF WAIVER.—A participant or beneficiary shall be treated as having paid to the Pension Benefit Guaranty Corporation the aggregate amount which, but for subsection (a), would have been recouped from the participant or beneficiary. The Pension Benefit Guaranty Corporation shall reduce the amount to be recouped from the participant or beneficiary by the amount of such deemed payment.

SA 366. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 436, line 13, strike all through page 437, line 10, and insert the following:

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) ELIGIBLE INDIVIDUAL.—

''(A) IN GENERAL.—The term 'eligible individual' means any individual other than—

''(i) any nonresident alien individual,

''(ii) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(iii) an estate or trust.

''(B) IDENTIFICATION REQUIREMENT.—

''(i) IN GENERAL.—Except as provided in clause (ii), such term shall not include any individual unless the requirements of section 32(c)(1)(E) are met with respect to such individual.

''(ii) SPECIAL RULES FOR MARRIED INDIVIDUALS.—In the case of—

''(I) a married individual (within the meaning of section 7703) filing a separate return, the requirements of clause (i) with respect to such return shall not apply to the individual's spouse, and

''(II) clause (i) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.

''(2) EARNED INCOME.—The term 'earned income' has the meaning given such term by section 32(c)(2), except that such term shall not include net earnings from self-employment which are not taken into account in computing taxable income. For purposes of the preceding sentence, any amount excluded from gross income by reason of section 112 shall be treated as earned income which is taken into account in computing taxable income for the taxable year.

''(3) SPECIAL RULE FOR CERTAIN ELIGIBLE INDIVIDUALS.—In the case of any taxable year beginning in 2009, if an eligible individual receives any amount as a pension or annuity for service performed in the employ of the United States or any State, or any instrumentality thereof, which is not considered employment for purposes of chapter 21, the amount of the credit allowed under subsection (a) (determined without regard to subsection (c)) with respect to such eligible individual shall be equal to the greater of—

''(A) the amount of the credit determined without regard to this paragraph or subsection (c), or

''(B) $300 ($600 in the case of a joint return where both spouses are eligible individuals described in this paragraph).

If the amount of the credit is determined under subparagraph (B) with respect to any eligible individual, the modified adjusted gross income limitation under subsection (b) shall not apply to such credit.

SA 367. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 467, strike lines 3 though 18, and insert the following:

SEC. 1151. MODIFICATION OF MONITORING REQUIREMENTS FOR CARBON DIOXIDE SEQUESTRATION AND EXTENSION OF CREDIT.

(a) MODIFICATION OF MONITORING REQUIREMENTS.—

(1) IN GENERAL.—Section 45Q(a)(1)(B) is amended by inserting ''or through other permanent sequestration methods'' after ''secure geological storage''.

(2) APPLICATION OF MONITORING REQUIREMENTS TO CARBON DIOXIDE USED AS A TERTIARY INJECTANT.—Section 45Q(a)(2) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) disposed of by the taxpayer in secure geological storage or through other permanent sequestration methods.''.

(3) CONFORMING AMENDMENTS.—Section 45Q(d)(2) is amended—

(A) by striking ''geological storage of carbon dioxide under subsection (a)(1)(B)'' and inserting ''geological storage or other permanent sequestration of carbon dioxide under paragraph (1)(B) or (2)(C) of subsection (a)'',

(B) by striking ''Such term shall include storage at deep saline formations and unminable coal seems'' and inserting ''Such regulations shall include storage at deep saline formations, unminable coal seems, and through other permanent sequestration methods'', and

(C) by inserting ''AND OTHER PERMANENT SEQUESTRATION METHODS'' after ''STORAGE'' in the heading.

(b) EXTENSION OF CREDIT.—Section 45Q(e) is amended by striking ''75,000,000 metric tons'' and inserting ''100,000,000 metric tons''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to carbon dioxide captured after the date of the enactment of this Act.

SA 368. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 369. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIREMENTS RELATING TO USE OF CERTAIN FUNDS.

(a) DEFINITION OF UNFINISHED PROJECT.—In this section, the term ''unfinished project'' means any project carried out by the Corps of Engineers—

(1) the construction of which has been commenced as of the date of enactment of this Act; and

(2) that, as of the date of enactment of this Act, is not completed.

(b) REQUIREMENTS.—

(1) UNFINISHED PROJECTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), until the date on which each unfinished project is completed, no amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading

''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this subparagraph) shall be available for obligation or expenditure to establish or initiate any new program, project, or activity of the Corps of Engineers.

(B) EXCEPTIONS.—Subparagraph (A) does not apply to any program, project, or activity authorized under—

(i) section 2 of the Act of August 28, 1937 (33 U.S.C. 701g);

(ii) section 14 of the Flood Control Act of 1946 (33 U.S.C. 701r);

(iii) section 205 of the Flood Control Act of 1948 (33 U.S.C. 701s);

(iv) section 107 of the River and Harbor Act of 1960 (33 U.S.C. 577);

(v) section 111 of the River and Harbor Act of 1968 (Public Law 90–483; 82 Stat. 735);

(vi) section 1135 of the Water Resources Development Act of 1986 (100 Stat. 4251);

(vii) section 204 of the Water Resources Development Act of 1992 (33 U.S.C. 2326); and

(viii) section 206 of the Water Resources Development Act of 1996 (33 U.S.C. 2330).

(2) CONTINUING CONTRACTS.—No amount appropriated or otherwise made available in the matter under the heading ''CONSTRUCTION'' under the heading ''CORPS OF ENGINEERS—CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A (including any amount resulting from the transfer or reprogramming of any amount described in this paragraph) may be used to award any continuing contract (or make a modification to any continuing contract in existence as of the date of enactment of this Act) that commits to a project an amount that is greater than the amount appropriated or otherwise made available for the project under title IV of division A.

(3) DUTY OF CHIEF OF ENGINEERS.—The Chief of Engineers shall prioritize funding for each activity described in this section based on the capability of each activity to fully fund project elements (including contracts for project elements) by not later than 2 years after the date of enactment of this Act.

SA 370. Mr. VOINOVICH (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 477, strike line 18 and insert the following:

(d) INCREASE IN MAXIMUM INCREASE AMOUNT UNDER ELECTION TO ACCELERATE THE AMT AND RESEARCH CREDITS IN LIEU OF BONUS DEPRECIATION.—Clause (iii) of section 168(k)(4)(C) is amended by striking ''the lesser of'' and all that follows and inserting ''$100,000,000''.

(e) EFFECTIVE DATES.—

SA 371. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. ___. ABOVE-THE-LINE DEDUCTION FOR STATE SALES TAX AND EXCISE TAX ON THE PURCHASE OF CERTAIN VEHICLES.

(a) IN GENERAL.—Subparagraph (A) of section 164(b)(6) (defining qualified motor vehicle taxes), as added by this Act, is amended to read as follows:

''(A) IN GENERAL.—For purposes of this section, the term 'qualified motor vehicle taxes' means any State or local sales or excise tax imposed on the purchase of—

''(i) a qualified motor vehicle (as defined in section 163(h)(5)(D)),

''(ii) any motor home or recreational vehicle trailer (as defined in 49 CFR 571.3), or

''(iii) any slide-in camper (as defined in 49 CFR 575.103).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SA 372. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

TITLE XVII—DISCLOSURE OF INFORMATION TO A COMMITTEE OR SUBCOMMITTEE OF CONGRESS

SEC. 1701. DISCLOSURE OF INFORMATION UPON THE REQUEST OF CHAIRPERSON OR RANKING MEMBER.

(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given under section 551 of title 5, United States Code.

(2) RECORD.—The term ''record'' has the meaning given under section 552(f)(2) of title 5, United States Code, and includes a record as defined under section 552a(a)(4) of title 5, United States Code.

(b) DISCLOSURE.—Notwithstanding any other provision of law (including section 552a(b) of title 5, United States Code), upon the written request by the chairperson or the ranking member of any committee or subcommittee of Congress to any agency which has received funds made available from any appropriation or other authority under this Act (including division B), that agency shall disclose that record to the committee or subcommittee of that chairperson or ranking member.

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2009 and each fiscal year thereafter.

SA 373. Mr. GRASSLEY (for himself and Mr. KOHL) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, add the following:

SEC. 807. CONFLICTS OF INTEREST AND THE NATIONAL INSTITUTES OF HEALTH.

(a) ENFORCING CONFLICT OF INTEREST PROVISIONS.—The Director of the National Institutes of Health shall enforce the conflict of interest policies of the National Institutes of Health and respond in a timely manner when such policies have been violated by recipients of grant funds—

(1) provided under this title; or

(2) otherwise appropriated for fiscal year 2009.

(b) PROVIDE INFORMATION.—In the case in which the principal investigator for a recipient of a grant awarded with funds provided under this title or otherwise appropriated for fiscal year 2009, that is more than $250,000 awarded by the Director of the National Institutes of Health has a conflict of interest, the recipient of the grant shall provide to the Director the following information:

(1) The degree of the primary investigator's significant financial interest, estimated to the nearest $1,000.

(2) A detailed report explaining how the recipient of the grant will manage the primary investigator's conflict of interest.

SA 374. Mr. INHOFE (for himself, Mrs. BOXER, Mr. BOND, Mr. VITTER, Mr. BARRASSO, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 237, between lines 2 and 3, insert the following:

PUBLIC WORKS SUPPLEMENT

Notwithstanding section 1602, on September 30, 2009, any discretionary funds up to $50,000,000,000 under this Act that would otherwise expire on September 30, 2009, shall be reserved and remain available for obligation for the purposes of the matter under this heading: *Provided,* That if the amount reserved is less than $50,000,000,000, not later than 13 months after the date of enactment of this Act, an amount of unobligated discretionary funds provided under this Act equal to $50,000,000,000, less the amount reserved on September 30, 2009, shall be proportionally from all unobligated balances transferred to and merged with the funds reserved on September 30, 2009, and be available for additional amounts for capital investments in highways, bridges, and public transportation, and capitalization grants under the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That not later than 11 months after the date of enactment of this Act, each State (as defined in section 101(a) of title 23, United States Code) shall compile and submit to the

President a list of projects for which contracts may be awarded during the 120-day period beginning on the date of receipt of funds and that are eligible for funding under title 23 or chapter 53 of title 49, United States Code, the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), or the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12): *Provided further,* That in compiling surface transportation projects for inclusion in the list submitted to the President, projects that will bring the conditions of roads, bridges, and other transportation system elements up to standard, projects that will result in high, immediate employment, projects that will increase the energy independence of the United States, and projects that will provide long-term economic benefits, should be given special consideration: *Provided further,* That the President shall distribute to each State an amount equal to the proportion that the cost of the projects listed by the State bears to the cost of all projects listed by all States, multiplied by the amount provided under this heading: *Provided further,* That the funds so distributed to each State shall be divided among the programs provided for in this heading, in the proportions reflected in the list submitted by the State to the President under this heading, except that a State, in coordination with the President, may adjust the amounts provided among project categories to ensure the ability to award contracts on all of the funds provided to the State within the 120-day period beginning on the date on which the State receives a distribution of funds under this heading: *Provided further,* That the list submitted by each State shall certify that the projects included on the list reflect a financially constrained State transportation improvement program and transportation improvement program, or the priority list of the State for projects, including projects added after the date of enactment of this Act, to be funded through the Clean Water State Revolving Fund or Drinking Water State Revolving Fund as of the date that is 11 months after the date of enactment of this Act for which the State reasonably expects to award contracts within the 120-day period beginning on the date of distribution of funds to the State: *Provided further,* That the requirements, including cost-sharing and accounting requirements, applicable to the expenditure of funds made available under this title for the Federal Transit Administration, and to the disbursement of funds made available under title VII of this Act for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) and the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), shall apply to amounts made available under this heading: *Provided further,* That each amount provided in this amendment is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 375. Mrs. HUTCHISON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 213, between lines 4 and 5, insert the following:

''SEC. 1002. Notwithstanding any other provision of law, the Department of Defense is directed to execute the current Military Construction Five Year Defense Plan within the next three fiscal years.''

SA 376. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 111, between lines 7 and 8, insert the following:

For an additional amount for grants, $250,000,000, to be made available through the State Homeland Security Grant Program under section 2004 of the Homeland Security Act of 2002 (6 U.S.C. 605) to provide for States to be adequately prepared for the first 72 hours after a major disaster and to be used by States to establish stockpiles of mission critical emergency supplies, such as shelf stable food products, water, and basic medical supplies, and to be allocated in accordance with that section, except that the minimum allocation to each State shall be $2,500,000: *Provided,* That the additional amount of $250,000,000 appropriated under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 377. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(e) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Notwithstanding any other provision of law and except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Notwithstanding any other provision of law and except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(f) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee'' means an individual performing services on behalf of an employer.

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer'' means any employer—

(A) with respect to any contract, grant, or direct payment issued by the Federal Government—

(i) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer;

(ii) any professional membership organization, certification or other professional body, any agency or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving Federal funds; or

(B) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 378. Mr. CASEY (for himself, Mr. SPECTER, Mr. LEAHY, Mr. DODD, Mr.

SCHUMER, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 252, line 4, after ''activities:'' insert the following: ''*Provided further*, That of the funds provided under this heading, $30,000,000 shall be made available to the Secretary to make grants to provide a full range of legal assistance to low- and moderate-income homeowners or tenants related to home ownership preservation, home foreclosure prevention, and tenancy associated with home foreclosure: *Provided further*, That the Secretary shall allocate such funds on the basis of a competitive grant process to provide financial assistance to State and local legal organizations: *Provided further*, That in allocating amounts under the prior proviso that the Secretary give priority consideration to State and local legal organizations that are operating in the 100 metropolitan statistical areas (as that term is defined by the Director of the Office of Management and Budget) with the highest home foreclosure rates: *Provided further*, That any State or local legal organization that receives financial assistance pursuant to this heading shall have the capacity to assist homeowners of owner-occupied homes with mortgages in default, in danger of default, or subject to or at risk of foreclosure, or tenants at risk of or subject to eviction as a result of foreclosure of the property in which such tenant resides, and that such organizations shall have the capacity to begin using any financial assistance received under this heading within 90 days after receipt of the assistance: *Provided further*, That no funds provided to a State or local legal organization under this heading shall be used to support class action litigation: *Provided further*, That legal assistance funded with amounts provided under this heading shall be limited to mortgage-related default, eviction, or foreclosure proceedings, whether in a judicial or non-judicial foreclosure:''.

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. NEIGHBORHOOD STABILIZATION PROGRAM REFINEMENTS.

(a) IN GENERAL.—Section 2301 of the Foreclosure Prevention Act of 2008 (42 U.S.C. 5301 note) is amended—

(1) in subsection (b), by adding at the end the following:

''(5) DISTRIBUTION OF FUNDS IN CERTAIN STATES; COMPETITION FOR FUNDS.—Each State that receives the minimum allocation of amounts pursuant to the requirement under section 2302 shall be permitted to use such amounts to address statewide concerns, provided that such amounts are made available for an eligible use described under paragraphs (3) and (4) of subsection (c).''; and

(2) in subsection (c), by adding at the end the following:

''(4) FORECLOSURE PREVENTION.—Each State and unit of general local government that receives an allocation of amounts pursuant to section 2302 may use up to 10 percent of such amounts for foreclosure prevention programs, activities, and services, as such programs, activities, and services are defined by the Secretary.''.

(b) RETROACTIVE EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if enacted on the date of enactment of the Foreclosure Prevention Act of 2008 (Public Law 110-289).

SA 379. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. —. MODIFICATION OF RESEARCH CREDIT.

(a) SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.—Subsection (a) of section 41 is amended to read as follows:

''(a) GENERAL RULE.—

''(1) CREDIT DETERMINED.—For purposes of section 38, the research credit determined under this section for the taxable year shall be an amount equal to 20 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

''(2) SPECIAL RULE IN CASE OF NO QUALIFIED RESEARCH EXPENSES IN ANY OF 3 PRECEDING TAXABLE YEARS.—

''(A) TAXPAYERS TO WHICH PARAGRAPH APPLIES.—The credit under this section shall be determined under this paragraph if the taxpayer has no qualified research expenses in any one of the 3 taxable years preceding the taxable year for which the credit is being determined.

''(B) CREDIT RATE.—The credit determined under this paragraph shall be equal to 10 percent of the qualified research expenses for the taxable year.''.

(b) CONFORMING AMENDMENTS.—

(1) TERMINATION OF ALTERNATIVE INCREMENTAL CREDIT.—Paragraph (4) of subsection (c) is amended by adding at the end the following new subparagraph:

''(C) TERMINATION.—No election under this paragraph shall apply to taxable years beginning after December 31, 2008.''.

(2) TERMINATION OF BASE AMOUNT CALCULATION.—Section 41 is amended by striking subsection (c) and redesignating subsection (d) as subsection (c).

(3) TERMINATION OF BASIC RESEARCH PAYMENT CALCULATION.—Section 41 is amended by striking subsection (e) and redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(4) SPECIAL RULES.—

(A) Paragraph (1)(A)(ii) of subsection (d) of section 41, as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(B) Paragraph (1)(B)(ii) of section 41(d), as so redesignated, is amended by striking ''shares of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,'' and inserting ''share of the qualified research expenses''.

(C) Paragraph (3) of section 41(d), as so redesignated, is amended—

(i) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (A) and inserting a period,

(ii) by striking '', and the gross receipts of the taxpayer'' and all that follows in subparagraph (B) and inserting a period, and

(iii) by striking subparagraph (C).

(D) Paragraph (4) of section 41(d), as so redesignated, is amended by striking ''and gross receipts''.

(E) Subsection (d) of section 41, as so redesignated, is amended by striking paragraph (6).

(5) TERMINATION OF INCREASED CREDIT FOR ENERGY RESEARCH.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (h).

(6) PERMANENT EXTENSION.—Section 41, as amended by section 1131 of this Act, is amended by striking subsection (i).

(7) CROSS REFERENCES.—

(A) Paragraphs (2)(A) and (4) of section 41(b) are each amended by striking ''subsection (f)(1)'' and inserting ''subsection (d)(1)''.

(B) Paragraph (1) of section 45C(b) is amended by striking subparagraph (D).

(C) Subsection (c) of section 45C is amended to read as follows:

''(c) COORDINATION WITH CREDIT FOR INCREASING RESEARCH EXPENDITURES.—Any qualified clinical testing expenses for a taxable year to which an election under this section applies shall not be taken into account for purposes of determining the credit allowable under section 41 for such taxable year.''.

(D) Paragraph (3) of section 45C(d) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(E) Paragraph (2) of section 45G(e) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(F) Subsection (g) of section 45O is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(G) Subparagraph (A) of section 54(l)(3) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(H) Clause (i) of section 170(e)(4)(B) is amended by striking ''subparagraph (A) or subparagraph (B) of section 41(e)(6)'' and inserting ''clause (i) or clause (ii) of section 41(b)(4)(C)''.

(I) Subsection (f) of section 197 is amended by striking ''section 41(f)(1)'' each place it appears in paragraphs (1)(C) and (9)(C)(i) and inserting ''section 41(d)(1)''.

(J) Section 280C is amended—

(i) by striking ''41(f)'' each place it appears in subsection (b)(3) and inserting ''41(d)'',

(ii) by striking ''or basic research expenses (as defined in section 41(e)(2))'' in subsection (c)(1) and inserting ''or basic research payments (as defined in section 41(b)(4)(B))'',

(iii) by striking ''section 41(a)(1)'' in subsection (c)(2)(A) and inserting ''section 41(a)'', and

(iv) by striking ''or basic research expenses'' in subsection (c)(2)(B) and inserting ''or basic research payments''.

(K) Subclause (IV)(c) of section 936(h)(5)(C)(i) is amended by striking ''section 41(f)'' and inserting ''section 41(d)''.

(L) Subparagraph (D) of section 936(j)(5) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(M) Clause (i) of section 965(c)(2)(C) is amended by striking ''section 41(f)(3)'' and inserting ''section 41(d)(3)''.

(N) Subparagraph (C) of section 1202(e)(2) is amended by striking ''section 41(b)(4)'' and inserting ''section 41(b)(5)''.

(O) Clause (i) of section 1400N(l)(7)(B) is amended by striking ''section 41(g)'' and inserting ''section 41(e)''.

(c) TECHNICAL CORRECTIONS.—Section 409 is amended—

(1) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984'' after ''section 41(c)(1)(B)'' in subsection (b)(1)(A),

(2) by inserting '', as in effect before the enactment of the Tax Reform Act of 1984''

after ''relating to the employee stock ownership credit'' in subsection (b)(4),

(3) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (i)(1)(A),

(4) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41(c)(1)(B)'' in subsection (m),

(5) by inserting ''(as so in effect)'' after ''section 48(n)(1)'' in subsection (m),

(6) by inserting ''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 48(n)'' in subsection (q)(1), and

(7) by inserting''(as in effect before the enactment of the Tax Reform Act of 1984)'' after ''section 41'' in subsection (q)(3).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall apply to taxable years beginning after December 31, 2019.

(2) TERMINATION.—The amendments made by paragraphs (1) and (6) of subsection (b) shall apply to taxable years beginning after December 31, 2009.

(3) TECHNICAL CORRECTIONS.—The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

On page 435, beginning on line 4, strike through page 441, line 15.

SA 380. Mr. GRASSLEY (for himself, Ms. MIKULSKI, and Mr. SHELBY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, between lines 5 and 6, insert the following:

SEC. 203. NATIONAL SCIENCE FOUNDATION OPERATIONS AND AWARD MANAGEMENT.

Of the funds made available for fiscal year 2009 for the Office of the Director of the National Science Foundation, $3,000,000 shall not be available for obligation until—

(1) the Director of the National Science Foundation submits to Congress a report detailing steps the National Science Foundation has taken to implement immediately all of the recommendations made by the Inspector General in the September 2008 semiannual report and in the July 14, 2008, Management Implication Report addressing IT security awareness, policies prohibiting gender discrimination and retaliation;

(2) the Director of the National Science Foundation submits to Congress a report detailing the steps that the National Science Foundation has taken to remove, and prevent employees from accessing, inappropriate adult content from National Science Foundation computers and servers; and

(3) the National Science Board hires an independent general counsel.

SA 381. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of improving the quality of care provided to patients or facilitating the delivery of quality patient care.''.

SA 382. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 364, strike line 23 and all that follows through line 3 on page 365 and insert the following:

such communication;

(C) where such communication describes only a health care item or service that has previously been prescribed for or administered to the recipient of the communication, or a family member of such recipient; and

(D) where such communication is for the purpose of making patients aware of alternative treatment options, including such options which may be cheaper or more effective for that individual patient.

SA 383. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of preventing fraud and abuse.''.

SA 384. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 268, between lines 19 and 20, insert the following:

''(2) ensures that parents and legal guardians have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest;

''(3) ensures that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest;''.

On page 271, between lines 23 and 24, insert the following:

''(iv) The incorporation of parental rights and access to all reproductive health information of unemancipated minor children, except in cases of child abuse, child molestation, sexual abuse, and incest.

''(v) Ensuring that law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.''.

SA 385. Mr. COBURN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 723, between lines 22 and 23, insert the following:

(3) PARTICIPATION IN PERM; PENALTY FOR EXCESS ERROR RATE.—As a condition of receiving additional Federal funds under this section, a State shall agree to the following:

(A) PERM.—With respect to fiscal year 2010 and the first quarter of fiscal year 2011, the State shall participate in the Medicaid payment error rate measurement (PERM) process for such fiscal year and quarter, regardless of whether the State is scheduled to do so under the State participation rotational cycle for such process in effect on the date of enactment of this Act.

(B) PENALTY.—If, with respect to all or any portion of a fiscal year that occurs during the recession adjustment period, the most recent PERM determined for the State under Medicaid exceeds 5 percent, the State shall pay the Secretary a penalty equal to the product of the total amount of additional Federal funds paid to the State as a result of this section for such fiscal year and the number of percentage points by which the PERM determined for the State for that fiscal year exceeds 5 percent.

SA 386. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 292, strike line 4 and all that follows through line 6 on page 293, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator, in consultation with other appropriate Federal agencies, shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) for any Federal agency that is engaged in such activities on the date

of enactment of this title, and shall also provide qualified electronic health record technologies, consistent with subsections (b) and (c), but only if such qualified electronic health record technology uses open standards and the Secretary and the HIT Policy Committee first determine that the needs and demands of providers are not being substantially and adequately met through the marketplace.

''(b) CERTIFICATION.—In making qualified electronic health record technology publicly available under subsection (a), the National Coordinator shall ensure that the qualified electronic health record technology described in such subsection is certified under the program developed under section 3001(c)(5) to be in compliance with applicable standards adopted under section 3004.

''(c) AUTHORIZATION TO CHARGE A NOMINAL FEE.—The National Coordinator may impose a nominal fee for the adoption by a health care provider of the qualified electronic health record technology system provided for under subsection (a). Such fee shall take into account the financial circumstances of smaller providers, low income providers, and providers located in rural or other medically underserved areas.

''(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require that a private or government entity adopt or use the technology provided for under this section.

''(e) DEFINITION.—In this section, the term 'not being substantially and adequately met through the marketplace' means that the Secretary and the HIT Policy Committee have determined, through a comprehensive market survey or other assessment as the Secretary determines appropriate, that certified technologies are either not available or are not in widespread use in the marketplace. In order to ensure that providers of qualified electronic health record technologies have adequate opportunity to comply with applicable standards adopted under section 3003(a), the Secretary shall undertake such market survey or assessment not earlier than 12 months after the date on which such standards are adopted and promulgated.''.

SA 387. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 720, strike line 19 and all that follows through page 722, line 18, and insert the following:

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—

(A) IN GENERAL.—No State shall be eligible for an increased FMAP rate under this section for any fiscal year quarter during the recession adjustment period if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, any of the following:

(i) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(ii) BENEFITS.—Any reduction in the type, amount, duration, or scope of benefits provided under such State plan or waiver.

(iii) PROVIDER PAYMENTS.—Any reduction in provider payments under such State plan or waiver, including the aggregate or per service amount paid to any provider and the amount and extent of beneficiary cost-sharing imposed.

(B) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under subparagraph (A) if the Secretary determines, with respect to the State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) and any fiscal year quarter during such period, that any reductions described in subparagraph (A) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 388. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 674, between lines 17 and 18, insert the following:

(f) IMPACT ON TRUST FUNDS.—The Board of Trustees of the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t) shall include in the annual report submitted in 2010 under subsection (b)(2) of such sections 1817 and 1841 a description of the estimated short-term and long-term impact that the provisions of, and amendments made by, this subtitle will have on such Trust Funds.

SA 389. Mr. ALEXANDER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, between lines 9 and 10, insert the following:

INNOVATION AND IMPROVEMENT

For an additional amount for ''Innovation and Improvement'' to carry out subpart 2 of part B of title V of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7223 et seq.), $25,000,000.

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$78,975,000,000''.

SA 390. Ms. SNOWE (for herself and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—INCREASED LENDING BY ASSISTED FINANCIAL INSTITUTIONS

SEC. 6001. LENDING REQUIREMENTS.

Section 113(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5223(a)) is amended by adding at the end the following:

''(4) LENDING REQUIREMENTS.—

''(A) IN GENERAL.—The Secretary may not exercise the authority to provide assistance under the TARP with respect to a financial institution, unless, to the extent that such financial institution is without major capital shortfalls—

''(i) the financial institution certifies in writing that it will increase lending above the lending levels in place at the time of the provision of the assistance; and

''(ii) in the case of a financial institution that has previously received assistance under the TARP, the financial institution has increased its lending levels above the lending levels in place immediately prior to having received the previous disbursement.

''(B) REPAYMENT REQUIRED.—If the Secretary finds that a financial institution that is required to comply with the lending requirements of subparagraph (A) is not making sufficient progress toward achieving such requirements, the Secretary shall require immediate repayment of the assistance provided under the TARP.''.

SA 391. Ms. SNOWE (for herself and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

ASSISTANCE TO COMMUNITIES AFFECTED BY DEFENSE BASE CLOSURES

SEC. 1607. It is the sense of Congress that—

(1) during even the best of economic times, the closure or realignment of a military installation can devastate a local economy, and in our current economy, it will be even more difficult for those communities to redevelop and stem job losses; and

(2) particular consideration should be given to providing assistance and relief under this Act to communities affected by the closure or realignment of military installations.

SA 392. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 250, line 24, after ''Urban Development'' insert the following: ''and that priority shall be given to housing disaster areas, which for purposes of this heading shall mean areas having both a high rate of foreclosure during the last 12 months preceding the date of the enactment of this Act, as measured by percentage or number of home mortgages in or having gone through foreclosure during such period as compared to other areas, and a substantial decline in home prices during such 12-month period, as measured by the Director of the Federal Housing Finance Agency (or the Director of the Office of Federal Housing Enterprise and Oversight) as compared to other areas: *Provided further*, That not less than 25 percent of the amounts made available under this heading be directed to housing disaster areas, as such areas are described in the prior proviso''

SA 393. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 200, strike line 16 and all that follows through page 213, line 4, and insert the following:

ADMINISTRATIVE PROVISION

SEC. 1001. (a) TEMPORARY EXPANSION OF HOMEOWNERS ASSISTANCE PLAN TO RESPOND TO MORTGAGE FORECLOSURE AND CREDIT CRISIS.—Section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) is amended—

(1) in subsection (a)—

(A) by redesignating paragraphs (1), (2), and (3) as clauses (i), (ii), and (iii), respectively, and indenting such subparagraphs, as so redesignated, 6 ems from the left margin;

(B) by striking ''Notwithstanding any other provision of law'' and inserting the following:

''(1) ACQUISITION OF PROPERTY AT OR NEAR MILITARY INSTALLATIONS THAT HAVE BEEN ORDERED TO BE CLOSED.—Notwithstanding any other provision of law'';

(C) by striking ''if he determines'' and inserting ''if—

''(A) the Secretary determines—'';

(D) in clause (iii), as redesignated by subparagraph (A), by striking the period at the end and inserting ''; or''; and

(E) by adding at the end the following:

''(B) the Secretary determines—

''(i) that the conditions in clauses (i) and (ii) of subparagraph (A) have been met;

''(ii) that the closing or realignment of the base or installation resulted from a realignment or closure carried out under the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part XXIX of Public Law 101–510; 10 U.S.C. 2687 note);

''(iii) that the property was purchased by the owner before July 1, 2006;

''(iv) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(v) that the property is the primary residence of the owner; and

''(vi) that the owner has not previously received benefit payments authorized under this subsection.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED MEMBERS OF THE ARMED FORCES, DEPARTMENT OF DEFENSE AND UNITED STATES COAST GUARD CIVILIAN EMPLOYEES, AND THEIR SPOUSES.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling which was at the time of the relevant wound, injury, or illness, the primary residence of—

''(A) any member of the Armed Forces in medical transition who—

''(i) incurred a wound, injury, or illness in the line of duty during a deployment in support of the Armed Forces;

''(ii) is disabled to a degree of 30 percent or more as a result of one impairment, injury, or illness, as determined by the Secretary of Defense or the Secretary of Veterans Affairs; and

''(iii) is reassigned in furtherance of medical treatment or rehabilitation, or due to medical retirement in connection with such disability;

''(B) any civilian employee of the Department of Defense or the United States Coast Guard who—

''(i) was wounded, injured, or became ill in the performance of his or her duties during a forward deployment occurring on or after September 14, 2001, in support of the Armed Forces; and

''(ii) is reassigned in furtherance of medical treatment, rehabilitation, or due to medical retirement resulting from the sustained disability; or

''(C) the spouse of a member of the Armed Forces or a civilian employee of the Department of Defense or the United States Coast Guard if—

''(i) the member or employee was killed in the line of duty during a deployment on or after September 14, 2001, in support of the Armed Forces or died from a wound, injury, or illness incurred in the line of duty during such a deployment; and

''(ii) the spouse relocates from such residence within 2 years after the death of such member or employee.

''(3) TEMPORARY HOMEOWNER ASSISTANCE FOR MEMBERS OF THE ARMED FORCES PERMANENTLY REASSIGNED DURING SPECIFIED MORTGAGE CRISIS.—Notwithstanding any other provision of law, the Secretary of Defense is authorized to acquire title to, hold, manage, and dispose of, or, in lieu thereof, to reimburse for certain losses upon private sale of, or foreclosure against, any property improved with a one- or two-family dwelling situated at or near a military base or installation, if the Secretary determines—

''(A) that the owner is a member of the Armed Forces serving on permanent assignment;

''(B) that the owner is permanently reassigned by order of the United States Government to a duty station or home port outside a 50-mile radius of the base or installation;

''(C) that the reassignment was ordered between February 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(D) that the property was purchased by the owner before July 1, 2006;

''(E) that the property was sold by the owner between July 1, 2006, and September 30, 2012, or an earlier end date designated by the Secretary;

''(F) that the property is the primary residence of the owner; and

''(G) that the owner has not previously received benefit payments authorized under this subsection.'';

(2) in subsection (b), by striking ''this section'' each place it appears and inserting ''subsection (a)(1)'';

(3) in subsection (c)—

(A) by striking ''Such persons'' and inserting the following:

''(1) HOMEOWNER ASSISTANCE RELATED TO CLOSED MILITARY INSTALLATIONS.—

''(A) IN GENERAL.—Such persons'';

(B) by striking ''set forth above shall elect either (1) to receive'' and inserting the following: ''set forth in subsection (a)(1) shall elect either—

''(i) to receive'';

(C) by striking ''difference between (A) 95 per centum'' and all that follows through ''(B) the fair market value'' and inserting the following: ''difference between—

''(I) 95 per centum of the fair market value of their property (as such value is determined by the Secretary of Defense) prior to public announcement of intention to close all or part of the military base or installation; and

''(II) the fair market value'';

(D) by striking ''time of the sale, or (2) to receive'' and inserting the following: ''time of the sale; or

''(ii) to receive'';

(E) by striking ''outstanding mortgages. The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount'' and inserting ''outstanding mortgages.

''(B) REIMBURSEMENT OF EXPENSES.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount''; and

(F) by striking ''best interest of the Federal Government. Cash payment'' and inserting the following: ''best interest of the United States.

''(2) HOMEOWNER ASSISTANCE FOR WOUNDED INDIVIDUALS AND THEIR SPOUSES.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(2) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(3) HOMEOWNER ASSISTANCE FOR PERMANENTLY REASSIGNED INDIVIDUALS.—

''(A) IN GENERAL.—Persons eligible under the criteria set forth in subsection (a)(3) may elect either—

''(i) to receive a cash payment as compensation for losses which may be or have been sustained in a private sale, in an amount not to exceed the difference between—

''(I) 95 per centum of prior fair market value of their property (as such value is determined by the Secretary of Defense); and

''(II) the fair market value of such property (as such value is determined by the Secretary of Defense) at the time of sale; or

''(ii) to receive, as purchase price for their property an amount not to exceed 90 per centum of prior fair market value as such value is determined by the Secretary of Defense, or the amount of the outstanding mortgages.

''(B) DETERMINATION OF BENEFITS.—The Secretary may also pay a person who elects to receive a cash payment under subparagraph (A) an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the United States.

''(4) COMPENSATION AND LIMITATIONS RELATED TO FORECLOSURES AND ENCUMBRANCES.—Cash payment'';

(4) by striking subsection (g);

(5) in subsection (l), by striking ''(a)(2)'' and inserting ''(a)(1)(A)(ii)'';

(6) in subsection (m), by striking ''this section'' and inserting ''subsection (a)(1)'';

(7) in subsection (n)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)'';

(8) in subsection (o)—

(A) in paragraph (1), by striking ''this section'' and inserting ''subsection (a)(1)'';

(B) in paragraph (2), by striking ''this section'' and inserting ''subsection (a)(1)''; and

(C) by striking paragraph (4); and

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

''(p) DEFINITIONS.—In this section:

''(1) the term 'Armed Forces' has the meaning given the term 'armed forces' in section 101(a) of title 10, United States Code;

''(2) the term 'civilian employee' has the meaning given the term 'employee' in section 2105(a) of title 5, United States Code;

''(3) the term 'medical transition', in the case of a member of the Armed Forces, means a member who—

''(A) is in Medical Holdover status;

''(B) is in Active Duty Medical Extension status;

''(C) is in Medical Hold status;

''(D) is in a status pending an evaluation by a medical evaluation board;

''(E) has a complex medical need requiring six or more months of medical treatment; or

''(F) is assigned or attached to an Army Warrior Transition Unit, an Air Force Patient Squadron, a Navy Patient Multidisciplinary Care Team, or a Marine Patient Affairs Team/Wounded Warrior Regiment; and

''(4) the term 'nonappropriated fund instrumentality employee' means a civilian employee who—

''(A) is a citizen of the United States; and

''(B) is paid from nonappropriated funds of Army and Air Force Exchange Service, Navy Resale and Services Support Office, Marine Corps exchanges, or any other instrumentality of the United States under the jurisdiction of the Armed Forces which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.''.

(b) CLERICAL AMENDMENT.—Such section is further amended in the section heading by inserting ''and certain property owned by members of the Armed Forces, Department of Defense and United States Coast Guard civilian employees, and surviving spouses'' after ''ordered to be closed''.

(c) AUTHORITY TO USE APPROPRIATED FUNDS.—Notwithstanding subsection (i) of such section, amounts appropriated or otherwise made available by this title under the heading ''Homeowners Assistance Fund'' may be used for the Homeowners Assistance Fund established under such section.

SA 394. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 162, strike lines 4 through 6 and insert the following: ''will increase the energy efficiency of the institution's facilities or are consistent with applicable provisions of— ''

''(I) the LEED Green Building Rating System;

''(II) Energy Star (as defined in section 804(i));

''(III) Green Globes (as defined in section 804(i)); or

''(IV) an equivalent program adopted by the State or another jurisdiction with authority over the institution.''.

On page 178 , line 17, insert ''that increase the energy efficiency of the buildings and'' after ''construction projects''.

On page 182, line 5, insert ''increase energy efficiency and'' after ''will''.

SA 395. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 548, line 14, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

On page 552, line 13, insert ''(40 percent in the case of an issuer described in section 148(f)(4)(D) (determined without regard to clauses (v), (vi), and (vii) thereof and by substituting '$30,000,000' for '$5,000,000' each place it appears therein)'' after ''date''.

SA 396. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 192, after line 21, insert the following:

SEC. 807. HEALTH CARE WORKFORCE DATA COLLECTION PROGRAM.

(a) GRANT PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall award grants to State or nonprofit private entities for the purpose of collecting reliable, uniform data regarding the health care workforce in each State or region.

(2) DURATION.—A grant awarded under this section shall be for a 3-year period.

(b) ELIGIBILITY.—

(1) APPLICATION.—An eligible entity desiring to receive an award under this section shall—

(A) be a State or nonprofit private entity, or an organization of such entities; and

(B) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) LOCATION.—The Secretary shall award a grant to not less than 1 eligible entity in each State or region of the United States, as determined by the Secretary, for the collection of data within the State or region of each award recipient, to ensure that health care workforce data from each State or region of the United States is included in the reports under subsection (d).

(c) RESPONSIBILITIES.—Each recipient of an award under this section shall—

(1) use the data sources and methods recommended by the Secretary to collect and report on the data on an ongoing basis, as determined by the Secretary, for the duration of the grant;

(2) submit to the Secretary a standard data set, as specified by the Secretary;

(3) develop and submit to the Secretary State health care workforce policy recommendations; and

(4) provide other information, as the Secretary may require.

(d) REPORTS.—The Secretary shall submit an annual report detailing the state of the health care workforce in the United States, including workforce shortages and projections for the workforce, to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and to the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means of the House of Representatives. The annual report may include information about all, or selected portions of, the health care workforce, as defined in subsection (e)(1), as the Secretary determines.

(e) DEFINITIONS.—In this section—

(1) HEALTH CARE WORKFORCE.—The term ''health care workforce'' means physicians, as that term is defined in section 1861(r) of the Social Security Act (42 U.S.C. 1395x(r)), nurses, nurse practitioners, nurse anesthetists, nurse midwives, physical therapists, physical therapist assistants, occupational therapists, occupational therapist assistants, dietitians, psychologists, mental health social workers, marriage and family therapists, mental health counselors, dental hygienists, pharmacists, pharmacy technicians, public health workers, nurse aides, home health aides, personal care aides, optometrists, and other health care providers, as determined by the Secretary.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(f) FUNDING.—

(1) IN GENERAL.—Notwithstanding any other provision of this title, from the amounts appropriated and transferred to the Health Resources and Services Administration under the heading ''PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND (INCLUDING TRANSFER OF FUNDS)'', and such funds shall remain available through March 31, 2013.

(2) EMERGENCY FUNDS DESIGNATION.—Each amount in this section is designated as an emergency requirement and necessary to meet emergency needs pursuant to section

204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 397. Mr. HARKIN (for himself, Mr. THUNE, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. ___. ENERGY PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law and in addition to any other funds made available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture (referred to in this section as the ''Secretary'')—

(1) to carry out section 9002 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102), $10,000,000 for the period of fiscal years 2009 and 2010;

(2) for the costs of grants and loan guarantees to carry out section 9003 of that Act (7 U.S.C. 8103), $300,000,000 for the period of fiscal years 2009 and 2010;

(3) to carry out section 9004 of that Act (7 U.S.C. 8104), $200,000,000 for the period of fiscal years 2009 and 2010;

(4) to carry out section 9005 of that Act (7 U.S.C. 8105), $100,000,000 for the period of fiscal years 2009 and 2010;

(5) for the costs of grants and loan guarantees to carry out section 9007 of that Act (7 U.S.C. 8107), $300,000,000 for the period of fiscal years 2009 and 2010;

(6) to carry out section 9008 of that Act (7 U.S.C. 8108), $100,000,000 for the period of fiscal years 2009 and 2010;

(7) to carry out section 9009 of that Act (7 U.S.C. 8109), $40,000,000 for the period of fiscal years 2009 and 2010;

(8) to carry out section 9011 of that Act (7 U.S.C. 8111), $50,000,000 for the period of fiscal years 2009 and 2010; and

(9) to carry out section 9013 of that Act (7 U.S.C. 8113), $40,000,000 for the period of fiscal years 2009 and 2010.

(b) CONDITION ON FUNDS.—Funds made available under subsection (a)(3) may be used to provide assistance under section 9004 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8104) to power plants and manufacturing facilities in rural areas.

(c) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred under subsection (a), without further appropriation.

(d) AVAILABILITY OF FUNDS.—Funds made available under subsection (a) shall remain available until September 30, 2010.

(e) EMERGENCY DESIGNATION.—Each amount provided in this amendment is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

(f) OFFSET.—Notwithstanding any other provision of this Act, each amount provided to the Secretary of Energy under title IV is reduced by the pro rata percentage required to reduce the total amount provided to the Secretary of Energy under title IV by $1,140,000,000.

SA 398. Mr. BAUCUS (for himself, Mr. BOND, Mr. VOINOVICH, Mr. BROWNBACK, Mr. SPECTER, Mr. SANDERS, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 244, between lines 2 and 3, insert the following:

SEC. 12___. Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1937) is repealed.

SA 399. Ms. STABENOW (for himself and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 514, after line 16, insert the following:

PART X—TREATMENT OF LIMITATIONS ON LOSSES AFTER CERTAIN OWNERSHIP CHANGES

SEC. 1291. TREATMENT OF CERTAIN OWNERSHIP CHANGES FOR PURPOSES OF LIMITATIONS ON NET OPERATING LOSS CARRYFORWARDS AND CERTAIN BUILT-IN LOSSES.

(a) IN GENERAL.—Section 382 is amended by adding at the end the following new subsection:

''(n) SPECIAL RULE FOR CERTAIN OWNERSHIP CHANGES.—Subsection (a) shall not apply in the case of an ownership change pursuant to a restructuring plan required under a loan agreement or a commitment for a line of credit entered into with the Department of the Treasury.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to ownership changes after the date of the enactment of this Act.

SA 400. Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ———. AVIATION PROGRAMS.

(a) SHORT TITLE.—This section may be cited as the ''Federal Aviation Administration Extension Act of 2009''.

(b) EXTENSION OF AVIATION PROGRAMS FOR FY 2009.—

(1) EXTENSION OF AVIATION TAXES.—The Internal Revenue Code of 1986 is amended by striking ''March 31, 2009'' and inserting ''September 30, 2009'' each place it appears in each of the following sections:

(A) Section 4081(d)(2)(B).

(B) Section 4261(j)(1)(A)(ii).

(C) Section 4271(d)(1)(A)(ii).

(2) EXTENSION OF EXPENDITURE AUTHORITY.—

(A) Such Code is amended by striking ''April 1, 2009'' each place it appears and inserting ''October 1, 2009'' in each of the following sections:

(i) Section 9502(d)(1).

(ii) Section 9502(e)(2).

(B) Paragraph (1) of section 9502(d) of such Code is amended by inserting ''or the Federal Aviation Administration Extension Act of 2009'' before the semicolon at the end of subparagraph (A).

(3) EXTENSION OF AIRPORT IMPROVEMENT PROGRAM.—

(A) Paragraph (6) of section 48103 of such title is amended to read as follows:

''(6) $3,900,000,000 for fiscal year 2009.''.

(B) Section 47104(c) of such title is amended by striking ''March 31, 2009,'' and inserting ''September 30, 2009,''.

(4) EXTENSION OF EXPIRING AUTHORITIES.—

(A) Title 49, United States Code, is amended by striking the date specified in each of the following sections and inserting ''September 30, 2009'':

(i) Section 40117(l)(7).

(ii) Section 44303(b).

(iii) Section 47107(s)(3).

(iv) Section 47141(f).

(v) Section 49108.

(B) Section 44302(f)(1) of such title is amended—

(i) by striking ''March 31, 2009'' and inserting ''September 30, 2009''; and

(ii) by striking ''May 31, 2009'' and inserting ''December 31, 2009''.

(C) Section 47115(j) of such title is amended by striking ''2008, and the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(D) Section 161 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 47109 note) is amended by striking ''before April 1, 2009,''.

(E) Section 186(d) of such Act (117 Stat. 2518) is amended by striking ''2008, and for the portion of fiscal year 2009 ending before April 1, 2009,'' and inserting ''2009,''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on April 1, 2009.

SA 401. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 393, strike lines 16 through 18 and insert the following:

ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 402. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 183, line 18, strike ''has'' and insert ''lacks''.

SA 403. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 179, line 8, insert ''and any allotments under paragraph (2)'' after ''paragraph (1)''.

SA 404. Mr. BAUCUS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 565, strike line 4 and all that follows through page 566, line 22, and insert the following:

Subtitle H—Trade Adjustment Assistance

SEC. 1700. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Trade and Globalization Adjustment Assistance Act of 2009''.

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

Subtitle H—Trade Adjustment Assistance

Sec. 1700. Short title; table of contents.

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

SUBPART A—TRADE ADJUSTMENT ASSISTANCE FOR SERVICE SECTOR WORKERS

Sec. 1701. Extension of trade adjustment assistance to service sector and public agency workers; shifts in production.
Sec. 1702. Separate basis for certification.
Sec. 1703. Determinations by Secretary of Labor.
Sec. 1704. Monitoring and reporting relating to service sector.

SUBPART B—INDUSTRY NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS

Sec. 1711. Notifications following certain affirmative determinations.
Sec. 1712. Notification to Secretary of Commerce.

SUBPART C—PROGRAM BENEFITS

Sec. 1721. Qualifying Requirements for Workers.
Sec. 1722. Weekly amounts.
Sec. 1723. Limitations on trade readjustment allowances; allowances for extended training and breaks in training.
Sec. 1724. Special rules for calculation of eligibility period.
Sec. 1725. Application of State laws and regulations on good cause for waiver of time limits or late filing of claims.
Sec. 1726. Employment and case management services.
Sec. 1727. Administrative expenses and employment and case management services.
Sec. 1728. Training funding.
Sec. 1729. Prerequisite education; approved training programs.
Sec. 1730. Pre-layoff and part-time training.
Sec. 1731. On-the-job training.
Sec. 1732. Eligibility for unemployment insurance and program benefits while in training.
Sec. 1733. Job search and relocation allowances.

SUBPART D—REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM

Sec. 1741. Reemployment trade adjustment assistance program.

SUBPART E—OTHER MATTERS

Sec. 1751. Office of trade adjustment assistance.
Sec. 1752. Accountability of State agencies; collection and publication of program data; agreements with States.
Sec. 1753. Verification of eligibility for program benefits.
Sec. 1754. Collection of data and reports; information to workers.
Sec. 1755. Fraud and recovery of overpayments.
Sec. 1756. Sense of Congress on application of trade adjustment assistance.
Sec. 1757. Consultations in promulgation of regulations.
Sec. 1758. Technical corrections.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Sec. 1761. Expansion to service sector firms.
Sec. 1762. Modification of requirements for certification.
Sec. 1763. Basis for determinations.
Sec. 1764. Oversight and administration; authorization of appropriations.
Sec. 1765. Increased penalties for false statements.
Sec. 1766. Annual report on trade adjustment for firms.
Sec. 1767. Technical corrections.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

Sec. 1771. Purpose.
Sec. 1772. Trade adjustment assistance for communities.
Sec. 1773. Conforming amendments.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

Sec. 1781. Definitions.
Sec. 1782. Eligibility.
Sec. 1783. Benefits.
Sec. 1784. Report.
Sec. 1785. Fraud and recovery of overpayments.
Sec. 1786. Determination of increases of imports for certain fishermen.
Sec. 1787. Extension of trade adjustment assistance for farmers.

PART V—GENERAL PROVISIONS

Sec. 1791. Effective date.
Sec. 1792. Extension of trade adjustment assistance programs.
Sec. 1793. Government Accountability Office report.
Sec. 1794. Emergency designation.

PART VI—HEALTH COVERAGE IMPROVEMENT

Sec. 1799. Short title.
Sec. 1799A. Improvement of the affordability of the credit.
Sec. 1799B. Payment for monthly premiums paid prior to commencement of advance payments of credit.
Sec. 1799C. TAA recipients not enrolled in training programs eligible for credit.
Sec. 1799D. TAA pre-certification period rule for purposes of determining whether there is a 63-day lapse in creditable coverage.
Sec. 1799E. Continued qualification of family members after certain events.
Sec. 1799F. Alignment of COBRA coverage with TAA period for TAA-eligible individuals.
Sec. 1799G. Addition of coverage through voluntary employees' beneficiary associations.
Sec. 1799H. Notice requirements.
Sec. 1799I. Survey and report on enhanced health coverage tax credit program.
Sec. 1799J. Authorization of appropriations.
Sec. 1799K. Extension of national emergency grants.

PART I—TRADE ADJUSTMENT ASSISTANCE FOR WORKERS

Subpart A—Trade Adjustment Assistance for Service Sector Workers

SEC. 1701. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICE SECTOR AND PUBLIC AGENCY WORKERS; SHIFTS IN PRODUCTION.

(a) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by striking ''or appropriate subdivision of a firm''; and

(B) by striking ''or subdivision'';

(2) in paragraph (2), by striking ''employment—'' and all that follows and inserting ''employment, has been totally or partially separated from such employment.'';

(3) by inserting after paragraph (2) the following:

''(3) Subject to section 222(d)(5), the term 'firm' means—

''(A) a firm, including an agricultural firm, service sector firm, or public agency; or

''(B) an appropriate subdivision thereof.'';

(4) by inserting after paragraph (6) the following:

''(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government, or a subdivision thereof.'';

(5) in paragraph (11), by striking '', or in a subdivision of which,''; and

(6) by adding at the end the following:

''(18) The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)(2)—

(A) by amending subparagraph (A)(ii) to read as follows:

''(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased;

''(II) imports of articles like or directly competitive with articles—

''(aa) into which one or more component parts produced by such firm are directly incorporated, or

''(bb) which are produced directly using services supplied by such firm,

have increased; or

''(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; and''; and

(B) by amending subparagraph (B) to read as follows:

''(B)(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; or

''(II) such workers' firm has acquired articles or services described in subclause (I) from a foreign country; and

''(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.'';

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

''(b) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

''(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

''(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

''(3) the acquisition of services described in paragraph (2) contributed importantly to such workers' separation or threat of separation.''.

(c) BASIS FOR SECRETARY'S DETERMINATIONS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall, in determining whether to certify a group of workers under section 223, obtain from the workers' firm or a customer of the workers' firm, information the Secretary determines to be necessary to make the certification, through questionnaires and in such other manner as the Secretary determines appropriate.

''(2) ADDITIONAL INFORMATION.—The Secretary may seek additional information to determine whether to certify a group of workers under subsection (a), (b), or (c)—

''(A) by contacting—

''(i) officials or employees of the workers' firm;

''(ii) officials of customers of the workers' firm;

''(iii) officials of certified or recognized unions or other duly authorized representatives of the group of workers; or

''(iv) one-stop operators or one-stop partners (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)); or

''(B) by using other available sources of information.

''(3) VERIFICATION OF INFORMATION.—

''(A) CERTIFICATION.—The Secretary shall require a firm or customer to certify—

''(i) all information obtained under paragraph (1) from the firm or customer (as the case may be) through questionnaires; and

''(ii) all other information obtained under paragraph (1) from the firm or customer (as the case may be) on which the Secretary relies in making a determination under section 223, unless the Secretary has a reasonable basis for determining that such information is accurate and complete without being certified.

''(B) USE OF SUBPOENAS.—The Secretary shall require a workers' firm or a customer of a workers' firm to provide information requested by the Secretary under paragraph (1) by subpoena pursuant to section 249 if the firm or customer (as the case may be) fails to provide the information within 20 days of the Secretary's request, unless the firm or customer (as the case may be) demonstrates to the satisfaction of the Secretary that the firm or customer (as the case may be) will provide the information within a reasonable period of time.

''(C) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary may not release information obtained under paragraph (1) that the Secretary considers to be confidential business information unless the firm or customer (as the case may be) submitting the confidential business information had notice, at the time of submission, that the information would be released by the Secretary, or the firm or customer (as the case may be) subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another party under a protective order issued by a court.''.

(d) PENALTIES.—Section 244 of the Trade Act of 1974 (19 U.S.C. 2316) is amended to read as follows:

''SEC. 244. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact for the purpose of obtaining or increasing for himself or for any other person any payment authorized to be furnished under this chapter or pursuant to an agreement under section 239, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact when providing information to the Secretary during an investigation of a petition under section 221,

shall be imprisoned for not more than one year, fined under title 18, United States Code, or both.''.

(e) CONFORMING AMENDMENTS.—

(1) Section 221(a) of the Trade Act of 1974 (19 U.S.C. 2271(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''Secretary'' and inserting ''Secretary of Labor''; and

(II) by striking ''or subdivision'' and inserting ''(as defined in section 247)''; and

(ii) in subparagraph (A), by striking ''(including workers in an agricultural firm or subdivision of any agricultural firm)''; and

(B) in paragraph (2)(A), by striking ''rapid response assistance'' and inserting ''rapid response activities''; and

(C) in paragraph (3), by inserting ''and on the website of the Department of Labor'' after ''Federal Register''.

(2) Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended, is further amended—

(A) by striking ''(including workers in any agricultural firm or subdivision of an agricultural firm)'' each place it appears;

(B) in subsection (a)—

(i) in paragraph (1), by striking '', or an appropriate subdivision of the firm,''; and

(ii) in paragraph (2), by striking ''or subdivision'' each place it appears;

(C) in subsection (c) (as redesignated)—

(i) in paragraph (2)—

(I) by striking ''(or subdivision)'' each place it appears;

(II) by inserting ''or service'' after ''the article''; and

(III) by striking ''(c) (3)'' and inserting ''(d) (3)''; and

(ii) in paragraph (3), by striking ''(or subdivision)'' each place it appears; and

(D) in subsection (d) (as redesignated)—

(i) by striking ''For purposes'' and inserting ''DEFINITIONS.—For purposes'';

(ii) in paragraph (2), by striking '', or appropriate subdivision of a firm,'' each place it appears;

(iii) by amending paragraph (3) to read as follows:

''(3) DOWNSTREAM PRODUCER.—

''(A) IN GENERAL.—The term 'downstream producer' means a firm that performs additional, value-added production processes or services directly for another firm for articles or services with respect to which a group of workers in such other firm has been certified under subsection (a).

''(B) VALUE-ADDED PRODUCTION PROCESSES OR SERVICES.—For purposes of subparagraph (A), value-added production processes or services include final assembly, finishing, testing, packaging, or maintenance or transportation services.'';

(iv) in paragraph (4)—

(I) by striking ''(or subdivision)''; and

(II) by inserting '', or services, used in the production of articles or in the supply of services, as the case may be,'' after ''for articles''; and

(v) by adding at the end the following:

''(5) REFERENCE TO FIRM.—For purposes of subsection (a), the term 'firm' does not include a public agency.''.

(3) Section 231(a)(2) of the Trade Act of 1974 (19 U.S.C. 2291(a)(2)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''or subdivision of a firm''; and

(B) in subparagraph (C), by striking ''or subdivision''.

SEC. 1702. SEPARATE BASIS FOR CERTIFICATION.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended by adding at the end the following:

''(f) FIRMS IDENTIFIED BY THE INTERNATIONAL TRADE COMMISSION.—Notwithstanding any other provision of this chapter, a group of workers covered by a petition filed under section 221 shall be certified under subsection (a) as eligible to apply for adjustment assistance under this chapter if—

''(1) the workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

''(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1);

''(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1); or

''(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A));

''(2) the petition is filed during the 1-year period beginning on the date on which—

''(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) with respect to the affirmative determination described in paragraph (1)(A) is published in the Federal Register under section 202(f)(3); or

''(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the Federal Register; and

''(3) the workers have become totally or partially separated from the workers' firm within—

''(A) the 1-year period described in paragraph (2); or

''(B) notwithstanding section 223(b)(1), the 1-year period preceding the 1-year period described in paragraph (2).''.

SEC. 1703. DETERMINATIONS BY SECRETARY OF LABOR.

Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended—

(1) in subsection (b), by striking ''or appropriate subdivision of the firm before his application'' and all that follows and inserting ''before the workers' application under section 231 occurred more than one year before the date of the petition on which such certification was granted.'';

(2) in subsection (c), by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons'';

(3) in subsection (d)—

(A) by striking ''or subdivision of the firm'' and all that follows through ''he shall'' and inserting '', that total or partial separations from such firm are no longer attributable to the conditions specified in section 222, the Secretary shall''; and

(B) by striking ''together with his reasons'' and inserting ''and on the website of the Department of Labor, together with the Secretary's reasons''; and

(4) by adding at the end the following:

''(e) STANDARDS FOR INVESTIGATIONS AND DETERMINATIONS.—

''(1) IN GENERAL.—The Secretary shall establish standards, including data requirements, for investigations of petitions filed under section 221 and criteria for making determinations under subsection (a).

''(2) CONSULTATIONS.—Not less than 90 days before issuing a final rule with respect to the standards required under paragraph (1), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to such rule.''.

SEC. 1704. MONITORING AND REPORTING RELATING TO SERVICE SECTOR.

(a) IN GENERAL.—Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the heading, by striking ''**SYSTEM**'' and inserting ''**AND DATA COLLECTION**'';

(2) in the first sentence—

(A) by striking ''The Secretary'' and inserting ''(a) MONITORING PROGRAMS.—The Secretary'';

(B) by inserting ''and services'' after ''imports of articles'';

(C) by inserting ''and domestic supply of services'' after ''domestic production'';

(D) by inserting ''or supplying services'' after ''producing articles''; and

(E) by inserting '', or supply of services,'' after ''changes in production''; and

(3) by adding at the end the following:

''(b) COLLECTION OF DATA AND REPORTS ON SERVICE SECTOR.—

''(1) SECRETARY OF LABOR.—Not later than 90 days after the date of the enactment of this subsection, the Secretary of Labor shall implement a system to collect data on adversely affected workers employed in the service sector that includes the number of workers by State and industry, and by the cause of the dislocation of each worker, as identified in the certification.

''(2) SECRETARY OF COMMERCE.—Not later than 1 year after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms acquiring services from firms in foreign countries.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 282 and inserting the following:

''Sec. 282. Trade monitoring and data collection.''.

Subpart B—Industry Notifications Following Certain Affirmative Determinations

SEC. 1711. NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS.

(a) IN GENERAL.—Section 224 of the Trade Act of 1974 (19 U.S.C. 2274) is amended—

(1) by amending the heading to read as follows:

''SEC. 224. STUDY AND NOTIFICATIONS REGARDING CERTAIN AFFIRMATIVE DETERMINATIONS; INDUSTRY NOTIFICATION OF ASSISTANCE.'';

(2) in subsection (a), by striking ''Whenever'' and inserting ''STUDY OF DOMESTIC INDUSTRY.—Whenever'';

(3) in subsection (b)—

(A) by striking ''The report'' and inserting ''REPORT BY THE SECRETARY.—The report''; and

(B) by inserting ''and on the website of the Department of Labor'' after ''Federal Register''; and

(4) by adding at the end the following:

''(c) NOTIFICATIONS FOLLOWING AFFIRMATIVE GLOBAL SAFEGUARD DETERMINATIONS.—Upon making an affirmative determination under section 202(b), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(d) NOTIFICATIONS FOLLOWING AFFIRMATIVE BILATERAL OR PLURILATERAL SAFEGUARD DETERMINATIONS.—

''(1) NOTIFICATIONS OF DETERMINATIONS OF MARKET DISRUPTION.—Upon making an affirmative determination under section 421, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(2) NOTIFICATIONS REGARDING TRADE AGREEMENT SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under an applicable safeguard provision (other than a provision described in paragraph (3)) that is enacted to implement a trade agreement to which the United States is a party, the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(3) NOTIFICATIONS REGARDING TEXTILE AND APPAREL SAFEGUARDS.—Upon making an affirmative determination in a proceeding initiated under any safeguard provision relating to textile and apparel articles that is enacted to implement a trade agreement to which the United States is a party, the President shall promptly notify the Secretary of Labor and the Secretary of Commerce of the determination.

''(e) NOTIFICATIONS FOLLOWING CERTAIN AFFIRMATIVE DETERMINATIONS UNDER TITLE VII OF THE TARIFF ACT OF 1930.—Upon making an affirmative determination under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)), the Commission shall promptly notify the Secretary of Labor and the Secretary of Commerce and, in the case of a determination with respect to an agricultural commodity, the Secretary of Agriculture, of the determination.

''(f) INDUSTRY NOTIFICATION OF ASSISTANCE.—Upon receiving a notification of a determination under subsection (c), (d), or (e) with respect to an industry—

''(1) the Secretary of Labor shall—

''(A) notify the representatives of the domestic industry affected by the determination, firms publicly identified by name during the course of the proceeding relating to the determination, and any certified or recognized union or, to the extent practicable, other duly authorized representative of workers employed by such representatives of the domestic industry, of—

''(i) the allowances, training, employment services, and other benefits available under this chapter;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions;

''(B) notify the Governor of each State in which one or more firms in the industry described in subparagraph (A) are located of the Commission's determination and the identity of the firms; and

''(C) upon request, provide any assistance that is necessary to file a petition under section 221;

''(2) the Secretary of Commerce shall—

''(A) notify the representatives of the domestic industry affected by the determination and any firms publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 3;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 251; and

''(3) in the case of an affirmative determination based upon imports of an agricultural commodity, the Secretary of Agriculture shall—

''(A) notify representatives of the domestic industry affected by the determination and any agricultural commodity producers publicly identified by name during the course of the proceeding relating to the determination of—

''(i) the benefits available under chapter 6;

''(ii) the manner in which to file a petition and apply for such benefits; and

''(iii) the availability of assistance in filing such petitions; and

''(B) upon request, provide any assistance that is necessary to file a petition under section 292.

''(g) REPRESENTATIVES OF THE DOMESTIC INDUSTRY.—For purposes of subsection (f), the term 'representatives of the domestic industry' means the persons that petitioned for relief in connection with—

''(1) a proceeding under section 202 or 421 of this Act;

''(2) a proceeding under section 702(b) or 732(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)); or

''(3) any safeguard investigation described in subsection (d)(2) or (d)(3).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 224 and inserting the following:

''Sec. 224. Study and notifications regarding certain affirmative determinations; industry notification of assistance.''.

SEC. 1712. NOTIFICATION TO SECRETARY OF COMMERCE.

Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended by adding at the end the following:

''(c) Upon issuing a certification under section 223, the Secretary shall notify the Secretary of Commerce of the identity of each firm associated with the certification.''.

Subpart C—Program Benefits

SEC. 1721. QUALIFYING REQUIREMENTS FOR WORKERS.

(a) IN GENERAL.—Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19 U.S.C. 2291 (a)(5)(A)(ii)) is amended—

(1) by striking subclauses (I) and (II) and inserting the following:

''(I) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs after the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after such total separation,

''(II) in the case of a worker whose most recent total separation from adversely affected employment that meets the requirements of paragraphs (1) and (2) occurs before the date on which the Secretary issues a certification covering the worker, the last day of the 26th week after the date of such certification,''.

(2) in subclause (III)—

(A) by striking ''later of the dates specified in subclause (I) or (II)'' and inserting ''date specified in subclause (I) or (II), as the case may be''; and

(B) by striking ''or'' at the end;

(3) by redesignating subclause (IV) as subclause (V); and

(4) by inserting after subclause (III) the following:

''(IV) in the case of a worker who fails to enroll by the date required by subclause (I), (II), or (III), as the case may be, due to the failure to provide the worker with timely information regarding the date specified in such subclause, the last day of a period determined by the Secretary, or''.

(b) WAIVERS OF TRAINING REQUIREMENTS.—Section 231(c) of the Trade Act of 1974 (19 U.S.C. 2291(c)) is amended—

(1) in paragraph (1)(B)—

(A) by striking ''The worker possesses'' and inserting the following:

''(i) IN GENERAL.—The worker possesses''; and

(B) by adding at the end the following:

''(ii) MARKETABLE SKILLS DEFINED.—For purposes of clause (i), the term 'marketable skills' may include the possession of a postgraduate degree from an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) or an equivalent institution, or the possession of an equivalent postgraduate certification in a specialized field.'';

(2) in paragraph (2)(A), by striking ''A waiver'' and inserting ''Except as provided in paragraph (3)(B), a waiver''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''Pursuant to an agreement under section 239, the Secretary may authorize a'' and inserting ''An agreement under section 239 shall authorize a'';

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

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

''(B) REVIEW OF WAIVERS.—An agreement under section 239 shall require a cooperating State to review each waiver issued by the State under subparagraph (A), (B), (D), (E), or (F) of paragraph (1)—

''(i) 3 months after the date on which the State issues the waiver; and

''(ii) on a monthly basis thereafter.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 231 of the Trade Act of 1974 (19 U.S.C. 2291), as amended, is further amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking ''more than 60 days'' and all that follows through ''section 221'' and inserting ''on or after the date of such certification''; and

(B) in subsection (b)—

(i) by striking paragraph (2); and

(ii) in paragraph (1)—

(I) by striking ''(1)'';

(II) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(III) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(IV) by redesignating subclauses (I) and (II) as clauses (i) and (ii), respectively.

(2) Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c) through (g) as subsections (b) through (f), respectively.

SEC. 1722. WEEKLY AMOUNTS.

Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended—

(1) in subsection (a)—

(A) by striking ''subsections (b) and (c)'' and inserting ''subsections (b), (c), and (d)'';

(B) by striking ''total unemployment'' the first place it appears and inserting ''unemployment''; and

(C) in paragraph (2), by adding at the end before the period the following: '', except that in the case of an adversely affected worker who is participating in training under this chapter, such income shall not include earnings from work for such week that are equal to or less than the most recent weekly benefit amount of the unemployment insurance payable to the worker for a week of total unemployment preceding the worker's first exhaustion of unemployment insurance (as determined for purposes of section 231(a)(3)(B))''; and

(2) by adding at the end the following:

''(d) ELECTION OF TRADE READJUSTMENT ALLOWANCE OR UNEMPLOYMENT INSURANCE.—Notwithstanding section 231(a)(3)(B), an adversely affected worker may elect to receive a trade readjustment allowance instead of unemployment insurance during any week with respect to which the worker—

''(1) is entitled to receive unemployment insurance as a result of the establishment by the worker of a new benefit year under State law, based in whole or in part upon part-time or short-term employment in which the worker engaged after the worker's most recent total separation from adversely affected employment; and

''(2) is otherwise entitled to a trade readjustment allowance.''.

SEC. 1723. LIMITATIONS ON TRADE READJUSTMENT ALLOWANCES; ALLOWANCES FOR EXTENDED TRAINING AND BREAKS IN TRAINING.

Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—

(1) in paragraph (2), by inserting ''under paragraph (1)'' after ''trade readjustment allowance''; and

(2) in paragraph (3)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''training'' and inserting ''a training program'';

(ii) by striking ''52 additional weeks'' and inserting ''78 additional weeks''; and

(iii) by striking ''52-week'' and inserting ''91-week''; and

(B) in the matter following subparagraph (B), by striking ''52-week'' and inserting ''91-week''.

SEC. 1724. SPECIAL RULES FOR CALCULATION OF ELIGIBILITY PERIOD.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293), as amended, is further amended by adding at the end the following:

''(g) SPECIAL RULE FOR CALCULATING SEPARATION.—Notwithstanding any other provision of this chapter, any period during which a judicial or administrative appeal is pending with respect to the denial by the Secretary of a petition under section 223 shall not be counted for purposes of calculating the period of separation under subsection (a)(2).

''(h) SPECIAL RULE FOR JUSTIFIABLE CAUSE.—If the Secretary determines that there is justifiable cause, the Secretary may extend the period during which a trade readjustment allowance is payable to an adversely affected worker under paragraphs (2) and (3) of subsection (a) (but not the maximum amounts of such allowance that are payable under this section).

''(i) SPECIAL RULE WITH RESPECT TO MILITARY SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this chapter, the Secretary may waive any requirement of this chapter that the Secretary determines is necessary to ensure that an adversely affected worker who is a member of a reserve component of the Armed Forces and serves a period of duty described in paragraph (2) is eligible to receive a trade readjustment allowance, training, and other benefits under this chapter in the same manner and to the same extent as if the worker had not served the period of duty.

''(2) PERIOD OF DUTY DESCRIBED.—An adversely affected worker serves a period of duty described in this paragraph if, before completing training under section 236, the worker—

''(A) serves on active duty for a period of more than 30 days under a call or order to active duty of more than 30 days; or

''(B) in the case of a member of the Army National Guard of the United States or Air National Guard of the United States, performs full-time National Guard duty under section 502(f) of title 32, United States Code, for 30 consecutive days or more when authorized by the President or the Secretary of Defense for the purpose of responding to a national emergency declared by the President and supported by Federal funds.''.

SEC. 1725. APPLICATION OF STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.

Section 234 of the Trade Act of 1974 (19 U.S.C. 2294) is amended—

(1) by striking ''Except where inconsistent'' and inserting ''(a) IN GENERAL.—Except where inconsistent''; and

(2) by adding at the end the following:

''(b) SPECIAL RULE WITH RESPECT TO STATE LAWS AND REGULATIONS ON GOOD CAUSE FOR WAIVER OF TIME LIMITS OR LATE FILING OF CLAIMS.—Any law, regulation, policy, or practice of a cooperating State that allows for a waiver for good cause of any time limitation relating to the administration of the State unemployment insurance law shall, in the administration of the program under this chapter by the State, apply to any time limitation with respect to an application for readjustment allowance or enrollment in training under this chapter.''.

SEC. 1726. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended to read as follows:

"SEC. 235. EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''The Secretary shall make available, directly or through agreements with States under section 239, to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A of this chapter the following employment and case management services:

''(1) Comprehensive and specialized assessment of skill levels and service needs, including through—

''(A) diagnostic testing and use of other assessment tools; and

''(B) in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals.

''(2) Development of an individual employment plan to identify employment goals and objectives, and appropriate training to achieve those goals and objectives.

''(3) Information on training available in local and regional areas, information on individual counseling to determine which training is suitable training, and information on how to apply for such training.

''(4) Information on how to apply for financial aid, including referring workers to educational opportunity centers described in section 402F of the Higher Education Act of 1965 (20 U.S.C. 1070a–16), where applicable, and notifying workers that the workers may request financial aid administrators at institutions of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) to use the administrators' discretion under section 479A of such Act (20 U.S.C. 1087tt) to use current year income data, rather than preceding year income data, for determining the amount of need of the workers for Federal financial assistance under title IV of such Act (20 U.S.C. 1070 et seq.).

''(5) Short-term prevocational services, including development of learning skills, communications skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for employment or training.

''(6) Individual career counseling, including job search and placement counseling, during the period in which the individual is receiving a trade adjustment allowance or training under this chapter, and for purposes of job placement after receiving such training.

''(7) Provision of employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—

''(A) job vacancy listings in such labor market areas;

''(B) information on jobs skills necessary to obtain jobs identified in job vacancy listings described in subparagraph (A);

''(C) information relating to local occupations that are in demand and earnings potential of such occupations; and

''(D) skills requirements for local occupations described in subparagraph (C).

''(8) Information relating to the availability of supportive services, including services relating to child care, transportation, dependent care, housing assistance, and need-related payments that are necessary to enable an individual to participate in training.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 235 and inserting the following:

''235. Employment and case management services.''.

SEC. 1727. ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

(a) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by inserting after section 235 the following:

"SEC. 235A. FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.

''(a) FUNDING FOR ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to any funds made available to a State to carry out section 236 for a fiscal year, the State shall receive for the fiscal year a payment in an amount that is equal to 15 percent of the amount of such funds.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall—

''(A) use not more than 2/3 of such payment for the administration of the trade adjustment assistance for workers program under this chapter, including for—

''(i) processing waivers of training requirements under section 231;

''(ii) collecting, validating, and reporting data required under this chapter; and

''(iii) providing reemployment trade adjustment assistance under section 246; and

''(B) use not less than 1/3 of such payment for employment and case management services under section 235.

''(b) ADDITIONAL FUNDING FOR EMPLOYMENT AND CASE MANAGEMENT SERVICES.—

''(1) IN GENERAL.—In addition to the funds made available to a State to carry out section 236 and the payment under subsection (a)(1) for a fiscal year, the Secretary shall provide to the State for the fiscal year a payment in the amount of $350,000.

''(2) USE OF FUNDS.—A State that receives a payment under paragraph (1) shall use such payment for the purpose of providing employment and case management services under section 235.

''(3) VOLUNTARY RETURN OF FUNDS.—A State that receives a payment under paragraph (1) may decline or otherwise return such payment to the Secretary.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 235 the following:

''Sec. 235A. Funding for administrative expenses and employment and case management services.''.

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

SEC. 1728. TRAINING FUNDING.

(a) IN GENERAL.—Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended to read as follows:

''(2)(A) The total amount of payments that may be made under paragraph (1) shall not exceed—

''(i) for each of the fiscal years 2009 and 2010, $575,000,000; and

''(ii) for the period beginning October 1, 2010, and ending December 31, 2010, $143,750,000.

''(B)(i) The Secretary shall, as soon as practicable after the beginning of each fiscal year, make an initial distribution of the funds made available to carry out this section, in accordance with the requirements of subparagraph (C).

''(ii) The Secretary shall ensure that not less than 90 percent of the funds made available to carry out this section for a fiscal year are distributed to the States by not later than July 15 of that fiscal year.

''(C)(i) In making the initial distribution of funds pursuant to subparagraph (B)(i) for a fiscal year, the Secretary shall hold in reserve 35 percent of the funds made available to carry out this section for that fiscal year for additional distributions during the remainder of the fiscal year.

''(ii) Subject to clause (iii), in determining how to apportion the initial distribution of funds pursuant to subparagraph (B)(i) in a fiscal year, the Secretary shall take into account, with respect to each State—

''(I) the trend in the number of workers covered by certifications of eligibility under this chapter during the most recent 4 consecutive calendar quarters for which data are available;

''(II) the trend in the number of workers participating in training under this section during the most recent 4 consecutive calendar quarters for which data are available;

''(III) the number of workers estimated to be participating in training under this section during the fiscal year;

''(IV) the amount of funding estimated to be necessary to provide training approved under this section to such workers during the fiscal year; and

''(V) such other factors as the Secretary considers appropriate relating to the provision of training under this section.

''(iii) In no case may the amount of the initial distribution to a State pursuant to subparagraph (B)(i) in a fiscal year be less than 25 percent of the initial distribution to the State in the preceding fiscal year.

''(D) The Secretary shall establish procedures for the distribution of the funds that remain available for the fiscal year after the initial distribution required under subparagraph (B). Such procedures may include the distribution of funds pursuant to requests submitted by States in need of such funds.

''(E) If, during a fiscal year, the Secretary estimates that the amount of funds necessary to pay the costs of training approved under this section will exceed the dollar amount limitation specified in subparagraph (A), the Secretary shall decide how the amount of funds made available to carry out this section that have not been distributed at the time of the estimate will be apportioned among the States for the remainder of the fiscal year.''.

(b) DETERMINATIONS REGARDING TRAINING.—Section 236(a)(9) of the Trade Act of 1974 (19 U.S.C. 2296(a)(9)) is amended—

(1) by striking ''The Secretary'' and inserting ''(A) Subject to subparagraph (B), the Secretary''; and

(2) by adding at the end the following:

''(B)(i) In determining under paragraph (1)(E) whether a worker is qualified to undertake and complete training, the Secretary may approve training for a period longer than the worker's period of eligibility for trade readjustment allowances under part I if the worker demonstrates a financial ability to complete the training after the expiration of the worker's period of eligibility for such trade readjustment allowances.

''(ii) In determining the reasonable cost of training under paragraph (1)(F) with respect to a worker, the Secretary may consider whether other public or private funds are reasonably available to the worker, except that the Secretary may not require a worker to obtain such funds as a condition of approval of training under paragraph (1).''.

(c) REGULATIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended by adding at the end the following:

''(g) REGULATIONS WITH RESPECT TO APPORTIONMENT OF TRAINING FUNDS TO STATES.—

''(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this subsection, the Secretary shall issue such regulations as may be necessary to carry out the provisions of subsection (a)(2).

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of

the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days before issuing any final rule or regulation pursuant to paragraph (1).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act, except that—

(1) subparagraph (A) of section 236(a)(2) of the Trade Act of 1974, as amended by subsection (a) of this section, shall take effect on the date of the enactment of this Act; and

(2) subparagraphs (B), (C), and (D) of such section 236(a)(2) shall take effect on October 1, 2009.

SEC. 1729. PREREQUISITE EDUCATION; APPROVED TRAINING PROGRAMS.

(a) IN GENERAL.—Section 236(a)(5) of the Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by adding ''and'' at the end of clause (ii); and

(C) by inserting after clause (ii) the following:

''(iii) apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the 'National Apprenticeship Act'; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.),'';

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(3) by inserting after subparagraph (D) the following:

''(E) any program of prerequisite education or coursework required to enroll in training that may be approved under this section,'';

(4) in subparagraph (F)(ii), as redesignated by paragraph (2), by striking ''and'' at the end;

(5) in subparagraph (G), as redesignated by paragraph (2), by striking the period at the end and inserting '', and''; and

(6) by adding at the end the following:

''(H) any training program or coursework at an accredited institution of higher education (described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)), including a training program or coursework for the purpose of—

''(i) obtaining a degree or certification; or

''(ii) completing a degree or certification that the worker had previously begun at an accredited institution of higher education.

The Secretary may not limit approval of a training program under paragraph (1) to a program provided pursuant to title I of the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.).''.

(b) CONFORMING AMENDMENTS.—Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)(2), by inserting ''prerequisite education or'' after ''requires a program of''; and

(2) in subsection (f) (as redesignated by section 1721(c) of this subtitle), by inserting ''prerequisite education or'' after ''includes a program of''.

(c) TECHNICAL CORRECTIONS.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) in subsection (a)—

(A) in paragraph (1), in the flush text, by striking ''his behalf'' and inserting ''the worker's behalf''; and

(B) in paragraph (3), by striking ''this paragraph (1)'' and inserting ''paragraph (1)''; and

(2) in subsection (b)(2), by striking '', and'' and inserting a period.

SEC. 1730. PRE-LAYOFF AND PART-TIME TRAINING.

(a) PRE-LAYOFF TRAINING.—

(1) IN GENERAL.—Section 236(a) of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

(A) in paragraph (1), by inserting after ''determines'' the following: '', with respect to an adversely affected worker or an adversely affected incumbent worker,'';

(B) in paragraph (4)—

(i) in subparagraphs (A) and (B), by inserting ''or an adversely affected incumbent worker'' after ''an adversely affected worker'' each place it appears; and

(ii) in subparagraph (C), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'' each place it appears;

(C) in paragraph (5), in the matter preceding subparagraph (A), by striking ''The training programs'' and inserting ''Except as provided in paragraph (10), the training programs''; and

(D) in paragraph (6)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker'';

(E) in paragraph (7)(B), by inserting ''or adversely affected incumbent worker'' after ''adversely affected worker''; and

(F) by inserting after paragraph (9) the following:

''(10) In the case of an adversely affected incumbent worker, the Secretary may not approve—

''(A) on-the-job training under paragraph (5)(A)(i); or

''(B) customized training under paragraph (5)(A)(ii), unless such training is for a position other than the worker's adversely affected employment.

''(11) If the Secretary determines that an adversely affected incumbent worker for whom the Secretary approved training under this section is no longer threatened with a total or partial separation, the Secretary shall terminate the approval of such training.''.

(2) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended, is further amended by adding at the end the following:

''(19) The term 'adversely affected incumbent worker' means a worker who—

''(A) is a member of a group of workers who have been certified as eligible to apply for adjustment assistance under subchapter A;

''(B) has not been totally or partially separated from adversely affected employment; and

''(C) the Secretary determines, on an individual basis, is threatened with total or partial separation.''.

(b) PART-TIME TRAINING.—Section 236 of the Trade Act of 1974 (19 U.S.C. 2296), as amended, is further amended by adding at the end the following:

''(h) PART-TIME TRAINING.—

''(1) IN GENERAL.—The Secretary may approve full-time or part-time training for a worker under subsection (a).

''(2) REFERENCES TO TRAINING.—Notwithstanding paragraph (1), for purposes of determining the eligibility of a worker for a trade readjustment allowance under section 231 or the amount of such allowance or the number of weeks during which a worker may receive such allowance under section 232 or 233, any reference to training or a training program in such sections shall be deemed to be a reference to full-time training or a full-time training program (as the case may be).''.

SEC. 1731. ON-THE-JOB TRAINING.

(a) IN GENERAL.—Section 236(c) of the Trade Act of 1974 (19 U.S.C. 2296(c)) is amended—

(1) by redesignating paragraphs (1) through (10) as subparagraphs (A) through (J) and moving such subparagraphs 2 ems to the right;

(2) by striking ''(c) The Secretary shall'' and all that follows through ''such costs,'' and inserting the following:

''(c) ON-THE-JOB TRAINING REQUIREMENTS.—

''(1) IN GENERAL.—The Secretary may approve on-the-job training for any adversely affected worker if—

''(A) the worker meets the requirements for training to be approved under subsection (a)(1);

''(B) the Secretary determines that on-the-job training—

''(i) can reasonably be expected to lead to suitable employment with the employer offering the on-the-job training;

''(ii) is compatible with the skills of the worker;

''(iii) includes a curriculum through which the worker will gain the knowledge or skills to become proficient in the job for which the worker is being trained; and

''(iv) can be measured by benchmarks that indicate that the worker is gaining such knowledge or skills; and

''(C) the State determines that the on-the-job training program meets the requirements of clauses (iii) and (iv) of subparagraph (B).

''(2) MONTHLY PAYMENTS.—The Secretary shall pay the costs of on-the-job training approved under paragraph (1) in monthly installments.

''(3) CONTRACTS FOR ON-THE-JOB TRAINING.—

''(A) IN GENERAL.—The Secretary shall ensure, in entering into a contract with an employer to provide on-the-job training to a worker under this subsection, that the skill requirements of the job for which the worker is being trained, the academic and occupational skill level of the worker, and the work experience of the worker are taken into consideration.

''(B) TERM OF CONTRACT.—Training under any such contract shall be limited to the period of time required for the worker receiving on-the-job training to become proficient in the job for which the worker is being trained, but in no case shall exceed 104 weeks.

''(4) EXCLUSION OF CERTAIN EMPLOYERS.—The Secretary shall not enter into a contract for on-the-job training with an employer that exhibits a pattern of failing to provide workers receiving on-the-job training from the employer with—

''(A) continued, long-term employment as regular employees; and

''(B) wages, benefits, and working conditions that are equivalent to the wages, benefits, and working conditions provided to regular employees who have worked a similar period of time and are doing the same type of work as workers receiving on-the-job training from the employer.

''(5) LABOR STANDARDS.—The Secretary may pay the costs of on-the-job training,''; and

(3) in paragraph (5), as redesignated—

(A) in subparagraph (I), as redesignated by paragraph (1) of this section, by striking ''paragraphs (1), (2), (3), (4), (5), and (6)'' and inserting ''subparagraphs (A), (B), (C), (D), (E), and (F)''; and

(B) in subparagraph (J), as redesignated by paragraph (1) of this section, by striking ''paragraph (8)'' and inserting ''subparagraph (H)''.

(b) REPEAL OF PREFERENCE FOR TRAINING ON THE JOB.—Section 236(a)(1) of the Trade Act of 1974 (19 U.S.C. 2296(a)(1)) is amended by striking the last sentence.

SEC. 1732. ELIGIBILITY FOR UNEMPLOYMENT INSURANCE AND PROGRAM BENEFITS WHILE IN TRAINING.

Section 236(d) of the Trade Act of 1974 (19 U.S.C. 2296(d)) is amended to read as follows:

''(d) ELIGIBILITY.—An adversely affected worker may not be determined to be ineligible or disqualified for unemployment insurance or program benefits under this subchapter—

''(1) because the worker—

''(A) is enrolled in training approved under subsection (a);

''(B) left work—

''(i) that was not suitable employment in order to enroll in such training; or

''(ii) that the worker engaged in on a temporary basis during a break in such training or a delay in the commencement of such training; or

''(C) left on-the-job training not later than 30 days after commencing such training because the training did not meet the requirements of subsection (c)(1)(B); or

''(2) because of the application to any such week in training of the provisions of State law or Federal unemployment insurance law relating to availability for work, active search for work, or refusal to accept work.''.

SEC. 1733. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—

(1) in subsection (a)(2)(C)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the cost of'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

(b) RELOCATION ALLOWANCES.—Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) is amended—

(1) in subsection (a)(2)(E)(ii), by striking '', unless the worker received a waiver under section 231(c)''; and

(2) in subsection (b)—

(A) in paragraph (1), by striking ''90 percent of the'' and inserting ''all''; and

(B) in paragraph (2), by striking ''$1,250'' and inserting ''$1,500''.

Subpart D—Reemployment Trade Adjustment Assistance Program

SEC. 1741. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) by amending the heading to read as follows:

''SEC. 246. REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE PROGRAM.'';

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''Not later than'' and all that follows through ''2002, the Secretary'' and inserting ''The Secretary''; and

(ii) by striking ''an alternative trade adjustment assistance program for older workers'' and inserting ''a reemployment trade adjustment assistance program'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking clauses (i) and (ii) and inserting the following:

''(i) the wages received by the worker at the time of separation; and

''(ii) the wages received by the worker from reemployment.'';

(ii) in subparagraph (B)—

(I) by striking ''for a period not to exceed 2 years'' and inserting ''for the eligibility period under subparagraph (A) or (B) of paragraph (4) (as the case may be)''; and

(II) by striking '', as added by section 201 of the Trade Act of 2002''; and

(iii) by adding at the end the following:

''(C) TRAINING AND OTHER SERVICES.—A worker described in paragraph (3)(B) participating in the program established under paragraph (1) is eligible to receive training approved under section 236 and employment and case management services under section 235.''; and

(C) by striking paragraphs (3) through (5) and inserting the following:

''(3) ELIGIBILITY.—

''(A) IN GENERAL.—A group of workers certified under subchapter A as eligible for adjustment assistance under subchapter A is eligible for benefits described in paragraph (2) under the program established under paragraph (1).

''(B) INDIVIDUAL ELIGIBILITY.—A worker in a group of workers described in subparagraph (A) may elect to receive benefits described in paragraph (2) under the program established under paragraph (1) if the worker—

''(i) is at least 50 years of age;

''(ii) earns not more than $55,000 each year in wages from reemployment;

''(iii)(I) is employed on a full-time basis as defined by the law of the State in which the worker is employed and is not enrolled in a training program approved under section 236; or

''(II) is employed at least 20 hours per week and is enrolled in a training program approved under section 236; and

''(iv) is not employed at the firm from which the worker was separated.

''(C) CALCULATION OF AMOUNT OF PAYMENTS FOR CERTAIN WORKERS.—

''(i) IN GENERAL.—In the case of a worker described in subparagraph (B)(iii)(II), paragraph (2)(A) shall be applied by substituting the percentage described in clause (ii) for '50 percent'.

''(ii) PERCENTAGE DESCRIBED.—The percentage described in this clause is the percentage—

''(I) equal to ½ of the ratio of—

''(aa) the number of weekly hours of employment of the worker referred to in subparagraph (B)(iii)(II), to

''(bb) the number of weekly hours of employment of the worker at the time of separation, but

''(II) in no case more than 50 percent.

''(4) ELIGIBILITY PERIOD FOR PAYMENTS.—

''(A) WORKER WHO HAS NOT RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has not received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period not to exceed 2 years beginning on the earlier of—

''(i) the date on which the worker exhausts all rights to unemployment insurance based on the separation of the worker from the adversely affected employment that is the basis of the certification; or

''(ii) the date on which the worker obtains reemployment described in paragraph (3)(B).

''(B) WORKER WHO HAS RECEIVED TRADE READJUSTMENT ALLOWANCE.—In the case of a worker described in paragraph (3)(B) who has received a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A), the worker may receive benefits described in paragraph (2) for a period of 104 weeks beginning on the date on which the worker obtains reemployment described in paragraph (3)(B), reduced by the total number of weeks for which the worker received such trade readjustment allowance.

''(5) TOTAL AMOUNT OF PAYMENTS.—

''(A) IN GENERAL.—The payments described in paragraph (2)(A) made to a worker may not exceed—

''(i) $12,000 per worker during the eligibility period under paragraph (4)(A); or

''(ii) the amount described in subparagraph (B) per worker during the eligibility period under paragraph (4)(B).

''(B) AMOUNT DESCRIBED.—The amount described in this subparagraph is the amount equal to the product of—

''(i) $12,000, and

''(ii) the ratio of—

''(I) the total number of weeks in the eligibility period under paragraph (4)(B) with respect to the worker, to

''(II) 104 weeks.

''(6) LIMITATION ON OTHER BENEFITS.—A worker described in paragraph (3)(B) may not receive a trade readjustment allowance under part I of subchapter B pursuant to the certification described in paragraph (3)(A) during any week for which the worker receives a payment described in paragraph (2)(A).''; and

(3) in subsection (b)(2), by striking ''subsection (a)(3)(B)'' and inserting ''subsection (a)(3)''.

(b) EXTENSION OF PROGRAM.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking ''the date that is 5 years'' and all that follows through the end period and inserting ''December 31, 2010.''.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 246 and inserting the following:

''Sec. 246. Reemployment trade adjustment assistance program.''.

Subpart E—Other Matters

SEC. 1751. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.) is amended by adding at the end the following:

''SEC. 249A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

''(a) ESTABLISHMENT.—There is established in the Department of Labor an office to be known as the Office of Trade Adjustment Assistance (in this section referred to as the 'Office').

''(b) HEAD OF OFFICE.—The head of the Office shall be an administrator, who shall report directly to the Deputy Assistant Secretary for Employment and Training.

''(c) PRINCIPAL FUNCTIONS.—The principal functions of the administrator of the Office shall be—

''(1) to oversee and implement the administration of trade adjustment assistance for workers under this chapter; and

''(2) to carry out functions delegated to the Secretary of Labor under this chapter, including—

''(A) making determinations under section 223;

''(B) providing information under section 225 about trade adjustment assistance to workers and assisting such workers to prepare petitions or applications for program benefits;

''(C) providing assistance to employers of groups of workers that have filed petitions under section 221 in submitting information required by the Secretary related to the petitions;

''(D) ensuring workers covered by a certification of eligibility under subchapter A receive the employment and case management services described in section 235;

''(E) ensuring that States fully comply with agreements entered into under section 239;

''(F) advocating for workers applying for assistance under this chapter;

''(G) establishing and overseeing a hotline that workers, employers, and other entities

may call to obtain information regarding eligibility criteria, procedural requirements, and benefits available under this chapter; and

''(H) carrying out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.

''(d) ADMINISTRATION.—

''(1) DESIGNATION.—The administrator shall designate an employee of the Department of Labor with appropriate experience and expertise to carry out the duties described in paragraph (2).

''(2) DUTIES.—The officer or employee designated under paragraph (1) shall—

''(A) receive complaints and requests for assistance related to the trade adjustment assistance program under this chapter;

''(B) resolve such complaints and requests for assistance, in coordination with other employees of the Office;

''(C) compile basic information concerning such complaints and requests for assistance; and

''(D) carry out such other duties with respect to this chapter as the Secretary specifies for purposes of this section.''.

(b) ESTABLISHMENT OF DEPUTY ASSISTANT SECRETARY FOR EMPLOYMENT AND TRAINING.—

(1) IN GENERAL.—There is established in the Department of Labor a Deputy Assistant Secretary for Employment and Training, who shall report directly to the Assistant Secretary for Employment and Training Administration.

(2) APPOINTMENT.—

(A) IN GENERAL.—The Deputy Assistant Secretary for Employment and Training shall be appointed by the President, by and with the advice and consent of the Senate.

(B) COMMITTEE REFERRAL.—As an exercise of the rulemaking power of the Senate, a nomination for Deputy Assistant Secretary for Employment and Training shall be referred to the Committee on Finance. If the Committee on Finance has not reported such nomination at the close of the 30th day after its referral to such Committee, the Committee shall be automatically discharged from further consideration of such nomination and such nomination shall be referred to the Committee on Health, Education, Labor and Pensions.

(3) DUTIES.—The Deputy Assistant Secretary for Employment and Training shall—

(A) oversee the operation of the Office of Trade Adjustment Assistance, established under section 249A(a) of the Trade Act of 1974, as added by subsection (a) of this section; and

(B) carry out such other duties as the Secretary of Labor may assign.

(c) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249 the following:

''Sec. 249A. Office of Trade Adjustment Assistance.''.

SEC. 1752. ACCOUNTABILITY OF STATE AGENCIES; COLLECTION AND PUBLICATION OF PROGRAM DATA; AGREEMENTS WITH STATES.

(a) IN GENERAL.—Section 239(a) of the Trade Act of 1974 (19 U.S.C. 2311(a)) is amended—

(1) by amending clause (2) to read as follows: ''(2) in accordance with subsection (f), shall make available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A the employment and case management services described in section 235,''; and

(2) by striking ''will'' each place it appears and inserting ''shall''.

(b) FORM AND MANNER OF DATA.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

''(c) FORM AND MANNER OF DATA.—Each agreement under this subchapter shall—

''(1) provide the Secretary with the authority to collect any data the Secretary determines necessary to meet the requirements of this chapter; and

''(2) specify the form and manner in which any such data requested by the Secretary shall be reported.''.

(c) STATE ACTIVITIES.—Section 239(g) of the Trade Act of 1974 (as redesignated) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) by amending paragraph (4) to read as follows:

''(4) perform outreach, intake, and orientation for assistance and benefits available under this chapter for adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A, and''; and

(3) by adding at the end the following:

''(5) make employment and case management services described in section 235 available to adversely affected workers and adversely affected incumbent workers covered by a certification under subchapter A and, if funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs.''.

(d) REPORTING REQUIREMENT.—Section 239(h) of the Trade Act of 1974 (as redesignated) is amended by striking ''1998.'' and inserting ''1998 and a description of the State's rapid response activities under section 221(a)(2)(A).''.

(e) CONTROL MEASURES.—Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(i) CONTROL MEASURES.—

''(1) IN GENERAL.—The Secretary shall require each cooperating State and cooperating State agency to implement effective control measures and to effectively oversee the operation and administration of the trade adjustment assistance program under this chapter, including by means of monitoring the operation of control measures to improve the accuracy and timeliness of the data being collected and reported.

''(2) DEFINITION.—For purposes of paragraph (1), the term 'control measures' means measures that—

''(A) are internal to a system used by a State to collect data; and

''(B) are designed to ensure the accuracy and verifiability of such data.

''(j) DATA REPORTING.—

''(1) IN GENERAL.—Any agreement entered into under this section shall require the cooperating State or cooperating State agency to report to the Secretary on a quarterly basis comprehensive performance accountability data, to consist of—

''(A) the core indicators of performance described in paragraph (2)(A);

''(B) the additional indicators of performance described in paragraph (2)(B), if any; and

''(C) a description of efforts made to improve outcomes for workers under the trade adjustment assistance program.

''(2) CORE INDICATORS DESCRIBED.—

''(A) IN GENERAL.—The core indicators of performance described in this paragraph are—

''(i) the percentage of workers receiving benefits under this chapter who are employed during the second calendar quarter following the calendar quarter in which the workers cease receiving such benefits;

''(ii) the percentage of such workers who are employed in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits; and

''(iii) the earnings of such workers in each of the third and fourth calendar quarters following the calendar quarter in which the workers cease receiving such benefits.

''(B) ADDITIONAL INDICATORS.—The Secretary and a cooperating State or cooperating State agency may agree upon additional indicators of performance for the trade adjustment assistance program under this chapter, as appropriate.

''(3) STANDARDS WITH RESPECT TO RELIABILITY OF DATA.—In preparing the quarterly report required by paragraph (1), each cooperating State or cooperating State agency shall establish procedures that are consistent with guidelines to be issued by the Secretary to ensure that the data reported are valid and reliable.''.

SEC. 1753. VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311), as amended, is further amended by adding at the end the following:

''(k) VERIFICATION OF ELIGIBILITY FOR PROGRAM BENEFITS.—

''(1) IN GENERAL.—An agreement under this subchapter shall provide that the State shall periodically redetermine that a worker receiving benefits under this subchapter who is not a citizen or national of the United States remains in a satisfactory immigration status. Once satisfactory immigration status has been initially verified through the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)) for purposes of establishing a worker's eligibility for unemployment compensation, the State shall reverify the worker's immigration status if the documentation provided during initial verification will expire during the period in which that worker is potentially eligible to receive benefits under this subchapter. The State shall conduct such redetermination in a timely manner, utilizing the immigration status verification system described in section 1137(d) of the Social Security Act (42 U.S.C. 1320b–7(d)).

''(2) PROCEDURES.—The Secretary shall establish procedures to ensure the uniform application by the States of the requirements of this subsection.''.

SEC. 1754. COLLECTION OF DATA AND REPORTS; INFORMATION TO WORKERS.

(a) IN GENERAL.—Subchapter C of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2311 et seq.), as amended, is further amended by adding at the end the following:

''SEC. 249B. COLLECTION AND PUBLICATION OF DATA AND REPORTS; INFORMATION TO WORKERS.

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall implement a system to collect and report the data described in subsection (b), as well as any other information that the Secretary considers appropriate to effectively carry out this chapter.

''(b) DATA TO BE INCLUDED.—The system required under subsection (a) shall include collection of and reporting on the following data for each fiscal year:

''(1) DATA ON PETITIONS FILED, CERTIFIED, AND DENIED.—

''(A) The number of petitions filed, certified, and denied under this chapter.

''(B) The number of workers covered by petitions filed, certified, and denied.

''(C) The number of petitions, classified by—

''(i) the basis for certification, including increased imports, shifts in production, and other bases of eligibility; and

''(ii) congressional district.

''(D) The average time for processing such petitions.

''(2) DATA ON BENEFITS RECEIVED.—

''(A) The number of workers receiving benefits under this chapter.

''(B) The number of workers receiving each type of benefit, including training, trade readjustment allowances, employment and case management services, and relocation and job search allowances, and, to the extent feasible, credits for health insurance costs under section 35 of the Internal Revenue Code of 1986.

''(C) The average time during which such workers receive each such type of benefit.

''(3) DATA ON TRAINING.—

''(A) The number of workers enrolled in training approved under section 236, classified by major types of training, including classroom training, training through distance learning, on-the-job training, and customized training.

''(B) The number of workers enrolled in full-time training and part-time training.

''(C) The average duration of training.

''(D) The number of training waivers granted under section 231(c), classified by type of waiver.

''(E) The number of workers who complete training and the duration of such training.

''(F) The number of workers who do not complete training.

''(4) DATA ON OUTCOMES.—

''(A) A summary of the quarterly reports required under section 239(j).

''(B) The sectors in which workers are employed after receiving benefits under this chapter.

''(5) DATA ON RAPID RESPONSE ACTIVITIES.—Whether rapid response activities were provided with respect to each petition filed under section 221.

''(c) CLASSIFICATION OF DATA.—To the extent possible, in collecting and reporting the data described in subsection (b), the Secretary shall classify the data by industry, State, and national totals.

''(d) REPORT.—Not later than December 15 of each year, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes—

''(1) a summary of the information collected under this section for the preceding fiscal year;

''(2) information on the distribution of funds to each State pursuant to section 236(a)(2); and

''(3) any recommendations of the Secretary with respect to changes in eligibility requirements, benefits, or training funding under this chapter based on the data collected under this section.

''(e) AVAILABILITY OF DATA.—

''(1) IN GENERAL.—The Secretary shall make available to the public, by publishing on the website of the Department of Labor and by other means, as appropriate—

''(A) the report required under subsection (d);

''(B) the data collected under this section, in a searchable format; and

''(C) a list of cooperating States and cooperating State agencies that failed to submit the data required by this section to the Secretary in a timely manner.

''(2) UPDATES.—The Secretary shall update the data under paragraph (1) on a quarterly basis.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 249A the following:

''Sec. 249B. Collection and publication of data and reports; information to workers.''.

SEC. 1755. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 243(a)(1) of the Trade Act of 1974 (19 U.S.C. 2315(a)(1)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by striking ''may waive'' and inserting ''shall waive''; and

(B) by striking '', in accordance with guidelines prescribed by the Secretary,''; and

(2) in subparagraph (B), by striking ''would be contrary to equity and good conscience'' and inserting ''would cause a financial hardship for the individual (or the individual's household, if applicable) when taking into consideration the income and resources reasonably available to the individual (or household) and other ordinary living expenses of the individual (or household)''.

SEC. 1756. SENSE OF CONGRESS ON APPLICATION OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 5 of title II of the Trade Act of 1974 (19 U.S.C. 2391 et seq.) is amended by adding at the end the following:

''SEC. 288. SENSE OF CONGRESS.

''It is the sense of Congress that the Secretaries of Labor, Commerce, and Agriculture should apply the provisions of chapter 2 (relating to adjustment assistance for workers), chapter 3 (relating to adjustment assistance for firms), chapter 4 (relating to adjustment assistance for communities), and chapter 6 (relating to adjustment assistance for farmers), respectively, with the utmost regard for the interests of workers, firms, communities, and farmers petitioning for benefits under such chapters.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by inserting after the item relating to section 287 the following:

''Sec. 288. Sense of Congress.''.

SEC. 1757. CONSULTATIONS IN PROMULGATION OF REGULATIONS.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) by striking ''The Secretary shall'' and inserting the following:

''(a) IN GENERAL.—The Secretary shall''; and

(2) by adding at the end the following:

''(b) CONSULTATIONS.—Not later than 90 days before issuing a final rule or regulation under subsection (a), the Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives with respect to the final rule or regulation.''.

SEC. 1758. TECHNICAL CORRECTIONS.

(a) DETERMINATIONS BY SECRETARY OF LABOR.—Section 223(c) of the Trade Act of 1974 (19 U.S.C. 2273(c)) is amended by striking ''his determination'' and inserting ''a determination''.

(b) QUALIFYING REQUIREMENTS FOR WORKERS.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''his application'' and inserting ''the worker's application''; and

(B) in subparagraph (A), by striking ''he is covered'' and inserting ''the worker is covered'';

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the period and inserting a comma; and

(B) in subparagraph (D), by striking ''5 U.S.C. 8521(a)(1)'' and inserting ''section 8521(a)(1) of title 5, United States Code''; and

(3) in paragraph (3)—

(A) by striking ''he'' each place it appears and inserting ''the worker''; and

(B) in subparagraph (C), by striking ''him'' and inserting ''the worker''.

(c) SUBPOENA POWER.—Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in the section heading, by striking ''**SUBPENA**'' and inserting ''**SUBPOENA**''; and

(2) by striking ''subpena'' and inserting ''subpoena'' each place it appears.

(d) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 249 and inserting the following:

''Sec. 249. Subpoena power.''.

PART II—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

SEC. 1761. EXPANSION TO SERVICE SECTOR FIRMS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended by inserting ''or service sector firm'' after ''agricultural firm'' each place it appears.

(b) DEFINITION OF SERVICE SECTOR FIRM.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended—

(1) by striking ''chapter,'' and inserting ''chapter:'';

(2) by striking ''the term 'firm' '' and inserting the following:

''(1) FIRM.—The term 'firm' ''; and

(3) by adding at the end the following:

''(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of supplying services.''.

(c) CONFORMING AMENDMENTS.—

(1) Section 251(c)(1)(C) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(C)) is amended—

(A) by inserting ''or services'' after ''articles'' the first place it appears; and

(B) by inserting ''or services which are supplied'' after ''produced''.

(2) Section 251(c)(2)(B)(ii) of such Act is amended to read as follows:

''(ii) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.''.

SEC. 1762. MODIFICATION OF REQUIREMENTS FOR CERTIFICATION.

Section 251(c)(1)(B) of the Trade Act of 1974 (19 U.S.C. 2341(c)(1)(B)) is amended to read as follows:

''(B) that—

''(i) sales or production, or both, of the firm have decreased absolutely,

''(ii) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which date are available have decreased absolutely,

''(iii) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and.

''(iv) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased compared to—

''(I) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or

''(II) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and''.

SEC. 1763. BASIS FOR DETERMINATIONS.

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended by adding at the end the following:

''(e) BASIS FOR SECRETARY'S DETERMINATIONS.—For purposes of subsection (c)(1)(C),

the Secretary may determine that there are increased imports of like or directly competitive articles or services, if customers accounting for a significant percentage of the decrease in the sales of the firm certify to the Secretary that such customers have increased their imports of such articles or services from a foreign country, either absolutely or relative to their acquisition of such articles or services from suppliers located in the United States.

''(f) NOTIFICATION TO FIRMS OF AVAILABILITY OF BENEFITS.—Upon receiving notice from the Secretary of Labor under section 225 of the identity of a firm that is covered by a certification issued under section 223, the Secretary of Commerce shall notify the firm of the availability of adjustment assistance under this chapter.''.

SEC. 1764. OVERSIGHT AND ADMINISTRATION; AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended—

(1) by striking sections 254, 255, 256, and 257;

(2) by redesignating sections 258, 259, 260, 261, 262, 264, and 265, as sections 256, 257, 258, 259, 260, 261, and 262, respectively; and

(3) by inserting after section 253 the following:

''SEC. 254. OVERSIGHT AND ADMINISTRATION.

''(a) IN GENERAL.—The Secretary shall, to such extent and in such amounts as are provided in appropriations Acts, provide grants to intermediary organizations (referred to in section 253(b)(1)) throughout the United States pursuant to agreements with such intermediary organizations. Each such agreement shall require the intermediary organization to provide benefits to firms certified under section 251.The Secretary shall, to the maximum extent practicable, provide by October 1, 2010, that contracts entered into with intermediary organizations be for a 12-month period and that all such contracts have the same beginning date and the same ending date.

''(b) DISTRIBUTION OF FUNDS.—

''(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this section, the Secretary shall develop a methodology for the distribution of funds among the intermediary organizations described in subsection (a).

''(2) PROMPT INITIAL DISTRIBUTION.—The methodology described in paragraph (1) shall ensure the prompt initial distribution of funds and establish additional criteria governing the apportionment and distribution of the remainder of such funds among the intermediary organizations.

''(3) CRITERIA.—The methodology described in paragraph (1) shall include criteria based on the data in the annual report on trade adjustment for firms program described in section 1766.

''(c) REQUIREMENTS FOR CONTRACTS.—An agreement with an intermediary organization described in subsection (a) shall require the intermediary organization to contract for the supply of services to carry out grants under this chapter in accordance with terms and conditions that are consistent with guidelines established by the Secretary.

''(d) CONSULTATIONS.—

''(1) CONSULTATIONS REGARDING METHODOLOGY.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the methodology described in subsection (b) or adopting any changes to such methodology.

''(2) CONSULTATIONS REGARDING GUIDELINES.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 60 days before finalizing the guidelines described in subsection (c) or adopting any subsequent changes to such guidelines.

''SEC. 255. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary $50,000,000 for each of the fiscal years 2009 through 2010, and $12,501,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the provisions of this chapter. Amounts appropriated pursuant to this subsection shall—

''(1) be available to provide adjustment assistance to firms that file a petition for such assistance pursuant to this chapter on or before December 31, 2010; and

''(2) otherwise remain available until expended.

''(b) PERSONNEL.—Of the amounts appropriated pursuant to this section for each fiscal year, $350,000 shall be available for full-time positions in the Department of Commerce to administer the provisions of this chapter. Of such funds the Secretary shall make available to the Economic Development Administration such sums as may be necessary to establish the position of Director of Adjustment Assistance for Firms and such other full-time positions as may be appropriate to administer the provisions of this chapter.''.

(b) RESIDUAL AUTHORITY.—The Secretary of Commerce shall have the authority to modify, terminate, resolve, liquidate, or take any other action with respect to a loan, guarantee, contract, or any other financial assistance that was extended under section 254, 255, 256, or 257 of the Trade Act of 1974 (19 U.S.C. 2344, 2345, 2346, and 2347), as in effect on the day before the effective date set forth in section 1791.

(c) CONFORMING AMENDMENTS.—

(1) Section 256 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended by striking subsection (d).

(2) Section 258 of the Trade Act of 1974, as redesignated by subsection (a) of this section, is amended—

(A) in the first sentence, by striking ''and financial''; and

(B) in the last sentence—

(i) by striking ''sections 253 and 254'' and inserting ''section 253''; and

(ii) by striking ''title 28 of the United States Code'' and inserting ''title 28, United States Code''.

(d) CLERICAL AMENDMENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to sections 254, 255, 256, 257, 258, 259, 260, 261, 262, 264, and 265, and inserting the following:

''Sec. 254. Oversight and administration.
''Sec. 255. Authorization of appropriations.
''Sec. 256. Protective provisions.
''Sec. 257. Penalties.
''Sec. 258. Civil actions.
''Sec. 259. Definitions.
''Sec. 260. Regulations.
''Sec. 261. Study by Secretary of Commerce when International Trade Commission begins investigation; action where there is affirmative finding.
''Sec. 262. Assistance to industries.''.

SEC. 1765. INCREASED PENALTIES FOR FALSE STATEMENTS.

Section 257 of the Trade Act of 1974, as redesignated by section 1764(a), is amended to read as follows:

''SEC. 257. PENALTIES.

''Whoever—

''(1) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, or willfully overvalues any security, for the purpose of influencing in any way a determination under this chapter, or for the purpose of obtaining money, property, or anything of value under this chapter, or

''(2) makes a false statement of a material fact knowing it to be false, or knowingly fails to disclose a material fact, when providing information to the Secretary during an investigation of a petition under this chapter,

shall be imprisoned for not more than 2 years, or fined under title 18, United States Code, or both.''.

SEC. 1766. ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS.

(a) ANNUAL REPORT ON TRADE ADJUSTMENT FOR FIRMS PROGRAM.—Not later than December 15, 2009, and each year thereafter, the Secretary of Commerce shall prepare a report containing data regarding the trade adjustment for firms program provided for in chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) for the preceding fiscal year. The data shall be classified by intermediary organization, State, and national totals and include the following:

(1) The number of firms that inquired about the program.

(2) The number of petitions filed.

(3) The number of petitions certified and denied.

(4) The date each petition was filed, the date on which a determination was made on the petition, and the average time for processing petitions.

(5) The number of petitions filed and firms certified for each congressional district of the United States.

(6) The number of firms that received assistance in preparing their petitions.

(7) The number of firms that received assistance developing business recovery plans.

(8) The number of business recovery plans approved and denied by the Secretary of Commerce.

(9) Sales, employment, and productivity at each firm participating in the program at the time of certification.

(10) Sales, employment, and productivity at each firm upon completion of the program and each year for the 2-year period following completion.

(11) The financial assistance received by each firm participating in the program.

(12) The financial contribution made by each firm participating in the program.

(13) The types of technical assistance included in the business recovery plans of firms participating in the program.

(14) The number of firms leaving the program before completing the project or projects in their business recovery plans, classified by the general cause for early termination.

(b) REPORT TO CONGRESS; PUBLICATION.—The Secretary of Commerce shall—

(1) submit the report described in subsection (a) to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives; and

(2) publish the report in the Federal Register and on the website of the Department of Commerce.

(c) PROTECTION OF CONFIDENTIAL INFORMATION.—The Secretary of Commerce may not release information described in subsection (a) that the Secretary considers to be confidential business information unless the person submitting the confidential business information had notice, at the time of submission, that such information would be released by the Secretary, or such person subsequently consents to the release of the information. Nothing in this subparagraph shall be construed to prohibit the Secretary from providing such confidential business information to a court in camera or to another

party under a protective order issued by a court.

SEC. 1767. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341), as amended, is further amended—

(1) in subsection (a), by striking ''he has'' and inserting ''the Secretary has''; and

(2) in subsection (d), by striking ''60 days'' and inserting ''40 days''.

(b) TECHNICAL ASSISTANCE.—Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by striking ''of a certified firm'' and inserting ''to a certified firm''.

PART III—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 1771. PURPOSE.

The purpose of this part is to assist communities impacted by trade with economic adjustment through the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the development and provision of programs that meet the training needs of workers covered by certifications under section 223.

SEC. 1772. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended to read as follows:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''SEC. 271. DEFINITIONS.

''In this subchapter:

''(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.

''(2) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State.

''(3) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' means a community described in section 273(b)(2).

''(4) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that the Secretary has determined under section 273(b)(1) is eligible to apply for assistance under this subchapter.

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''SEC. 272. ESTABLISHMENT OF TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES PROGRAM.

''Not later than August 1, 2009, the Secretary shall establish a trade adjustment assistance for communities program at the Department of Commerce under which the Secretary shall—

''(1) provide technical assistance under section 274 to communities impacted by trade to facilitate the economic adjustment of those communities; and

''(2) award grants to communities impacted by trade to carry out strategic plans developed under section 276.

''SEC. 273. ELIGIBILITY; NOTIFICATION.

''(a) PETITION.—

''(1) IN GENERAL.—A community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) that the community is eligible to apply for assistance under this subchapter if—

''(A) on or after August 1, 2009, one or more certifications described in subsection (b)(3) are made with respect to the community; and

''(B) the community submits the petition not later than 180 days after the date of the most recent certification.

''(2) SPECIAL RULE WITH RESPECT TO CERTAIN COMMUNITIES.—In the case of a community with respect to which one or more certifications described in subsection (b)(3) were made on or after January 1, 2007, and before August 1, 2009, the community may submit a petition to the Secretary for an affirmative determination under subsection (b)(1) not later than February 1, 2010.

''(b) AFFIRMATIVE DETERMINATION.—

''(1) IN GENERAL.—The Secretary shall make an affirmative determination that a community is eligible to apply for assistance under this subchapter if the Secretary determines that the community is a community impacted by trade.

''(2) COMMUNITY IMPACTED BY TRADE.—A community is a community impacted by trade if—

''(A) one or more certifications described in paragraph (3) are made with respect to the community; and

''(B) the Secretary determines that the community is significantly affected by the threat to, or the loss of, jobs associated with that certification.

''(3) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification—

''(A) by the Secretary of Labor that a group of workers in the community is eligible to apply for assistance under section 223;

''(B) by the Secretary of Commerce that a firm located in the community is eligible to apply for adjustment assistance under section 251; or

''(C) by the Secretary of Agriculture that a group of agricultural commodity producers in the community is eligible to apply for adjustment assistance under section 293.

''(c) NOTIFICATIONS.—

''(1) NOTIFICATION TO THE GOVERNOR.—The Governor of a State shall be notified promptly—

''(A) by the Secretary of Labor, upon making a determination that a group of workers in the State is eligible for assistance under section 223;

''(B) by the Secretary of Commerce, upon making a determination that a firm in the State is eligible for assistance under section 251; and

''(C) by the Secretary of Agriculture, upon making a determination that a group of agricultural commodity producers in the State is eligible for assistance under section 293.

''(2) NOTIFICATION TO COMMUNITY.—Upon making an affirmative determination under subsection (b)(1) that a community is eligible to apply for assistance under this subchapter, the Secretary shall promptly notify the community and the Governor of the State in which the community is located—

''(A) of the affirmative determination;

''(B) of the applicable provisions of this subchapter; and

''(C) of the means for obtaining assistance under this subchapter and other appropriate economic assistance that may be available to the community.

''SEC. 274. TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall provide comprehensive technical assistance to an eligible community to assist the community to—

''(1) diversify and strengthen the economy in the community;

''(2) identify significant impediments to economic development that result from the impact of trade on the community; and

''(3) develop a strategic plan under section 276 to address economic adjustment and workforce dislocation in the community , including unemployment among agricultural commodity producers.

''(b) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall coordinate the Federal response to an eligible community by—

''(1) identifying Federal, State, and local resources that are available to assist the community in responding to economic distress; and

''(2) assisting the community in accessing available Federal assistance and ensuring that such assistance is provided in a targeted, integrated manner.

''(c) INTERAGENCY COMMUNITY ASSISTANCE WORKING GROUP.—

''(1) IN GENERAL.—The Secretary shall establish an interagency Community Assistance Working Group, to be chaired by the Secretary or the Secretary's designee, who shall assist the Secretary with the coordination of the Federal response pursuant to subsection (b).

''(2) MEMBERSHIP.—The Working Group shall consist of representatives of any Federal department or agency with responsibility for providing economic adjustment assistance, including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, and any other Federal, State, or regional public department or agency the Secretary determines to be appropriate.

''SEC. 275. GRANTS FOR ELIGIBLE COMMUNITIES.

''(a) IN GENERAL.—The Secretary may award a grant under this section to an eligible community to assist the community in carrying out any project or program that is included in a strategic plan developed by the community under section 276.

''(b) APPLICATION.—

''(1) IN GENERAL.—An eligible community seeking to receive a grant under this section shall submit a grant application to the Secretary that contains—

''(A) the strategic plan developed by the community under section 276(a)(1) and approved by the Secretary under section 276(a)(2); and

''(B) a description of the project or program included in the strategic plan with respect to which the community seeks the grant.

''(2) COORDINATION AMONG GRANT PROGRAMS.—If an entity in an eligible community is seeking or plans to seek a Community College and Career Training Grant under section 278 or a Sector Partnership Grant under section 279A while the eligible community is seeking a grant under this section, the eligible community shall include in the grant application a description of how the eligible community will integrate any projects or programs carried out using a grant under this section with any projects or programs that may be carried out using such other grants.

''(c) LIMITATION.—An eligible community may not be awarded more than $5,000,000 under this section.

''(d) COST-SHARING.—

''(1) FEDERAL SHARE.—The Federal share of a project or program for which a grant is awarded under this section may not exceed 95 percent of the cost of such project or program.

''(2) COMMUNITY SHARE.—The Secretary shall require, as a condition of awarding a grant to an eligible community under this section, that the eligible community contribute not less than an amount equal to 5 percent of the amount of the grant toward the cost of the project or program for which the grant is awarded.

''(e) GRANTS TO SMALL- AND MEDIUM-SIZED COMMUNITIES.—The Secretary shall give priority to grant applications submitted under this section by eligible communities that are small- and medium-sized communities.

''(f) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact on the eligible community of each such grant awarded in a fiscal year before the fiscal year referred to in paragraph (1).

''SEC. 276. STRATEGIC PLANS.

''(a) IN GENERAL.—

''(1) INVOLVEMENT OF PRIVATE AND PUBLIC ENTITIES.—An eligible community that intends to apply for a grant under section 275 shall—

''(A) develop a strategic plan for the community's economic adjustment to the impact of trade with the entities described in paragraph (2) to the extent practicable; and

''(B) submit the plan to the Secretary for evaluation and approval.

''(2) ENTITIES DESCRIBED.—Entities described in this paragraph are public and private representatives, firms, and other entities within the eligible community, including—

''(A) local, county, or State government serving the community;

''(B) firms, including small- and medium-sized firms, within the community;

''(C) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(E) educational institutions, local educational agencies, or other training providers serving the community.

''(b) CONTENTS.—The strategic plan shall, at a minimum, contain the following:

''(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.

''(2) An analysis of the economic development challenges and opportunities facing the community as well as the strengths and weaknesses of the economy of the community.

''(3) An assessment of the commitment of the eligible community to the strategic plan over the long term and the participation and input of members of the community affected by economic dislocation.

''(4) A description of the role and the participation of the entities described in subsection (a)(2) in developing the strategic plan.

''(5) A description of the projects to be undertaken by the eligible community under the strategic plan.

''(6) A description of how the strategic plan and the projects to be undertaken by the eligible community will facilitate the community's economic adjustment.

''(7) A description of the educational and training programs available to workers in the eligible community and the future employment needs of the community.

''(8) An assessment of the cost and timing of funds required by the eligible community to implement the strategic plan, including the method of financing to be used.

''(9) A strategy for continuing the economic adjustment of the eligible community after the completion of the projects described in paragraph (4).

''(c) GRANTS TO DEVELOP STRATEGIC PLANS.—

''(1) IN GENERAL.—The Secretary, upon receipt of an application from an eligible community, may award a grant to the community to assist the community in developing a strategic plan under subsection (a)(1). A grant awarded under this paragraph shall not exceed 75 percent of the cost of developing the strategic plan.

''(2) FUNDS TO BE USED.—Of the funds appropriated pursuant to section 277(c), the Secretary may make available not more than $25,000,000 each fiscal year to provide grants to eligible communities under paragraph (1).

''SEC. 277. GENERAL PROVISIONS.

''(a) REGULATIONS.—

''(1) IN GENERAL.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this subchapter, including—

''(A) establishing specific guidelines for the submission and evaluation of a strategic plan under section 276;

''(B) establishing specific guidelines for the submission and evaluation of grant applications under section 275; and

''(C) administering the grant programs established under sections 275 and 276.

''(2) CONSULTATIONS.—The Secretary shall consult with the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not less than 90 days prior to promulgating any final rule or regulation pursuant to paragraph (1).

''(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this subchapter.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $150,000,000 for each of the fiscal years 2009 and 2010, and $37,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out this subchapter.

''(2) AVAILABILITY.—Amounts appropriated pursuant to this subchapter—

''(A) shall be available to provide adjustment assistance to communities that have petitioned or applied for assistance pursuant to this chapter on or before December 31, 2010; and

''(B) shall otherwise remain available until expended.

''(3) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this subchapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

''Subchapter B—Community College and Career Training Grant Program

''SEC. 278. COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM.

''(a) GRANTS AUTHORIZED.—

''(1) IN GENERAL.—Beginning August 1, 2009, the Secretary may award Community College and Career Training Grants to eligible institutions for the purpose of developing, offering, or improving educational or career training programs for workers eligible for training under section 236.

''(2) LIMITATIONS.—An eligible institution may not be awarded—

''(A) more than 1 grant under this section; or

''(B) a grant under this section in excess of $1,000,000.

''(b) DEFINITIONS.—In this section:

''(1) ELIGIBLE INSTITUTION.—The term 'eligible institution' means—

''(A) an institution described in section 203(a)(1)(B) of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2373(a)(1)(B)) or in section 101(b) of the Higher Education Act of 1965 (20 U.S.C. 1001(b)); and

''(B) an institution described in section 236(a)(5)(H), but only with respect to a program offered by the institution that can be completed in not more than 2 years.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(c) GRANT PROPOSALS.—

''(1) IN GENERAL.—An eligible institution seeking to receive a grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GUIDELINES.—Not later than June 1, 2009, the Secretary shall—

''(A) promulgate guidelines for the submission of grant proposals under this section; and

''(B) publish and maintain such guidelines on the website of the Department of Labor.

''(3) ASSISTANCE.—The Secretary shall offer assistance in preparing a grant proposal to any eligible institution that requests such assistance.

''(4) GENERAL REQUIREMENTS FOR GRANT PROPOSALS.—

''(A) IN GENERAL.—A grant proposal submitted to the Secretary under this section shall include a detailed description of—

''(i) the specific project for which the grant proposal is submitted, including the manner in which the grant will be used to develop, offer, or improve an educational or career training program that is suited to workers eligible for training under section 236;

''(ii) the extent to which the project for which the grant proposal is submitted will meet the educational or career training needs of workers in the community served by the eligible institution who are eligible for training under section 236;

''(iii) the extent to which the project for which the grant proposal is submitted fits within any overall strategic plan developed by an eligible community under section 276;

''(iv) the extent to which the project for which the grant proposal is submitted relates to any project funded by a Sector Partnership Grant awarded under section 279A; and

''(v) any previous experience of the eligible institution in providing educational or career training programs to workers eligible for training under section 236.

''(B) ABSENCE OF EXPERIENCE.—The absence of any previous experience in providing educational or career training programs described in subparagraph (A)(iv) shall not automatically disqualify an eligible institution from receiving a grant under this section.

''(5) COMMUNITY OUTREACH REQUIRED.—In order to be considered by the Secretary, a grant proposal submitted by an eligible institution under this section shall—

''(A) demonstrate that the eligible institution—

''(i) reached out to employers, and other entities described in section 276(a)(2) to identify—

''(I) any shortcomings in existing educational and career training opportunities available to workers in the community; and

''(II) any future employment opportunities within the community and the educational and career training skills required for workers to meet the future employment demand;

''(ii) reached out to other similarly situated institutions in an effort to benefit from any best practices that may be shared with respect to providing educational or career training programs to workers eligible for training under section 236; and

''(iii) reached out to any eligible partnership in the community that has sought or received Sector Partnership Grants under section 279A to enhance the effectiveness of each grant and avoid duplication of efforts; and

''(B) include a detailed description of—

''(i) the extent and outcome of the outreach conducted under subparagraph (A);

''(ii) the extent to which the project for which the grant proposal is submitted will contribute to meeting any shortcomings identified under subparagraph (A)(i)(I) or any educational or career training needs identified under subparagraph (A)(i)(II); and

''(iii) the extent to which employers, including small- and medium-sized enterprises within the community, have demonstrated a commitment to employing workers who would benefit from the project for which the grant proposal is submitted.

''(d) CRITERIA FOR AWARD OF GRANTS.—

''(1) IN GENERAL.—Subject to the appropriation of funds, the Secretary shall award a grant under this section based on—

''(A) a determination of the merits of the grant proposal submitted by the eligible institution to develop, offer, or improve educational or career training programs to be made available to workers eligible for training under section 236;

''(B) an evaluation of the likely employment opportunities available to workers who complete an educational or career training program that the eligible institution proposes to develop, offer, or improve; and

''(C) an evaluation of prior demand for training programs by workers eligible for training under section 236 in the community served by the eligible institution, as well as the availability and capacity of existing training programs to meet future demand for training programs.

''(2) PRIORITY FOR CERTAIN COMMUNITIES.—In awarding grants under this section, the Secretary shall give priority to eligible institutions that serve communities that the Secretary of Commerce has determined under section 273 are eligible to apply for assistance under subchapter A within the 5-year period preceding the date on which the grant proposals are submitted to the Secretary under this section.

''(3) MATCHING REQUIREMENTS.—A grant awarded under this section may not be used to satisfy any private matching requirement under any other provision of law.

''(e) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(1) describing each grant awarded under this section during the preceding fiscal year; and

''(2) assessing the impact of each award of a grant under this section in a fiscal year preceding the fiscal year referred to in paragraph (1) on workers receiving training under section 236.

''SEC. 279. AUTHORIZATION OF APPROPRIATIONS.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010 and ending December 31, 2010, to fund the Community College and Career Training Grant Program. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college and career training programs.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''SEC. 279A. INDUSTRY OR SECTOR PARTNERSHIP GRANT PROGRAM FOR COMMUNITIES IMPACTED BY TRADE.

''(a) PURPOSE.—The purpose of this subchapter is to facilitate efforts by industry or sector partnerships to strengthen and revitalize industries and create employment opportunities for workers in communities impacted by trade.

''(b) DEFINITIONS.—In this subchapter:

''(1) COMMUNITY IMPACTED BY TRADE.—The term 'community impacted by trade' has the meaning given that term in section 271.

''(2) DISLOCATED WORKER.—The term 'dislocated worker' means a worker who has been totally or partially separated, or is threatened with total or partial separation, from employment in an industry or sector in a community impacted by trade.

''(3) ELIGIBLE PARTNERSHIP.—The term 'eligible partnership' means a voluntary partnership composed of public and private persons, firms, or other entities within a community impacted by trade, that shall include representatives of—

''(A) an industry or sector within the community, including an industry association;

''(B) local, county, or State government;

''(C) multiple firms in the industry or sector, including small- and medium-sized firms, within the community;

''(D) local workforce investment boards established under section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832);

''(E) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community; and

''(F) educational institutions, local educational agencies, or other training providers serving the community.

''(4) LEAD ENTITY.—The term 'lead entity' means—

''(A) an entity designated by the eligible partnership to be responsible for submitting a grant proposal under subsection (e) and serving as the eligible partnership's fiscal agent in expending any Sector Partnership Grant awarded under this section; or

''(B) a State agency designated by the Governor of the State to carry out the responsibilities described in subparagraph (A).

''(5) SECRETARY.—The term 'Secretary' means the Secretary of Labor.

''(6) TARGETED INDUSTRY OR SECTOR.—The term 'targeted industry or sector' means the industry or sector represented by an eligible partnership.

''(c) SECTOR PARTNERSHIP GRANTS AUTHORIZED.—Beginning on August 1, 2009, and subject to the appropriation of funds, the Secretary shall award Sector Partnership Grants to eligible partnerships to assist the eligible partnerships in carrying out projects, over periods of not more than 3 years, to strengthen and revitalize industries and sectors and create employment opportunities for dislocated workers.

''(d) USE OF SECTOR PARTNERSHIP GRANTS.—An eligible partnership may use a Sector Partnership Grant to carry out any project that the Secretary determines will further the purpose of this subchapter, which may include—

''(1) identifying the skill needs of the targeted industry or sector and any gaps in the available supply of skilled workers in the community impacted by trade, and developing strategies for filling the gaps, including by—

''(A) developing systems to better link firms in the targeted industry or sector to available skilled workers;

''(B) helping firms in the targeted industry or sector to obtain access to new sources of qualified job applicants;

''(C) retraining dislocated and incumbent workers; or

''(D) facilitating the training of new skilled workers by aligning the instruction provided by local suppliers of education and training services with the needs of the targeted industry or sector;

''(2) analyzing the skills and education levels of dislocated and incumbent workers and developing training to address skill gaps that prevent such workers from obtaining jobs in the targeted industry or sector;

''(3) helping firms, especially small- and medium-sized firms, in the targeted industry or sector increase their productivity and the productivity of their workers;

''(4) helping such firms retain incumbent workers;

''(5) developing learning consortia of small- and medium-sized firms in the targeted industry or sector with similar training needs to enable the firms to combine their purchases of training services, and thereby lower their training costs;

''(6) providing information and outreach activities to firms in the targeted industry or sector regarding the activities of the eligible partnership and other local service suppliers that could assist the firms in meeting needs for skilled workers;

''(7) seeking, applying, and disseminating best practices learned from similarly situated communities impacted by trade in the development and implementation of economic growth and revitalization strategies; and

''(8) identifying additional public and private resources to support the activities described in this subsection, which may include the option to apply for a community grant under section 275 or a Community College and Career Training Grant under section 278 (subject to meeting any additional requirements of those sections).

''(e) GRANT PROPOSALS.—

''(1) IN GENERAL.—The lead entity of an eligible partnership seeking to receive a Sector Partnership Grant under this section shall submit a grant proposal to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(2) GENERAL REQUIREMENTS OF GRANT PROPOSALS.—A grant proposal submitted under paragraph (1) shall, at a minimum—

''(A) identify the members of the eligible partnership;

''(B) identify the targeted industry or sector for which the eligible partnership intends to carry out projects using the Sector Partnership Grant;

''(C) describe the goals that the eligible partnership intends to achieve to promote the targeted industry or sector;

''(D) describe the projects that the eligible partnership will undertake to achieve such goals;

''(E) demonstrate that the eligible partnership has the organizational capacity to carry out the projects described in subparagraph (D);

''(F) explain—

''(i) whether—

''(I) the community impacted by trade has sought or received a community grant under section 275;

''(II) an eligible institution in the community has sought or received a Community College and Career Training Grant under section 278; or

''(III) any other entity in the community has received funds pursuant to any other federally funded training project; and

''(ii) how the eligible partnership will coordinate its use of a Sector Partnership

Grant with the use of such other grants or funds in order to enhance the effectiveness of each grant and any such funds and avoid duplication of efforts; and

''(G) include performance measures, developed based on the performance measures issued by the Secretary under subsection (g)(2), and a timeline for measuring progress toward achieving the goals described in subparagraph (C).

''(f) AWARD OF GRANTS.—

''(1) Upon application by the lead entity of an eligible partnership, the Secretary may award a Sector Partnership Grant to the eligible partnership to assist the partnership in carrying out any of the projects in the grant proposal that the Secretary determines will further the purposes of this subchapter.

''(2) An eligible partnership may not be awarded—

''(A) more than 1 Sector Partnership Grant; or

''(B) a total grant award under this subchapter in excess of—

''(i) except as provided in clause (ii), $2,500,000; or

''(ii) in the case of an eligible partnership located within a community impacted by trade that is not served by an institution receiving a Community College and Career Training Grant under section 278, $3,000,000.

''(g) ADMINISTRATION BY THE SECRETARY.—

''(1) TECHNICAL ASSISTANCE AND OVERSIGHT.—

''(A) IN GENERAL.—The Secretary shall provide technical assistance to, and oversight of, the lead entity of an eligible partnership in applying for and administering Sector Partnership Grants awarded under this section.

''(B) TECHNICAL ASSISTANCE.—Technical assistance provided under subparagraph (A) shall include providing conferences and such other methods of collecting and disseminating information on best practices developed by eligible partnerships as the Secretary determines appropriate.

''(C) GRANTS OR CONTRACTS FOR TECHNICAL ASSISTANCE.—The Secretary may award a grant or contract to 1 or more national or State organizations to provide technical assistance to foster the planning, formation, and implementation of eligible partnerships.

''(2) PERFORMANCE MEASURES.—The Secretary shall issue a range of performance measures, with quantifiable benchmarks, and methodologies that eligible partnerships may use to measure progress toward the goals described in subsection (e). In developing such measures, the Secretary shall consider the benefits of the eligible partnership and its activities for workers, firms, industries, and communities.

''(h) REPORTS.—

''(1) PROGRESS REPORT.—Not later than 1 year after receiving a Sector Partnership Grant, and 3 years thereafter, the lead entity shall submit to the Secretary, on behalf of the eligible partnership, a report containing—

''(A) a detailed description of the progress made toward achieving the goals described in subsection (e)(2)(C), using the performance measures required under subsection (e)(2)(G);

''(B) a detailed evaluation of the impact of the grant award on workers and employers in the community impacted by trade; and

''(C) a detailed description of all expenditures of funds awarded to the eligible partnership under the Sector Partnership Grant approved by the Secretary under this subchapter.

''(2) ANNUAL REPORT.—Not later than December 15 in each of the calendar years 2009 through 2013, the Secretary shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

''(A) describing each Sector Partnership Grant awarded to an eligible partnership during the preceding fiscal year; and

''(B) assessing the impact of each Sector Partnership Grant awarded in a fiscal year preceding the fiscal year referred to in subparagraph (A) on workers and employers in communities impacted by trade.

''SEC. 279B. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Labor $40,000,000 for each of the fiscal years 2009 and 2010, and $10,000,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the Sector Partnership Grant program under section 279A. Funds appropriated pursuant to this section shall remain available until expended, except that no such funds may be expended after December 31, 2010.

''(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated pursuant to this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support the economic development of local communities.

''(c) ADMINISTRATIVE COSTS.—The Secretary may retain not more than 5 percent of the funds appropriated pursuant to the authorization of appropriations under this section for each fiscal year to administer the Sector Partnership Grant program under section 279A.

''Subchapter D—General Provisions

''SEC. 279C. RULE OF CONSTRUCTION.

''Nothing in this title prevents a worker from receiving trade adjustment assistance under chapter 2 of this title at the same time the worker is receiving assistance in any manner from—

''(1) a community receiving a community grant under subchapter A;

''(2) an eligible institution receiving a Community College and Career Training Grant under subchapter B; or

''(3) an eligible partnership receiving a Sector Partnership Grant under subchapter C.''.

SEC. 1773. CONFORMING AMENDMENTS.

(a) TABLE OF CONTENTS.—The table of contents of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:

''CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

''Subchapter A—Trade Adjustment Assistance for Communities

''Sec. 271. Definitions.
''Sec. 272. Establishment of trade adjustment assistance for communities program.
''Sec. 273. Eligibility; notification.
''Sec. 274. Technical assistance.
''Sec. 275. Grants for eligible communities.
''Sec. 276. Strategic plans.
''Sec. 277. General provisions.

''Subchapter B—Community College and Career Training Grant Program

''Sec. 278. Community college and career training grant program.
''Sec. 279. Authorization of appropriations.

''Subchapter C—Industry or Sector Partnership Grant Program for Communities Impacted by Trade

''Sec. 279A. Industry or sector partnership grant program for communities impacted by trade.
''Sec. 279B. Authorization of appropriations.

''Subchapter D—General Provisions

''Sec. 279C. Rule of construction.''

(b) JUDICIAL REVIEW.—

(1) Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended—

(A) by inserting ''or 296'' after ''section 293'';

(B) by striking ''or any other interested domestic party'' and inserting ''or authorized representative of a community''; and

(C) by striking ''section 271'' and inserting ''section 273''.

(2) Section 1581(d) of title 28, United States Code, is amended—

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3)—

(i) by striking ''271'' and inserting ''273''; and

(ii) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(4) any final determination of the Secretary of Agriculture under section 293 or 296 of the Trade Act of 1974 (19 U.S.C. 2401b) with respect to the eligibility of a group of agricultural commodity producers for adjustment assistance under such Act.''.

PART IV—TRADE ADJUSTMENT ASSISTANCE FOR FARMERS

SEC. 1781. DEFINITIONS.

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

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

''(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' means—

''(A) any agricultural commodity (including livestock) in its raw or natural state; and

''(B) any class of goods within an agricultural commodity.'';

(2) by amending paragraph (2) to read as follows:

''(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' means—

''(A) a person that shares in the risk of producing an agricultural commodity and that is entitled to a share of the commodity for marketing, including an operator, a sharecropper, or a person that owns or rents the land on which the commodity is produced; or

''(B) a person that reports gain or loss from the trade or business of fishing on the person's annual Federal income tax return for the taxable year that most closely corresponds to the marketing year with respect to which a petition is filed under section 292.''; and

(3) by adding at the end the following:

''(7) MARKETING YEAR.—The term 'marketing year' means—

''(A) a marketing year designated by the Secretary with respect to an agricultural commodity; or

''(B) in the case of an agricultural commodity with respect to which the Secretary does not designate a marketing year, a calendar year.''.

SEC. 1782. ELIGIBILITY.

(a) IN GENERAL.—Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended by striking subsections (c) through (e) and inserting the following:

''(c) GROUP ELIGIBILITY REQUIREMENTS.—The Secretary shall certify a group of agricultural commodity producers as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

''(1)(A) the national average price of the agricultural commodity produced by the group during the most recent marketing year for which data are available is less than 85 percent of the average of the national average price for the commodity in the 3 marketing years preceding such marketing year;

''(B) the quantity of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average of the quantity of production of the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(C) the value of production of the agricultural commodity produced by the group during such marketing year is less than 85 percent of the average value of production of the commodity produced by the group in the 3 marketing years preceding such marketing year; or

''(D) the cash receipts for the agricultural commodity produced by the group during such marketing year are less than 85 percent of the average of the cash receipts for the commodity produced by the group in the 3 marketing years preceding such marketing year;

''(2) the volume of imports of articles like or directly competitive with the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition increased compared to the average volume of such imports during the 3 marketing years preceding such marketing year; and

''(3) the increase in such imports contributed importantly to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1).

''(d) ELIGIBILITY OF CERTAIN OTHER PRODUCERS.—An agricultural commodity producer or group of producers that resides outside of the State or region identified in the petition filed under subsection (a) may file a request to become a party to that petition not later than 15 days after the date the notice is published in the Federal Register under subsection (a) with respect to that petition.

''(e) TREATMENT OF CLASSES OF GOODS WITHIN A COMMODITY.—In any case in which there are separate classes of goods within an agricultural commodity, the Secretary shall treat each class as a separate commodity in determining under subsection (c)—

''(1) group eligibility;

''(2) the national average price, quantity of production, or value of production, or cash receipts; and

''(3) the volume of imports.''.

(b) CONFORMING AMENDMENTS.—Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended—

(1) in subsection (a), by striking ''section 292 (c) or (d), as the case may be,'' and inserting ''section 292(c)''; and

(2) in subsection (c), by striking ''decline in price for'' and inserting ''decrease in the national average price, quantity of production, or value of production of, or cash receipts for,''.

SEC. 1783. BENEFITS.

(a) IN GENERAL.—Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended to read as follows:

''SEC. 296. QUALIFYING REQUIREMENTS AND BENEFITS FOR AGRICULTURAL COMMODITY PRODUCERS.

''(a) IN GENERAL.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Benefits under this chapter shall be available to an agricultural commodity producer covered by a certification under this chapter who files an application for such benefits not later than 90 days after the date on which the Secretary makes a determination and issues a certification of eligibility under section 293, if the producer submits to the Secretary sufficient information to establish that—

''(i) the producer produced or harvested the agricultural commodity covered by the application filed under this subsection in the marketing year with respect to which the petition is filed and in at least 1 of the 3 marketing years preceding that marketing year;

''(ii)(I) there has been a decrease in the amount of the agricultural commodity produced by the producer based on the amount of the agricultural commodity that was produced by the producer in the marketing year with respect to which the petition is filed and the most recent marketing year preceding that marketing year for which data are available; or

''(II) there has been a decrease in the price of the agricultural commodity based on—

''(aa) the price received for the agricultural commodity by the producer during the marketing year with respect to which the petition is filed and the average price for the commodity received by the producer in the 3 marketing years preceding that marketing year; or

''(bb) the county level price maintained by the Secretary for the agricultural commodity on the date on which the petition is filed and the average county level price for the commodity in the 3 marketing years preceding the date on which the petition is filed; and

''(iii) the producer is not receiving—

''(I) cash benefits under chapter 2 or 3; or

''(II) benefits based on the production of an agricultural commodity covered by another petition filed under this chapter.

''(B) SPECIAL RULE WITH RESPECT TO CROPS NOT GROWN EVERY YEAR.—For purposes of subparagraph (A)(ii)(II)(aa), if a petition is filed with respect to an agricultural commodity that is not produced by the producer every year, an agricultural commodity producer producing that commodity may establish the average price received for the commodity by the producer in the 3 marketing years preceding the year with respect to which the petition is filed by using average price data for the 3 most recent marketing years in which the producer produced the commodity and for which data are available.

''(2) LIMITATIONS BASED ON ADJUSTED GROSS INCOME.—

''(A) IN GENERAL.—Notwithstanding any other provision of this chapter, an agricultural commodity producer shall not be eligible for assistance under this chapter in any year in which the average adjusted gross income (as defined in section 1001D(a) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(a)) of the producer exceeds the level set forth in subparagraph (A) or (B) of section 1001D(b)(1) of the Food Security Act of 1985 (7 U.S.C. 1308–3a(b)(1)), whichever is applicable.

''(B) DEMONSTRATION OF COMPLIANCE.—An agricultural commodity producer shall provide to the Secretary such information as the Secretary determines necessary to demonstrate that the producer is in compliance with the limitation under subparagraph (A).

''(C) COUNTER-CYCLICAL AND ACRE PAYMENTS.—The total amount of payments made to an agricultural commodity producer under this chapter during any crop year may not exceed the limitations on payments set forth in subsections (b)(2), (b)(3), (c)(2), and (c)(3) of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308).

''(b) TECHNICAL ASSISTANCE.—

''(1) INITIAL TECHNICAL ASSISTANCE.—

''(A) IN GENERAL.—An agricultural commodity producer that files an application and meets the requirements under subsection (a)(1) shall be entitled to receive initial technical assistance designed to improve the competitiveness of the production and marketing of the agricultural commodity with respect to which the producer was certified under this chapter. Such assistance shall include information regarding—

''(i) improving the yield and marketing of that agricultural commodity; and

''(ii) the feasibility and desirability of substituting one or more alternative agricultural commodities for that agricultural commodity.

''(B) TRANSPORTATION AND SUBSISTENCE EXPENSES.—

''(i) IN GENERAL.—The Secretary may authorize supplemental assistance necessary to defray reasonable transportation and subsistence expenses incurred by an agricultural commodity producer in connection with initial technical assistance under subparagraph (A) if such assistance is provided at facilities that are not within normal commuting distance of the regular place of residence of the producer.

''(ii) EXCEPTIONS.—The Secretary may not authorize payments to an agricultural commodity producer under clause (i)—

''(I) for subsistence expenses that exceed the lesser of—

''(aa) the actual per diem expenses for subsistence incurred by a producer; or

''(bb) the prevailing per diem allowance rate authorized under Federal travel regulations; or

''(II) for travel expenses that exceed the prevailing mileage rate authorized under the Federal travel regulations.

''(2) INTENSIVE TECHNICAL ASSISTANCE.—A producer that has completed initial technical assistance under paragraph (1) shall be eligible to participate in intensive technical assistance. Such assistance shall consist of—

''(A) a series of courses to further assist the producer in improving the competitiveness of the producer in producing—

''(i) the agricultural commodity with respect to which the producer was certified under this chapter; or

''(ii) another agricultural commodity; and

''(B) assistance in developing an initial business plan based on the courses completed under subparagraph (A).

''(3) INITIAL BUSINESS PLAN.—

''(A) APPROVAL BY SECRETARY.—The Secretary shall approve an initial business plan developed under paragraph (2)(B) if the plan—

''(i) reflects the skills gained by the producer through the courses described in paragraph (2)(A); and

''(ii) demonstrates how the producer will apply those skills to the circumstances of the producer.

''(B) FINANCIAL ASSISTANCE FOR IMPLEMENTING INITIAL BUSINESS PLAN.—Upon approval of the producer's initial business plan by the Secretary under subparagraph (A), a producer shall be entitled to an amount not to exceed $4,000 to—

''(i) implement the initial business plan; or

''(ii) develop a long-term business adjustment plan under paragraph (4).

''(4) LONG-TERM BUSINESS ADJUSTMENT PLAN.—

''(A) IN GENERAL.—A producer that has completed intensive technical assistance under paragraph (2) and whose initial business plan has been approved under paragraph (3)(A) shall be eligible for, in addition to the amount under subparagraph (C), assistance in developing a long-term business adjustment plan.

''(B) APPROVAL OF LONG-TERM BUSINESS ADJUSTMENT PLANS.—The Secretary shall approve a long-term business adjustment plan developed under subparagraph (A) if the Secretary determines that the plan—

''(i) includes steps reasonably calculated to materially contribute to the economic adjustment of the producer to changing market conditions;

''(ii) takes into consideration the interests of the workers employed by the producer; and

''(iii) demonstrates that the producer will have sufficient resources to implement the business plan.

''(C) PLAN IMPLEMENTATION.—Upon approval of the producer's long-term business adjustment plan under subparagraph (B), a

producer shall be entitled to an amount not to exceed $8,000 to implement the long-term business adjustment plan.

''(c) MAXIMUM AMOUNT OF ASSISTANCE.—An agricultural commodity producer may receive not more than $12,000 under paragraphs (3) and (4) of subsection (b) in the 36-month period following certification under section 293.

''(d) LIMITATIONS ON OTHER ASSISTANCE.—An agricultural commodity producer that receives benefits under this chapter (other than initial technical assistance under subsection (b)(1)) shall not be eligible for cash benefits under chapter 2 or 3.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Trade Act of 1974 is amended by striking the item relating to section 296 and inserting the following:

''Sec. 296. Qualifying requirements and benefits for agricultural commodity producers.''.

SEC. 1784. REPORT.

Section 293 of the Trade Act of 1974 (19 U.S.C. 2401b) is amended by adding at the end the following:

''(d) REPORT BY THE SECRETARY.—Not later than January 30, 2010, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report containing the following information with respect to adjustment assistance provided under this chapter during the preceding fiscal year:

''(1) A list of the agricultural commodities covered by a certification under this chapter.

''(2) The States or regions in which such commodities are produced and the aggregate amount of such commodities produced in each such State or region.

''(3) The total number of agricultural commodity producers, by congressional district, receiving benefits under this chapter.

''(4) The total number of agricultural commodity producers, by congressional district, receiving technical assistance under this chapter.''.

SEC. 1785. FRAUD AND RECOVERY OF OVERPAYMENTS.

Section 297(a)(1) of the Trade Act of 1974 (19 U.S.C. 2401f(a)(1)) is amended by inserting ''or has expended funds received under this chapter for a purpose that was not approved by the Secretary,'' after ''entitled,''.

SEC. 1786. DETERMINATION OF INCREASES OF IMPORTS FOR CERTAIN FISHERMEN.

Notwithstanding any other provision of law, for purposes of chapters 2 and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.), in the case of an agricultural commodity producer that—

(1) is a fisherman or aquaculture producer, and

(2) is otherwise eligible for adjustment assistance under chapter 2 or 6, as the case may be,

the increase in imports of articles like or directly competitive with the agricultural commodity produced by such producer may be based on imports of wild-caught seafood, farm-raised seafood, or both.

SEC. 1787. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.

Section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended by striking ''fiscal years 2003 through 2007'' and all that follows through the end period and inserting ''fiscal years 2009 and 2010 and $22,500,000 for the period beginning October 1, 2010, and ending December 31, 2010, to carry out the purposes of this chapter, including administrative costs, and salaries and expenses of employees of the Department of Agriculture.''.

PART V—GENERAL PROVISIONS

SEC. 1791. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this subtitle, and subsection (b) of this section, this subtitle and the amendments made by this subtitle—

(1) shall take effect upon the expiration of the 90-day period beginning on the date of the enactment of this Act; and

(2) shall apply to—

(A) petitions for certification filed under chapter 2, 3, or 6 of title II of the Trade Act of 1974 on or after the effective date described in paragraph (1); and

(B) petitions for assistance filed under chapter 4 of title II of the Trade Act of 1974 on or after such effective date.

(b) CERTIFICATIONS MADE BEFORE EFFECTIVE DATE.—Notwithstanding subsection (a)—

(1) a worker shall continue to receive (or be eligible to receive) trade adjustment assistance and other benefits under subchapter B of chapter 2 of title II of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for any week for which the worker meets the eligibility requirements of such chapter 2 as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for trade adjustment assistance benefits under such chapter 2 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive trade adjustment assistance benefits under such chapter as in effect on the day before such effective date;

(2) a worker shall continue to receive (or be eligible to receive) benefits under section 246(a)(2) of the Trade Act of 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the worker meets the eligibility requirements of section 246 of that Act as in effect on the day before such effective date, if the worker—

(A) is certified as eligible for benefits under such section 246 pursuant to a petition filed under section 221 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such section 246(a)(2) as in effect on the day before such effective date; and

(3) a firm shall continue to receive (or be eligible to receive) adjustment assistance under chapter 3 of title II of the Trade Act if 1974, as in effect on the day before the effective date described in subsection (a)(1), for such period for which the firm meets the eligibility requirements of such chapter 3 as in effect on the day before such effective date, if the firm—

(A) is certified as eligible for benefits under such chapter 3 pursuant to a petition filed under section 251 of the Trade Act of 1974 on or before such effective date; and

(B) would otherwise be eligible to receive benefits under such chapter 3 as in effect on the day before such effective date.

SEC. 1792. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAMS.

(a) FOR WORKERS.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ''December 31, 2007'' and inserting ''December 31, 2010''.

(b) TERMINATION.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note prec.) is amended—

(1) by striking ''December 31, 2007'' each place it appears (other than subsection (b)(1)) and inserting ''December 31, 2010''; and

(2) in subsection (b)—

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

''(1) ASSISTANCE FOR FIRMS.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 3 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 3 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''; and

(B) by adding at the end the following:

''(3) ASSISTANCE FOR COMMUNITIES.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), technical assistance and grants may not be provided under chapter 4 after December 31, 2010.

''(B) EXCEPTION.—Notwithstanding subparagraph (A), any technical assistance or grant approved under chapter 4 on or before December 31, 2010, may be provided—

''(i) to the extent funds are available pursuant to such chapter for such purpose; and

''(ii) to the extent the recipient of the technical assistance or grant is otherwise eligible to receive such technical assistance or grant, as the case may be.''.

SEC. 1793. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than September 30, 2012, the Comptroller General of the United States shall prepare and submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a comprehensive report on the operation and effectiveness of the amendments made by this subtitle to chapters 2, 3, 4, and 6 of the Trade Act of 1974.

SEC. 1794. EMERGENCY DESIGNATION.

Amounts appropriated pursuant to this subtitle are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

PART VI—HEALTH COVERAGE IMPROVEMENT

SEC. 1799. SHORT TITLE.

This part may be cited as the ''TAA Health Coverage Improvement Act of 2009''.

SEC. 1799A. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking ''65'' and inserting ''80''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after the first day of the first month beginning 60 days after the date of the enactment of this Act.

SEC. 1799B. PAYMENT FOR MONTHLY PREMIUMS PAID PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.

(a) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS OF CREDIT.—Section 7527 of the Internal Revenue Code of 1986 (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by adding at the end the following new subsection:

''(e) PAYMENT FOR PREMIUMS DUE PRIOR TO COMMENCEMENT OF ADVANCE PAYMENTS.—

''(1) IN GENERAL.—The program established under subsection (a) shall provide that the

Secretary shall make 1 or more retroactive payments on behalf of a certified individual in an aggregate amount equal to 80 percent of the premiums for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months (as defined in section 35(b)) occurring prior to the first month for which an advance payment is made on behalf of such individual under subsection (a).

''(2) REDUCTION OF PAYMENT FOR AMOUNTS RECEIVED UNDER NATIONAL EMERGENCY GRANTS.—The amount of any payment determined under paragraph (1) shall be reduced by the amount of any payment made to the taxpayer for the purchase of qualified health insurance under a national emergency grant pursuant to section 173(f) of the Workforce Investment Act of 1998 for a taxable year including the eligible coverage months described in paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to eligible coverage months beginning on the date that is 9 months after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 1799C. TAA RECIPIENTS NOT ENROLLED IN TRAINING PROGRAMS ELIGIBLE FOR CREDIT.

(a) IN GENERAL.—Paragraph (2) of section 35(c) of the Internal Revenue Code of 1986 (defining eligible TAA recipient) is amended to read as follows:

''(2) ELIGIBLE TAA RECIPIENT.—The term 'eligible TAA recipient' means, with respect to any month, any individual who—

''(A) is receiving for any day of such month a trade adjustment allowance under chapter 2 of title II of the Trade Act of 1974,

''(B) would be eligible to receive such allowance except that such individual is in a break in training provided under a training program approved under section 236 of such Act that exceeds the period specified in section 233(e) of such Act, but is within the period for receiving such allowances provided under section 233(a) of such Act, or

''(C) is receiving unemployment compensation (as defined in section 85(b)) for such month and who would be eligible to receive such allowance for such month if section 231 of such Act were applied without regard to subsections (a)(3)(B) and (a)(5) thereof.

An individual shall continue to be treated as an eligible TAA recipient during the first month that such individual would otherwise cease to be an eligible TAA recipient by reason of the preceding sentence.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to months beginning after the date of the enactment of this Act in taxable years ending after such date.

SEC. 1799D. TAA PRE-CERTIFICATION PERIOD RULE FOR PURPOSES OF DETERMINING WHETHER THERE IS A 63-DAY LAPSE IN CREDITABLE COVERAGE.

(a) IRC AMENDMENT.—Section 9801(c)(2) of the Internal Revenue Code of 1986 (relating to not counting periods before significant breaks in creditable coverage) is amended by adding at the end the following new subparagraph:

''(D) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date which is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 4980B(f)(5)(C)(iv).''.

(b) ERISA AMENDMENT.—Section 701(c)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 605(b)(4).''.

(c) PHSA AMENDMENT.—Section 2701(c)(2) of the Public Health Service Act (42 U.S.C. 300gg(c)(2)) is amended by adding at the end the following new subparagraph:

''(C) TAA-ELIGIBLE INDIVIDUALS.—

''(i) TAA PRE-CERTIFICATION PERIOD RULE.—In the case of a TAA-eligible individual, the period beginning on the date the individual has a TAA-related loss of coverage and ending on the date that is 5 days after the date of the issuance by the Secretary (or by any person or entity designated by the Secretary) of a qualified health insurance costs credit eligibility certificate for such individual for purposes of section 7527 of the Internal Revenue Code of 1986 shall not be taken into account in determining the continuous period under subparagraph (A).

''(ii) DEFINITIONS.—The terms 'TAA-eligible individual', and 'TAA-related loss of coverage' have the meanings given such terms in section 2205(b)(4).''.

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

SEC. 1799E. CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.

(a) IN GENERAL.—Subsection (g) of section 35 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (9) as paragraph (10) and inserting after paragraph (8) the following new paragraph:

''(9) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of subsection (c)(1) but for subsection (f)(2)(A), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''(C) DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to any qualifying family member of such eligible individual.''.

(b) CONFORMING AMENDMENT.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)) is amended by adding at the end the following new paragraph:

''(8) CONTINUED QUALIFICATION OF FAMILY MEMBERS AFTER CERTAIN EVENTS.—

''(A) ELIGIBLE INDIVIDUAL BECOMES MEDICARE ELIGIBLE.—In the case of a month which would be an eligible coverage month with respect to an eligible individual described in subparagraph (A) or (B) of paragraph (4) but for paragraph (7)(B)(i), such month shall be treated as an eligible coverage month with respect to such eligible individual solely for purposes of determining the amount of the credit under this section with respect to any qualifying family member of such individual.

''(B) DIVORCE.—In the case of a month which would be an eligible coverage month with respect to a former spouse of a taxpayer but for the finalization of a divorce between the spouse and the taxpayer that occurs during the period in which the taxpayer is an eligible individual, such month shall be treated as an eligible coverage month with respect to such former spouse.

''DEATH.—In the case of a month which occurs after the death of an eligible individual and which would be an eligible coverage month with respect to such eligible individual if the individual had survived and met any applicable eligibility requirements for the maximum permissible period, such month shall be treated as an eligible coverage month with respect to the spouse of such eligible individual.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 31, 2009.

SEC. 1799F. ALIGNMENT OF COBRA COVERAGE WITH TAA PERIOD FOR TAA-ELIGIBLE INDIVIDUALS.

(a) INTERNAL REVENUE CODE OF 1986.—Section 4980B(f)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) in the subparagraph heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in clause (ii)—

(A) in the clause heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under paragraph (2)(B)(i) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(b) ERISA.—Section 605(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1165(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 602(2)(A) with respect to such continuation coverage be less than the period during which the individual is a TAA-eligible individual.''.

(c) PUBLIC HEALTH SERVICE ACT.—Section 2205(b) of the Public Health Service Act (42 U.S.C. 300bb–5(b)) is amended—

(1) in the subsection heading, by inserting ''AND COVERAGE'' after ''ELECTION''; and

(2) in paragraph (2)—

(A) in the paragraph heading, by inserting ''AND PERIOD'' after ''COMMENCEMENT''; and

(B) by adding at the end the following new sentence: ''In no event shall the maximum period required under section 2202(2)(A) with respect to such continuation coverage be less

than the period during which the individual is a TAA-eligible individual.''.

SEC. 1799G. ADDITION OF COVERAGE THROUGH VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATIONS.

Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(K) Coverage under an employee benefit plan funded by a voluntary employees' beneficiary association (as defined in section 501(c)(9)) established pursuant to an order of a bankruptcy court, or by agreement with an authorized representative, as provided in section 1114 of title 11, United States Code.''.

SEC. 1799H. NOTICE REQUIREMENTS.

(a) IN GENERAL.—Subsection (d) of section 7527 of the Internal Revenue Code of 1986 (relating to qualified health insurance costs credit eligibility certificate) is amended to read as follows:

''(d) QUALIFIED HEALTH INSURANCE COSTS ELIGIBILITY CERTIFICATE.—

''(1) IN GENERAL.—For purposes of this section, the term 'qualified health insurance costs eligibility certificate' means any written statement that an individual is an eligible individual (as defined in section 35(c)) if such statement provides the information described in paragraph (2) and—

''(A) in the case of an eligible TAA recipient (as defined in section 35(c)(2)) or an eligible alternative TAA recipient (as defined in section 35(c)(3)), is certified by the Secretary of Labor (or by any other person or entity designated by the Secretary), or

''(B) in the case of an eligible PBGC pension recipient (as defined in section 35(c)(4)), is certified by the Pension Benefit Guaranty Corporation (or by any other person or entity designated by the Secretary).

''(2) INCLUSION OF CERTAIN INFORMATION.—The qualified health insurance costs credit eligibility certificate described in paragraph (1) with respect to an eligible individual shall include—

''(A) the name, address, and telephone number of the State office or offices responsible for providing the individual with assistance with enrollment in qualified health insurance (as defined in section 35(e)),

''(B) a list of the coverage options that are treated as qualified health insurance (as so defined) by the State in which the individual resides,

''(C) in the case of a TAA-eligible individual (as defined in section 4980B(f)(5)(C)(iv)(II)), a statement informing the individual that the individual has 63 days from the date that is 5 days after the date of the issuance of such certificate to enroll in such insurance without a lapse in creditable coverage (as defined in section 9801(c)), and

''(D) such other information as the Secretary may require.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to certificates issued after the date that is 6 months after the date of the enactment of this Act.

SEC. 1799I. SURVEY AND REPORT ON ENHANCED HEALTH COVERAGE TAX CREDIT PROGRAM.

(a) SURVEY.—

(1) IN GENERAL.—The Secretary of the Treasury shall conduct a biennial survey of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) relating to the health coverage tax credit under section 35 of the Internal Revenue Code of 1986 (hereinafter in this section referred to as the ''health coverage tax credit'').

(2) INFORMATION OBTAINED.—The survey conducted under subsection (a) shall obtain the following information:

(A) HCTC PARTICIPANTS.—In the case of eligible individuals receiving the health coverage tax credit (including individuals participating in the health coverage tax credit program under section 7527 of such Code, hereinafter in this section referred to as the ''HCTC program'')—

(i) demographic information of such individuals, including income and education levels,

(ii) satisfaction of such individuals with the enrollment process in the HCTC program,

(iii) satisfaction of such individuals with available health coverage options under the credit, including level of premiums, benefits, deductibles, cost-sharing requirements, and the adequacy of provider networks, and

(iv) any other information that the Secretary determines is appropriate.

(B) NON-HCTC PARTICIPANTS.—In the case of eligible individuals not receiving the health coverage tax credit—

(i) demographic information of each individual, including income and education levels,

(ii) whether the individual was aware of the health coverage tax credit or the HCTC program,

(iii) the reasons the individual has not enrolled in the HCTC program, including whether such reasons include the burden of the process of enrollment and the affordability of coverage,

(iv) whether the individual has health insurance coverage, and, if so, the source of such coverage, and

(v) any other information that the Secretary determines is appropriate.

(3) REPORT.—Not later than December 31 of each year in which a survey is conducted under paragraph (1) (beginning in 2010), the Secretary of the Treasury shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the findings of the most recent survey conducted under subsection (a).

(b) REPORT.—Not later than October 1 of each year (beginning in 2010), the Secretary of the Treasury (after consultation with the Secretary of Labor, in the case of the information required under paragraph (7)) shall report to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Ways and Means and the Committee on Education and Labor of the House of Representatives the following information with respect to the most recent taxable year ending before such date:

(1) In each State and nationally—

(A) the total number of eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) and the number of eligible individuals receiving the health coverage tax credit,

(B) the total number of such eligible individuals who receive an advance payment of the health coverage tax credit through the HCTC program,

(C) the average length of the time period of the participation of eligible individuals in the HCTC program, and

(D) the total number of participating eligible individuals in the HCTC program who are enrolled in each category of coverage as described in section 35(e)(1) of such Code,

with respect to each category of eligible individuals described in section 35(c)(1) of such Code.

(2) In each State and nationally, an analysis of—

(A) the range of monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit, and

(B) the average and median monthly health insurance premiums, for self-only coverage and for family coverage, for individuals receiving the health coverage tax credit,

with respect to each category of coverage as described in section 35(e)(1) of such Code.

(3) In each State and nationally, an analysis of the following information with respect to the health insurance coverage of individuals receiving the health coverage tax credit who are enrolled in coverage described in subparagraphs (B) through (H) of section 35(e)(1) of such Code:

(A) Deductible amounts.

(B) Other out-of-pocket cost-sharing amounts.

(C) A description of any annual or lifetime limits on coverage or any other significant limits on coverage services, or benefits.

The information required under this paragraph shall be reported with respect to each category of coverage described in such subparagraphs.

(4) In each State and nationally, the gender and average age of eligible individuals (as defined in section 35(c) of such Code) who receive the health coverage tax credit, in each category of coverage described in section 35(e)(1) of such Code, with respect to each category of eligible individuals described in such section.

(5) The steps taken by the Secretary of the Treasury to increase the participation rates in the HCTC program among eligible individuals, including outreach and enrollment activities.

(6) The cost of administering the HCTC program by function, including the cost of subcontractors, and recommendations on ways to reduce administrative costs, including recommended statutory changes.

(7) The number of States applying for and receiving national emergency grants under section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), the activities funded by such grants on a State-by-State basis, and the time necessary for application approval of such grants.

SEC. 1799J. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $80,000,000 for the period of fiscal years 2009 through 2010 to implement the amendments made by, and the provisions of, sections 1799 through 1799I of this part.

SEC. 1799K. EXTENSION OF NATIONAL EMERGENCY GRANTS.

(a) IN GENERAL.—Section 173(f) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)), as amended by this Act, is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

''(1) USE OF FUNDS.—

''(A) HEALTH INSURANCE COVERAGE FOR ELIGIBLE INDIVIDUALS IN ORDER TO OBTAIN QUALIFIED HEALTH INSURANCE THAT HAS GUARANTEED ISSUE AND OTHER CONSUMER PROTECTIONS.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used to provide an eligible individual described in paragraph (4)(C) and such individual's qualifying family members with health insurance coverage for the 3-month period that immediately precedes the first eligible coverage month (as defined in section 35(b) of the Internal Revenue Code of 1986) in which such eligible individual and such individual's qualifying family members are covered by qualified health insurance that meets the requirements described in clauses (i) through (v) of section 35(e)(2)(A) of the Internal Revenue Code of 1986 (or such longer minimum period as is necessary in order for such eligible individual and such individual's qualifying family members to be

covered by qualified health insurance that meets such requirements).

''(B) ADDITIONAL USES.—Funds made available to a State or entity under paragraph (4)(A) of subsection (a) may be used by the State or entity for the following:

''(i) HEALTH INSURANCE COVERAGE.—To assist an eligible individual and such individual's qualifying family members with enrolling in health insurance coverage and qualified health insurance or paying premiums for such coverage or insurance.

''(ii) ADMINISTRATIVE EXPENSES AND START-UP EXPENSES TO ESTABLISH GROUP HEALTH PLAN COVERAGE OPTIONS FOR QUALIFIED HEALTH INSURANCE.—To pay the administrative expenses related to the enrollment of eligible individuals and such individuals' qualifying family members in health insurance coverage and qualified health insurance, including—

''(I) eligibility verification activities;

''(II) the notification of eligible individuals of available health insurance and qualified health insurance options;

''(III) processing qualified health insurance costs credit eligibility certificates provided for under section 7527 of the Internal Revenue Code of 1986;

''(IV) providing assistance to eligible individuals in enrolling in health insurance coverage and qualified health insurance;

''(V) the development or installation of necessary data management systems; and

''(VI) any other expenses determined appropriate by the Secretary, including start-up costs and on going administrative expenses, in order for the State to treat the coverage described in subparagraphs (C) through (H) of section 35(e)(1) of the Internal Revenue Code of 1986 as qualified health insurance under that section.

''(iii) OUTREACH.—To pay for outreach to eligible individuals to inform such individuals of available health insurance and qualified health insurance options, including outreach consisting of notice to eligible individuals of such options made available after the date of enactment of this clause and direct assistance to help potentially eligible individuals and such individual's qualifying family members qualify and remain eligible for the credit established under section 35 of the Internal Revenue Code of 1986 and advance payment of such credit under section 7527 of such Code.

''(iv) BRIDGE FUNDING.—To assist potentially eligible individuals to purchase qualified health insurance coverage prior to issuance of a qualified health insurance costs credit eligibility certificate under section 7527 of the Internal Revenue Code of 1986 and commencement of advance payment, and receipt of expedited payment, under subsections (a) and (e), respectively, of that section.

''(C) RULE OF CONSTRUCTION.—The inclusion of a permitted use under this paragraph shall not be construed as prohibiting a similar use of funds permitted under subsection (g).''; and

(2) by striking paragraph (2) and inserting the following new paragraph:

''(2) QUALIFIED HEALTH INSURANCE.—For purposes of this subsection and subsection (g), the term 'qualified health insurance' has the meaning given that term in section 35(e) of the Internal Revenue Code of 1986.''.

(b) FUNDING.—Section 174(c)(1) of the Workforce Investment Act of 1998 (29 U.S.C. 2919(c)(1)) is amended—

(1) in the paragraph heading, by striking ''AUTHORIZATION AND APPROPRIATION FOR FISCAL YEAR 2002'' and inserting ''APPROPRIATIONS''; and

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

''(A) to carry out subsection (a)(4)(A) of section 173—

''(i) $10,000,000 for fiscal year 2002; and

''(ii) $150,000,000 for the period of fiscal years 2009 through 2010; and''.

SA 405. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 18, strike ''0.75 percent'' and insert ''75 percent''.

SA 406. Mr. BEGICH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 17 and 18, insert the following:

For an additional amount for implementation of the Magnuson-Stevens Fishery Conservation and Management Act by the National Marine Fisheries Service, $39,800,000, to remain available until September 30, 2010.

SA 407. Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mr. DODD, Mr. KERRY, Mr. LIEBERMAN, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. CONTINUED APPLICATION OF BUDGET NEUTRALITY ON A NATIONAL BASIS IN CALCULATION OF THE MEDICARE URBAN HOSPITAL WAGE FLOOR.

(a) IN GENERAL.—In the case of discharges occurring on or after the date of the enactment of this Act, the Secretary of Health and Human Services shall continue to administer section 4410(b) of the Balanced Budget Act of 1997 (42 U.S.C. 1395ww note) and section 412.64(e) of title 42, Code of Federal Regulations, in the same manner as the Secretary administered such sections for discharges occurring during fiscal year 2008 (through a uniform, national adjustment to the area wage index).

(b) HOLD HARMLESS FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, in the case of discharges occurring on or after the date of the enactment of this Act and before October 1, 2009, if the application of subsection (a) would otherwise result in the area wage index applicable to a hospital under section 1886(d)(3)(E) of the Social Security Act (42 U.S.C. 1395ww(d)(3)(E)) being reduced, the area wage index for such hospital shall be the area wage index for such hospital that was applicable to discharges occurring on the day before the date of the enactment of this Act.

SA 408. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 353 proposed by Mr. ENSIGN (for himself, Mr. MCCONNELL, and Mr. ALEXANDER) to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, between lines 10 and 11, insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, or 2009'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2009''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SA 409. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 73, line 18, strike ''regional transmission'' and all that follows through ''formation of'' on page 74, line 2, and insert ''transmission plans, including regional transmission plans, the Office of Electricity Delivery and Energy Reliability within the Department of Energy is provided $80,000,000 within the available funds to conduct a resource assessment and an analysis of future demand and transmission requirements: *Provided further*, That the Office of

Electricity Delivery and Energy Reliability will provide technical assistance to the North American Electric Reliability Corporation, the regional reliability entities, the States, and other transmission owners and operators for the formation of transmission plans, including''.

SA 410. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, after ''That'', insert the following: ''$180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*,''.

SA 411. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 184, between lines 8 and 9, insert the following:

(4) SPECIAL RULES REGARDING PRIVATE SCHOOLS.—

(A) DETERMINATION OF NUMBER OF POOR CHILDREN.—The Secretary shall, in determining the number of poor children for purposes of paragraph (2)(A), include in such number for each local educational agency, the total number of poor children who are served by private schools located in the school attendance area served by the local educational agency.

(B) FUNDS AVAILABLE FOR PRIVATE SCHOOLS.—

(i) IN GENERAL.—Notwithstanding paragraph (2)(C) or any other provision of this section, each local educational agency that receives funds under paragraph (2) or (3) shall collaborate with private schools located in the school attendance area of the local educational agency, in order to use the amount described in clause (ii) to carry out school construction, repair, and renovation projects, consistent with subsection (c) and the first amendment to the Constitution, for such private schools.

(ii) AMOUNT FOR PRIVATE SCHOOLS.—For each local educational agency that receives funds under paragraph (2) or paragraph (3), the amount described in this clause shall be an amount that bears the same relation to the total amount of such funds received by the local educational agency, as the number of poor children served by private schools located in the school attendance area served by the local educational agency for the most recent school year for which data are available, bears to the total number of poor children served by the local educational agency and by such private schools for such school year.

(C) REGULATIONS.—The Secretary shall promulgate regulations as necessary to carry out this paragraph.

SA 412. Mr. BINGAMAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, line 15, after ''*Provided*,'', insert the following: ''That, to the maximum extent practicable, a portion of the funds made available under this heading may be used for comprehensive projects to promote energy efficiency, water conservation, and renewable energy carried out in a manner that leverages private sector financing and measures and verifies savings: *Provided further*,''.

SA 413. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 15 and 16, strike ''*Provided*,'' and insert: ''*Provided*, That not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further*,''.

SA 414. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, between lines 4 and 5, insert the following:

GENERAL PROVISIONS—THIS TITLE

IMPLEMENTATION OF ACQUISITION WORKFORCE DEVELOPMENT PLANS

SEC. 301. (a) AMOUNT FOR OFFICE OF FEDERAL PROCUREMENT POLICY.—

(1) AMOUNT.—For an additional amount for ''OFFICE OF MANAGEMENT AND BUDGET'', $40,000,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Office of Federal Procurement Policy for purposes of the implementation of the Acquisition Workforce Development Strategic Plan under section 869 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4553).

(3) EXERCISE OF AUTHORITY.—In implementing the Acquisition Workforce Development Strategic Plan utilizing the amount provided by paragraph (1), the Administrator of the Office of Federal Procurement Policy may, in consultation with the Director of the Office of Management and Budget and the Associate Director of the Office of Management and Budget for Acquisition Workforce Programs—

(A) allocate amounts provided by paragraph (1) to departments and agencies of the Federal Government implementing the Acquisition Workforce Development Strategic Plan for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators; and

(B) set priorities in the allocation of amounts under subparagraph (A) to departments and agencies in which contracting activities are high or shortfalls in the acquisition workforce are most severe.

(b) AMOUNT FOR SECRETARY OF DEFENSE.—

(1) AMOUNT.—For an additional amount for ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', $20,500,000, to remain available until September 30, 2010.

(2) AVAILABILITY.—The amount provided by paragraph (1) shall be available to the Secretary of Defense to support the Department of Defense Acquisition Workforce Development Fund under section 1705 of title 10, United States Code.

(3) EXERCISE OF AUTHORITY.—In supporting the Department of Defense Acquisition Workforce Development Fund utilizing the amount provided by paragraph (1), the Secretary—

(A) shall utilize such amount for purposes of hiring, training, and developing contract officers, contract auditors, and contract investigators, including the allocation of funds to the military departments for such purposes; and

(B) in so utilizing such amount, should consider the requirements and needs identified in the most current strategic human capital plan under section 1122 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3452; 10 U.S.C. prec. 1580 note), including the requirements and needs identified pursuant to the provisions of section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. prec. 1580 note).

(c) OFFSET.—The amount appropriated by title XI under the heading ''DIPLOMATIC AND CONSULAR AFFAIRS'' is hereby reduced by $60,500,000, with the amount of the reduction allocated to amounts available under that heading to improve the efficiency of human resources and diplomatic support functions.

SA 415. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 143, between lines 9 and 10, insert the following:

ENGLISH LANGUAGE ACQUISITION

For an additional amount for carrying out part A of title III of the Elementary and Secondary Education Act of 1965, $500,000,000: *Provided,* That such amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 416. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, after line 24, insert the following:

(6) $50,000,000 for Migrant and Seasonal Farmworker programs under section 167 of the WIA: *Provided,* That such funds shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009;

(7) $50,000,000 for section 171 of the WIA: *Provided,* That these funds shall be for integrated job training programs which provide occupational skills training to be combined with English language acquisition for limited English proficient adults: *Provided further,* That these funds shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009; and

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SA 417. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 23 and 24, insert the following:

(11) Nothing in this section shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SA 418. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. REQUIRING USE OF STATE EXCESS END OF YEAR GENERAL FUND BALANCES.

A State may not receive any funding under this Act for State fiscal year 2010 or 2011 unless the Governor of the State prior to the beginning of that fiscal year certifies that for such fiscal year any end of year general fund balance, which includes budget stabilization or rainy day funds, maintained by the State does not exceed 7 prevent of total State general funds.

SA 419. Mr. COCHRAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *Provided,* That this amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

On page 107, line 3, strike ''$800,000,000'' and insert ''$700,000,000''.

SA 420. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 20 and 21, insert the following:

OFFICE OF THE CHIEF INFORMATION OFFICER

For an additional amount for the Office of the Chief Information Officer, $100,000,000, to remain available until September 30, 2010, for the highest data center development and security activities priorities: *Provided,* That this amount is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

On page 109, line 22, strike ''$950,000,000'' and insert ''$850,000,000''.

On page 110, line 19, strike ''$500,000,000'' and insert ''$400,000,000''.

SA 421. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 145, between lines 2 and 3, insert the following:

CAREER, TECHNICAL, AND ADULT EDUCATION

For an additional amount for carrying out Adult Education State Grants under section 211 of the Adult Education and Family Literacy Act, $250,000,000: *Provided,* That eligible agencies receiving such grants shall give priority to programs providing services for English as a second language: *Provided further,* That this amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 422. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 123, line 9, strike ''$3,250,000,000,'' and insert ''$3,350,000,000, which amount shall be designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009, and''.

SA 423. Mr. PRYOR (for himself and Mrs. LINCOLN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 8, line 10, before the period, insert the following: '': *Provided,* That, in making loans, loan guarantees, and grants using funds made available under this heading, the Secretary of Agriculture may waive the application requirements related to population, income, and project development cost ratios, if the waiver is appropriate to expedite use of the funds, the project still applies to communities that are rural in character with a population of less than 20,000, and the median household income of the community served does not exceed the estimated national real median income for households outside metropolitan statistical areas according to United States Census Bureau current population survey data for 2007''.

SA 424. Mr. GRASSLEY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 134, lines 12 and 13, strike ''funds shall be allocated to all States on the basis of unemployment'' and insert ''$200,000,000 of such funds shall be allocated to all States on the basis of unemployment and $200,000,000 of such funds shall be allocated only to those States that suffered hurricanes, floods, or other natural disasters occurring during 2008 for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974: *Provided further*, That the funds allocated to those States that suffered such natural disasters during 2008 shall be distributed on the basis of an approved application and a formula established by the Secretary of Health and Human Services that is based on the number of approved applications for individual assistance in a State under such Act, the population of the counties in the State declared eligible for individual assistance under such Act, and the duration of the natural disaster event as it relates to the severity of the impact of the event on individuals living in disaster-affected areas''.

SA 425. Mr. ROCKEFELLER (for himself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. SENSE OF THE SENATE REGARDING MAINTAINING ACCESS TO MEDICAID DURING AN ECONOMIC DOWNTURN.

(a) FINDINGS.—The Senate makes the following findings:

(1) Medicaid is a vital safety-net for nearly 60,000,000 low-income Americans. In times of economic downturn, Medicaid becomes even more important for working families.

(2) The current national unemployment rate is 7.2 percent, and many States are above the national average. Experts believe that unemployment could rise to 9 percent or even higher before the economy turns around.

(3) If the unemployment rate averages between 8 and 9 percent during the next 2½ years as is currently projected, States will face an estimated funding gap of approximately $94,000,000,000 in Medicaid and the Children's Health Insurance Program (CHIP) during that period, according to the most recent Urban Institute and Kaiser Family Foundation study.

(4) States are struggling to cope with increasing Medicaid enrollment and decreasing State revenues. The Congressional Budget Office has projected Medicaid enrollment growth of nearly 9 percent in fiscal year 2009 alone.

(5) According to the Government Accountability Office, State and local fiscal pressures have led to an estimated $312,000,000,000 operating deficit in State and local governments over the next 2 years, which will disproportionately impact Medicaid.

(6) States need greater financial support from the Federal Government, not less financial support and more restrictions that make providing quality care to those most in need more difficult.

(7) This Act includes $90,000,000,000 in Medicaid relief to States, $87,000,000,000 in relief through an increase in the Federal medical assistance percentage (FMAP) and $3,000,000,000 in reimbursement to States for expenditures for providing medical assistance to disabled individuals that should have been paid for by the Medicare program.

(8) The Medicaid relief in the Act will fill a significant portion of the expected gaps in Medicaid funding over the next 27 months and allow States to protect eligibility, benefits and provider payments.

(9) Adding additional restrictions on a State's ability to receive Medicaid relief moves in the wrong direction.

(10) Any maintenance of effort for eligibility should be straightforward, as it was in the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108–27), so that States and the Federal Government can avoid conflicts over questions related to applicable aspects of eligibility policies and so that States may still undertake activities intended to streamline eligibility procedures which in turn could result in cost efficiencies.

(11) Requiring States to ensure certain provider payment and benefit levels, in addition to the income eligibility requirements already in the Act, means that some States will simply decline the Federal help and cut their Medicaid programs even more drastically than they already have.

(12) According to the Congressional Budget Office, adding provider payment and benefit maintenance of effort provisions will either reduce the overall FMAP amount to States by more than $12,000,000,000 or increase the amount that States have to spend on Medicaid.

(13) It is inefficient to spend vital coverage dollars on provider payment and benefit restorations that States are likely to do on their own, without such additional requirements.

(14) Medicaid provider payment issues require a longer-term solution that addresses the historical problems with Medicaid provider payments, which is why Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) in the Children's Health Insurance Program Reauthorization Act of 2009.

(15) Any additional maintenance of effort requirements will penalize States in desperate need of relief to keep their Medicaid programs operating and will reduce the number of families covered during this economic downturn.

(16) Providers, including physicians, community health centers, and hospitals, are already receiving significant relief in other areas of this Act.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Medicaid relief is an essential part of economic recovery;

(2) States are required, as a condition for receiving FMAP relief, to report to the Secretary of Health and Human Services on the use of the FMAP relief funds, which will alert the Secretary to any ongoing problems with access to benefits;

(3) Congress created the Medicaid and CHIP Payment and Access Commission (MACPAC) to take a longer-term look at Medicaid benefits and access; and

(4) additional Medicaid maintenance of effort provisions, as requirements for receiving FMAP relief, are unnecessary and should not be added to the Act.

SA 426. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, line 9, strike ''$3,000,000,000'' and insert ''$4,000,000,000''.

On page 247, line 15, strike ''$2,000,000,000'' and insert ''$1,000,000,000''.

SA 427. Mr. DODD (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, after line 8, insert the following:

SEC. —. MODIFICATION OF RULES RELATING TO CANCELLATION OF QUALIFIED PRINCIPAL RESIDENCE INDEBTEDNESS.

(a) INCLUSION OF ALL MORTGAGE INDEBTEDNESS.—Paragraph (2) of section 108(h) is amended by inserting ''and home equity indebtedness (within the meaning of section 163(h)(3)(C), applied by inserting 'as of the date such indebtedness was secured by such residence' after 'qualified residence' in clause (i)(I) thereof and by substituting '$250,000 ($125,000' for '$100,000 ($50,000' in clause (ii) thereof)'' before ''with respect to the principal residence of the taxpayer''.

(b) SIMPLIFICATION OF RULES RELATING TO CERTAIN DISCHARGES.—Paragraph (3) of section 108(h) is amended—

(1) by striking ''or any other factor'' and all that follows and inserting ''or is in any other way compensation or in lieu of compensation.'', and

(2) by striking ''NOT RELATED TO TAXPAYER'S FINANCIAL CONDITION'' in the heading.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges of indebtedness made on or after January 1, 2009.

SA 428. Mr. CARPER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, strike lines 3 through 5, and insert the following:

For necessary expenses of the Bureau of the Census related to ''Periodic Censuses and Programs'', $1,000,000,000, to remain available until September 30, 2010: *Provided,* That the Bureau of the Census submits to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Government Reform of the House of Representatives a report on the intended allocation of these funds within 60 days of the date of enactment of this Act: *Provided further,* That the report shall (1) identify objectives and outcome-related goals of planned spending; (2) justify how the spending is necessary to achieve the goals; and (3) identify how performance measures will be used to measure achievement of goals: *Provided further,* That the report is subject to review by the Government Accountability Office.

SA 429. Mr. BINGAMAN (for himself, Mr. MENENDEZ, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD.—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) EMERGENCY DESIGNATION.—Each amount provided as a result of the amendment made by subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 204(a) of S. Con. Res. 21 (110th Congress) and section 301(b)(2) of S. Con. Res. 70 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009.

SA 430. Mr. UDALL of New Mexico submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 46, line 5, insert '', of which not less than 5 percent shall be used to provide those services to Indian tribes'' before the period at the end.

On page 69, strike lines 5 through 9 and insert the following:

Bay-Delta Restoration Act (Public Law 108–361; 118 Stat. 1681): *Provided further*, That not less than $300,000,000 of the funds provided under this heading shall be used for congressionally authorized tribal and nontribal rural water projects, of which not less than $60,000,000 shall be used primarily for water intake and treatment facilities for those projects: *Provided further*,

On page 115, line 26, strike ''$40,000,000'' and insert ''$90,000,000''.

On page 116, line 2, insert ''; and of which $50,000,000 shall be for contract support costs, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))'' before the period at the end.

On page 116, line 9, strike ''$10,000,000'' and insert ''$40,000,000''.

On page 116, between lines 10 and 11, insert the following:

TRIBAL SCHOOLS

For an additional amount for schools operated by tribal organizations or the Bureau of Indian Affairs for the education of Indian children that receive financial assistance from the Bureau under a contract, grant, or agreement, or (for a Bureau-operated school) under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), $100,000,000, to remain available under September 30, 2010, of which not less than $50,000,000 shall be used for the construction of new schools, not less than $25,000,000 shall be used for the repair and improvement of existing tribal schools, and not less than $25,000,000 shall be used for administrative costs of tribal schools.

ROAD MAINTENANCE

For an additional amount for the Road Maintenance Program of the Bureau of Indian Affairs under subpart G of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $75,000,000, to be used for maintenance and improvement of existing tribal infrastructure, to remain available until September 30, 2010.

TRIBAL DETENTION FACILITIES

For an additional amount for tribal detention facilities under part 10 of chapter I of title 25, Code of Federal Regulations (as in effect on the date of enactment of this Act), $25,000,000, to be used for maintenance and repair of existing tribal detention facilities, to remain available until September 30, 2010.

On page 119, line 17, strike ''may'' and insert ''shall''.

On page 121, line 10, strike ''$135,000,000'' and insert ''$230,000,000''.

On page 121, line 11, strike ''$50,000,000'' and insert ''$125,000,000''.

On page 121, line 12, insert ''; and of which not less than $20,000,000 shall be used to provide health services to urban Indians (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603))'' before the semicolon.

On page 121, line 24, strike ''$410,000,000'' and insert ''$510,000,000, to remain available until September 30, 2010, of which not less than $100,000,000 shall be used for contract support costs of those facilities, in accordance with section 106(a) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j–1(a))''.

SA 431. Mr. COCHRAN (for himself, Ms. LANDRIEU, Mr. VITTER, and Mr. WICKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 16, strike ''$100,000,000'' and insert ''$50,000,000''.

On page 242, after line 25, add the following:

LOAN GUARANTEES FOR SHIPBUILDING AND OTHER AUTHORIZED ACTIVITIES

To provide loan guarantees authorized under chapter 537 of title 46, United States Code, $50,000,000.

SA 432. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 648, immediately before line 10, insert the following:

(c) REPORT REQUIRED.—Not later than 1 year after the date of enactment of this section, the Government Accountability Office shall submit to Congress and the Secretary of Health and Human Services a report on the impact of any of the amendments made by this title that are related to the Health Insurance Portability and Accountability Act of 1996 and section 552a of title 5, United States Code, on health insurance premiums and overall health care costs.

SA 433. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 361, line 7, strike ''and'' and all that follows through line 10, and insert the following: '', subject to any regulation that the Secretary may promulgate to prevent protected health information from inappropriate access, use, or disclosure.''.

SA 434. Mr. BURR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr.

INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. MINIMUM UPDATE FOR PHYSICIANS' SERVICES FOR 2010 AND 2011.

(a) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended by adding at the end the following new paragraphs:

''(10) UPDATE FOR 2010.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2010 shall not be less than 3 percent.

''(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2011 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2011 and subsequent years as if subparagraph (A) had never applied.

''(11) UPDATE FOR 2011.—

''(A) IN GENERAL.—The update to the single conversion factor established in paragraph (1)(C) for 2011 shall not be less than 1 plus the Secretary's estimate of the percentage change in the value of the input price index (as provided under subparagraph (B)(ii)) for 2011 (divided by 100).

''(B) INPUT PRICE INDEX.—

''(i) ESTABLISHMENT.—Taking into account the mix of goods and services included in computing the medicare economic index (referred to in the fourth sentence of section 1842(b)(3)), the Secretary shall establish an index that reflects the weighted-average input prices for physicians' services for 2010. Such index shall only account for input prices and not changes in costs that may result from other factors (such as productivity).

''(ii) ANNUAL ESTIMATE OF CHANGE IN INDEX.—The Secretary shall estimate, before the beginning of 2011, the change in the value of the input price index under clause (i) from 2010 to 2011.

''(C) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR 2012 AND SUBSEQUENT YEARS.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for 2012 and subsequent years as if subparagraphs (A) and (B) had never applied.''.

(b) PREMIUM TRANSITION RULE.—Notwithstanding any other provision of law—

(1) 2010.—

(A) PREMIUM.—Nothing in this section shall be construed as modifying the premium previously computed under section 1839 of the Social Security Act for months in 2010.

(B) GOVERNMENT CONTRIBUTION.—In computing the amount of the Government contribution under section 1844(a) of the Social Security Act for months in 2010, the Secretary of Health and Human Services shall compute and apply a new actuarially adequate rate per enrollee age 65 and over under section 1839(a)(1) of such Act taking into account the provisions of this section.

(2) 2011.—

(A) PREMIUM.—The monthly premium under section 1839 of the Social Security Act for months in 2011 shall be computed as if this section had not been enacted.

(B) GOVERNMENT CONTRIBUTION.—The Government contribution under section 1844(a) of the Social Security Act for months in 2011 shall be computed taking into account the provisions of this section, including subparagraph (A).

(c) FUNDING.—Notwithstanding any other provision of this division or division A, amounts made available by this division or division A for Mandatory provisions, excluding provisions relating to Veterans, are reduced by the pro rata percentage required to carry out the provisions of, and amendments made by, subsections (a) and (b).

SA 435. Mr. PRYOR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. _____. AMENDMENTS TO SECTION 3 OF PUBLIC LAW 110-428.

(a) IN GENERAL.—Section 3(c)(2)(A) of Public Law 110-428 is amended—

(1) in the matter before clause (i), by striking ''4-year'' and inserting ''5-year''; and

(2) in clause (i), by striking ''1-year'' and inserting ''2-year''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of Public law 110–428.

SA 436. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,775,000,000''.

On page 2, line 8, strike ''$375,000,000)'' and insert ''$475,000,000) of which $100,000,000 shall be under the dislocated worker national reserve for competitive grants for integrated job training programs that combine English language acquisition with occupational skills training in emerging and viable industries, and that are administered by eligible partnerships that include entities with experience in serving limited English proficient workers, and the remainder of the funds made available under this paragraph shall be''.

SA 437. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 218 submitted by Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) and intended to be proposed to the amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike ''$1,675,000,000'' and insert ''$1,700,000,000''.

On page 2, line 4, strike ''$500,000,000)'' and insert ''$525,000,000) of which $25,000,000 shall be for programs of veterans' workforce investment activities under section 168 of WIA and the remainder shall be''.

SA 438. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 7, before the period, insert the following: '': *Provided,* That $10,000,000 of the funds made available under this heading shall be used to support the development of smart grid interoperability framework and standards in accordance with section 1305 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17385)''.

SA 439. Ms. CANTWELL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 292, strike lines 4 through 12, and insert the following:

''SEC. 3007. FEDERAL HEALTH INFORMATION TECHNOLOGY.

''(a) IN GENERAL.—The National Coordinator shall support the development and routine updating of qualified electronic health record technology (as defined in section 3000) consistent with subsections (b) and (c) and make available such qualified electronic health record technology unless the Secretary determines through an assessment that the needs and demands of providers are being substantially and adequately met through the marketplace.''.

SA 440. Mrs. SHAHEEN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 15, strike ''<, as amended'' and insert ''(42 U.S.C. 9604(k)(3)), and for supplemental response program grants under section 128(a) of that Act (42 U.S.C. 9628(a)) if the funds are used to perform cleanup work at eligible brownfield sites or assessment work necessary to make brownfield sites eligible for assistance under section 104(k) of that Act (42 U.S.C. 9604(k))''.

SA 441. Mr. REID (for himself, Mr. ENSIGN, and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 487, beginning with line 1, strike all through page 488, line 22, and insert the following:

PART IV—RULES RELATING TO DEBT INSTRUMENTS

SEC. 1231. DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.

(a) IN GENERAL.—Section 108 (relating to income from discharge of indebtedness) is amended by adding at the end the following new subsection:

''(i) DEFERRAL AND RATABLE INCLUSION OF INCOME ARISING FROM INDEBTEDNESS DISCHARGED BY THE REACQUISITION OF A DEBT INSTRUMENT.—

''(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness in connection with the reacquisition of a debt instrument after December 31, 2008, and before January 1, 2011, shall be includible in gross income ratably over the 5-taxable-year period beginning with—

''(A) in the case of a reacquisition occurring in 2009, the fifth taxable year following the taxable year in which the reacquisition occurs, and

''(B) in the case of a reacquisition occurring in 2010, the fourth taxable year following the taxable year in which the reacquisition occurs.

''(2) DEFERRAL OF DEDUCTION FOR ORIGINAL ISSUE DISCOUNT IN DEBT FOR DEBT EXCHANGES.—

''(A) IN GENERAL.—If, as part of a reacquisition to which paragraph (1) applies, any debt instrument is issued for the debt instrument being reacquired (or is treated as so issued under subsection (e)(4) and the regulations thereunder) and there is any original issue discount determined under subpart A of part V of subchapter P of this chapter with respect to the debt instrument so issued—

''(i) except as provided in clause (ii), no deduction otherwise allowable under this chapter shall be allowed to the issuer of such debt instrument with respect to the portion of such original issue discount which—

''(I) accrues before the 1st taxable year in the 5-taxable-year period in which income from the discharge of indebtedness attributable to the reacquisition of the debt instrument is includible under paragraph (1), and

''(II) does not exceed the income from the discharge of indebtedness with respect to the debt instrument being reacquired, and

''(ii) the aggregate amount of deductions disallowed under clause (i) shall be allowed as a deduction ratably over the 5-taxable-year period described in clause (i)(I).

If the amount of the original issue discount accruing before such 1st taxable year exceeds the income from the discharge of indebtedness with respect to the debt instrument being reacquired, the deductions shall be disallowed in the order in which the original issue discount is accrued.

''(B) DEEMED DEBT FOR DEBT EXCHANGES.—For purposes of subparagraph (A), if any debt instrument is issued by an issuer and the proceeds of such debt instrument are used directly or indirectly by the issuer to reacquire a debt instrument of the issuer, the debt instrument so issued shall be treated as issued for the debt instrument being reacquired. If only a portion of the proceeds from a debt instrument are so used, the rules of subparagraph (A) shall apply to the portion of any original issue discount on the newly issued debt instrument which is equal to the portion of the proceeds from such instrument used to reacquire the outstanding instrument.

''(3) DEBT INSTRUMENT.—For purposes of this subsection, the term 'debt instrument' means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 1275(a)(1)).

''(4) REACQUISITION.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'reacquisition' means, with respect to any debt instrument, any acquisition of the debt instrument by—

''(i) the debtor which issued (or is otherwise the obligor under) the debt instrument, or

''(ii) any person related to such debtor.

Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument.

''(B) ACQUISITION.—The term 'acquisition' shall, with respect to any debt instrument, include an acquisition of the debt instrument for cash, the exchange of the debt instrument for another debt instrument (including an exchange resulting from a modification of the debt instrument), the exchange of the debt instrument for corporate stock or a partnership interest, and the contribution of the debt instrument to capital.

''(5) OTHER DEFINITIONS AND RULES.—For purposes of this subsection—

''(A) RELATED PERSON.—The determination of whether a person is related to another person shall be made in the same manner as under subsection (e)(4).

''(B) ELECTION.—

''(i) IN GENERAL.—An issuer of a debt instrument shall make the election under this subsection with respect to any debt instrument by clearly identifying such debt instrument on the issuer's records as an instrument to which the election applies before the close of the day on which the reacquisition of the debt instrument occurs (or such other time as the Secretary may prescribe). Such election, once made, is irrevocable.

''(ii) PASS THROUGH ENTITIES.—In the case of a partnership, S corporation, or other pass through entity, the election under this subsection shall be made by the partnership, the S corporation, or other entity involved.

''(C) COORDINATION WITH OTHER EXCLUSIONS.—If a taxpayer elects to have this subsection apply to a debt instrument, subparagraphs (A), (B), (C), (D), and (E) of subsection (a)(1) shall not apply to the income from the discharge of such indebtedness for the taxable year of the election or any subsequent taxable year.

''(D) ACCELERATION OF DEFERRED ITEMS.—In the case of the death of the taxpayer, the liquidation or sale of substantially all the assets of the taxpayer (including in a title 11 or similar case), the cessation of business by the taxpayer, or similar circumstances, any item of income or deduction which is deferred under this subsection (and has not previously been taken into account) shall be taken into account in the taxable year in which such event occurs (or in the case of a title 11 case, the day before the petition is filed).

''(6) AUTHORITY TO PRESCRIBE REGULATIONS.—The Secretary may prescribe such rules and regulations as may be necessary or appropriate for purposes of applying this subsection.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to discharges in taxable years ending after December 31, 2008.

SEC. 1232. MODIFICATIONS OF RULES FOR ORIGINAL ISSUE DISCOUNT ON CERTAIN HIGH YIELD OBLIGATIONS.

(a) SUSPENSION OF SPECIAL RULES.—Section 163(e)(5) (relating to special rules for original issue discount on certain high yield obligations) is amended by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph:

''(F) SUSPENSION OF APPLICATION OF PARAGRAPH.—

''(i) TEMPORARY SUSPENSION.—

''(I) IN GENERAL.—This paragraph shall not apply to any applicable high yield discount obligation issued after August 31, 2008, and before January 1, 2010. The preceding sentence shall not apply to any obligation the interest on which is interest described in section 871(h)(4) (without regard to subparagraph (D) thereof) or to any obligation issued to a related person (within the meaning of section 108(e)(4)).

''(ii) SECRETARIAL AUTHORITY TO SUSPEND APPLICATION.—The Secretary may suspend the application of this paragraph with respect to debt instruments issued after December 31, 2009, if the Secretary determines that such suspension is appropriate in light of distressed conditions in the debt capital markets.''.

(b) INTEREST RATE USED IN DETERMINING HIGH YIELD OBLIGATIONS.—The last sentence of section 163(i)(1) is amended—

(1) by inserting ''(i)'' after ''regulation'', and

(2) by inserting '', or (ii) permit, on a temporary basis, a rate to be used with respect to any debt instrument which is higher than the applicable Federal rate if the Secretary determines that such rate is appropriate in light of distressed conditions in the debt capital markets'' before the period at the end.

(c) EFFECTIVE DATE.—

(1) SUSPENSION.—The amendments made by subsection (a) shall apply to obligations issued after August 30, 2008, in taxable years ending after such date.

(2) INTEREST RATE AUTHORITY.—The amendments made by subsection (b) shall apply to obligations issued after the date of the enactment of this Act, in taxable years ending after such date.

SA 442. Mr. BAUCUS (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. SENSE OF THE SENATE REGARDING COMPREHENSIVE HEALTH CARE REFORM.

It is the Sense of the Senate that—

(1) comprehensive health care reform legislation, which provides coverage to all Americans, improves the quality of health care in America, and contains the costs in our health care system, is the most effective way to address our Federal deficits and truly secure our economic stability; and

(2) reform of health care is an essential element of economic recovery and will bring down the cost of entitlements as it brings down health care costs.

SA 443. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 351, between lines 17 and 18, insert the following:

SEC. 13403. PRESERVATION OF PARENTAL RIGHTS IN CERTAIN CASES AND PROSECUTION OF PERPETRATORS OF CRIMES AGAINST CHILDREN.

Notwithstanding any other provision of this title, in applying part 164 of title 45, Code of Federal Regulations, with respect to protected health information—

(1) parents and legal guardians shall have the right to access all of their unemancipated minor child's reproductive health information, except in cases of child abuse, child molestation, sexual abuse, and incest; and

(2) law enforcement officials may subpoena health information for State or Federal criminal investigations of child abuse, child molestation, sexual abuse, rape, statutory rape, and incest.

SA 444. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support smoking cessation activities, including laboratory testing and equipment.

SA 445. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. SUPPLEMENTAL CAPITAL GRANTS FOR AMTRAK.

None of the funds appropriated or otherwise made available by this Act may be allocated to the National Railroad Passenger Corporation (Amtrak).

SA 446. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

HIGH-PERFORMANCE GREEN BUILDINGS

SEC. 16____. None of the funds appropriated or otherwise made available by this Act may be used to carry out any measure necessary to convert a facility of the General Services Administration into a high-performance green building (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

SA 447. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, strike lines 2 through 5, and insert the following:

None of the funds appropriated or otherwise made available by this Act may be used for the 2010 Census.

SA 448. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE FOR GAMING FACILITIES.

Notwithstanding any other provision of law, none of the funds made available by this Act may be used for any building or other facility (including a casino) at which class I gaming, class II gaming, or class III gaming (as those terms are defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) is conducted.

SA 449. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

GENERAL PROVISIONS—THIS TITLE

SEC. 301. Notwithstanding any other provision of this Act, no provision of this Act may construed or interpreted as requiring the procurement of alternative fuel vehicles by the Department of Defense.

SA 450. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title II, add the following:

SEC. _____. No funds appropriated or otherwise made available by this title for the Department of Commerce may be used to renovate the headquarters of the Department of Commerce.

SA 451. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a swimming pool.

SA 452. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 107, line 11, strike ''$572,500,000'' and insert ''$485,000,000''.

On page 107, strike line 16 and all that follows through ''polar icebreakers;'' on line 19.

SA 453. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and

science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used to support stem cell research, in accordance with Executive Order 13435, ''Expanding Approved Stem Cell Lines in Ethically Responsible Ways'' (June 22, 2007; 72 Fed. Reg. 34591) and the presidential policy decision of August 9, 2001.

SA 454. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used for the screening and prevention of sexually-transmitted diseases, including HIV/AIDS.

SA 455. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BAN ON EARMARKS.

Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) is amended by adding at the end thereof the following:

''SEC. 316. BAN ON EARMARKS.

''(a) IN GENERAL.—It shall not be in order in the House of Representatives or the Senate to consider any bill, resolution, amendment, or conference report that includes an earmark.

''(b) MATTER STRICKEN.—If the point of order prevails under subsection (a), the earmark provision shall be stricken in accordance with the procedures provided in section 313 of the Congressional Budget Act of 1974.

''(c) DEFINITION.—In this section, the term 'earmark' shall include the meaning of the term 'congressionally directed spending item' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term 'congressional earmark' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

''(d) SUPERMAJORITY.—Subsection (a) may be waived only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).''.

SA 456. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used—

(1) to construct, maintain, or renovate any facility named for a member or former member of Congress; or

(2) to carry out any program named for a member or former member of Congress.

SA 457. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a golf course.

SA 458. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate a field used for sporting purposes.

SA 459. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVI, add the following:

SEC. _____. No funds appropriated or otherwise made available by this Act may be used to construct, maintain, or renovate an aquarium or a zoo.

SA 460. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. None of the funds appropriated or otherwise made available by this Act shall be used to make grants to States under section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles or for near-term, large-scale electrification projects aimed at the transportation sector.

SA 461. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROHIBITION ON USE OF FUNDS FOR TRAILS AND OFF-ROAD VEHICLE ROUTES.

None of the funds made available under this Act shall be used for bicycle, walking, or wilderness trails or off-road vehicle routes.

SA 462. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. ACQUISITION OF HIGHER FUEL ECONOMY MOTOR VEHICLES.— None of the funds appropriated or otherwise made available by this Act may be used by the Federal Government to acquire motor vehicles with higher fuel economy if the savings realized from increased fuel efficiency do not exceed the additional costs incurred to purchase such vehicles.

SA 463. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. BAN ON EXECUTIVE IMPLEMENTATION OF EARMARKS.

(a) REGULATIONS.—Not later than 60 days after the date of enactment of this section, the head of each Federal department or agency shall promulgate regulations to—

(1) prohibit their department or agency from making decisions to commit, obligate, or expend funds for any earmark this is not based on the text of laws, including in any report of a committee of Congress, joint explanatory statement of a committee of conference of the Congress, statement of managers concerning a bill in the Congress, or any other non-statutory statement or indication of views of the Congress, or a House, committee, Member, officer, or staff thereof; and

(2) prohibit their staff from allowing oral or written communications concerning earmarks to supersede statutory criteria, competitive awards, or merit-based decision making.

(b) PUBLIC AVAILABILITY OF REQUESTS.—Not later than 15 days after receipt, the head of a Federal department or agency shall make publicly available on the Internet any written communications (or a transcription or summary of an oral communication) from the Congress, or a House, committee, Member, officer, or staff thereof, recommending that funds be committed, obligated, or expended by the agency or department on any earmark.

(c) DEFINITION.—In this section, the term ''earmark'' shall include the meaning of the term ''congressionally directed spending item'' in paragraph 5 of rule XLIV of the Standing Rules of the Senate and the term ''congressional earmark'' in paragraph 9 of rule XXI of the Rules of the House of Representatives.

SA 464. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 242, line 16, strike ''$100,000,000:'' and insert ''$70,000,000:''.

On page 242, between lines line 25 and 26, insert the following:

UNITED STATES MERCHANT MARINE ACADEMY CAPITAL IMPROVEMENT PROGRAM

For an additional amount to carry out the capital improvement program at the United States Merchant Marine Academy, $30,000,000.

SA 465. Mrs. GILLIBRAND submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 600, between lines 4 and 5, insert the following:

SEC. 2105. TEMPORARY SUSPENSION OF REQUIREMENT FOR STATES TO IMPOSE MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

During the period that begins on April 1, 2009, and ends on December 31, 2010, section 454(6)(B) of the Social Security Act (42 U.S.C. 654(6)(B)) shall be applied without regard to clause (ii) of that section. In the case of a State that has been paid (including out of its own funds) all or part of the annual fee imposed under that clause during the period that begins on October 1, 2008, and ends on March 31, 2009, the State shall not be required, as a result of the application of the preceding sentence to the State, to refund any portion of such annual fee so paid but the State shall cease from collecting any portion of such annual fee that is unpaid as of April 1, 2009.

SA 466. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 453, beginning on line 12, strike through line 16 and insert the following:

(c) MODIFICATIONS TO BIOMASS CREDIT.—

(1) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—Subsection (e) of section 45 is amended by adding at the end the following new paragraph:

''(12) CREDIT ALLOWED FOR ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—In the case of electricity produced after December 31, 2008, and before January 1, 2011, at any facility described in paragraph (2) or (3) of subsection (d) which is equipped with a metering device to determine electricity consumption or sale, subsection (a)(2) shall be applied without regard to subparagraph (B) thereof with respect to such electricity produced and consumed at such facility.''.

(2) CREDIT PERIOD FOR CERTAIN OPEN-LOOP BIOMASS.—Clause (ii) of section 45(b)(4)(B) is amended by striking ''5-year period'' and inserting ''6-year period''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (c)(2) shall apply to property placed in service after the date of the enactment of this Act.

(2) ELECTRICITY PRODUCED FROM BIOMASS FOR ON-SITE USE.—The amendment made by subsection (c)(1) shall apply to electricity produced and consumed after December 31, 2008.

(3) TECHNICAL AMENDMENT.—The amendment

SA 467. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, lines 14 through 16, strike ''$14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*,'' and insert ''$15,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $1,000,000,000 shall be used for the Federal Energy Management Program for energy efficiency, water conservation, and renewable energy use by Federal agencies in a manner that leverages private sector financing to ensure comprehensive projects and that measures and verifies energy and water savings and complies with paragraphs (1) through (7) of section 543(f) of the National Energy Conservation Policy Act (42 U.S.C. 8253(f)): *Provided further*,''.

SA 468. Mr. WYDEN (for himself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I of division B, insert the following:

SEC. 1903. TREATMENT OF EXCESSIVE BONUSES BY TARP RECIPIENTS.

(a) IN GENERAL.—If, before the date of enactment of this Act, the preferred stock of a financial institution was purchased by the Government using funds provided under the Troubled Asset Relief Program established pursuant to the Emergency Economic Stabilization Act of 2008, then, notwithstanding any otherwise applicable restriction on the redeemability of such preferred stock, such financial institution shall redeem an amount of such preferred stock equal to the aggregate amount of all excessive bonuses paid or payable to all covered individuals.

(b) TIMING.—Each financial institution described in subsection (a) shall comply with the requirements of subsection (a)—

(1) not later than 120 days after the date of enactment of this Act, with respect to excessive bonuses (or portions thereof) paid before the date of enactment of this Act; and

(2) not later than the day before an excessive bonus (or portion thereof) is paid, with respect to any excessive bonus (or portion thereof) paid on or after the date of enactment of this Act.

(c) DEFINITIONS.—As used in this section, the following definitions shall apply:

(1) EXCESSIVE BONUS.—

(A) IN GENERAL.—The term ''excessive bonus'' means the portion of the applicable bonus payments made to a covered individual in excess of $100,000.

(B) APPLICABLE BONUS PAYMENTS.—

(i) IN GENERAL.—The term ''applicable bonus payment'' means any bonus payment to a covered individual—

(I) which is paid or payable by reason of services performed by such individual in a taxable year of the financial institution (or any member of a controlled group described in subparagraph (D)) ending in 2008, and

(II) the amount of which was first communicated to such individual during the period beginning on January 1, 2008, and ending January 31, 2009, or was based on a resolution of the board of directors of such institution that was adopted before the end of such taxable year.

(ii) CERTAIN PAYMENTS AND CONDITIONS DISREGARDED.—In determining whether a bonus payment is described in clause (i)(I)—

(I) a bonus payment that relates to services performed in any taxable year before the

taxable year described in such clause and that is wholly or partially contingent on the performance of services in the taxable year so described shall be disregarded, and

(II) any condition on a bonus payment for services performed in the taxable year so described that the employee perform services in taxable years after the taxable year so described shall be disregarded.

(C) BONUS PAYMENT.—The term ''bonus payment'' means any payment which—

(i) is a discretionary payment to a covered individual by a financial institution (or any member of a controlled group described in subparagraph (D)) for services rendered,

(ii) is in addition to any amount payable to such individual for services performed by such individual at a regular hourly, daily, weekly, monthly, or similar periodic rate, and

(iii) is paid or payable in cash or other property other than—

(I) stock in such institution or member, or

(II) an interest in a troubled asset (within the meaning of the Emergency Economic Stabilization Act of 2008) held directly or indirectly by such institution or member.

Such term does not include payments to an employee as commissions, welfare and fringe benefits, or expense reimbursements.

(D) COVERED INDIVIDUAL.—The term ''covered individual'' means, with respect to any financial institution, any director or officer or other employee of such financial institution or of any member of a controlled group of corporations (within the meaning of section 52(a) of the Internal Revenue Code of 1986) that includes such financial institution.

(2) FINANCIAL INSTITUTION.—The term ''financial institution'' has the same meaning as in section 3 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252).

(d) EXCISE TAX ON TARP COMPANIES THAT FAIL TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.—

(1) IN GENERAL.—Chapter 46 of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by adding at the end the following new section:

''SEC. 4999A. FAILURE TO REDEEM CERTAIN SECURITIES FROM UNITED STATES.

''(a) IMPOSITION OF TAX.—There is hereby imposed a tax on any financial institution which—

''(1) is required to redeem an amount of its preferred stock from the United States pursuant to section 1903(a) of the American Recovery and Reinvestment Tax Act of 2009, and

''(2) fails to redeem all or any portion of such amount within the period prescribed for such redemption.

''(b) AMOUNT OF TAX.—The amount of the tax imposed by subsection (a) shall be equal to 35 percent of the amount which the financial institution failed to redeem within the time prescribed under 1903(b) of the American Recovery and Reinvestment Tax Act of 2009.

''(c) ADMINISTRATIVE PROVISIONS.—

''(1) IN GENERAL.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A for the taxable year in which a deduction is allowed for any excessive bonus with respect to which the redemption described in subsection (a)(1) is required to be made.

''(2) EXTENSION OF TIME.—The due date for payment of tax imposed by this section shall in no event be earlier than the 150th day following the date of the enactment of this section.''.

(2) CONFORMING AMENDMENTS.—

(A) The heading for chapter 46 of such Code are amended to read as follows:

''CHAPTER 46—TAXES ON CERTAIN EXCESSIVE REMUNERATION

''Sec. 4999. Golden parachute payments.

''Sec. 4999A. Failure to redeem certain securities from United States.''.

(B) The item relating to chapter 46 in the table of chapters for subtitle D of such Code is amended to read as follows:

''Chapter 46. Taxes on excessive remuneration.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to failures described in section 4999A(a)(2) of the Internal Revenue Code of 1986 occurring after the date of the enactment of this Act.

SA 469. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, add the following:

SEC. 5006. MEDICAID REBATES FOR PHYSICIAN ADMINISTERED DRUGS.

(a) EXTENSION FOR IMPLEMENTATION OF REQUIREMENT FOR HOSPITALS TO SUBMIT UTILIZATION DATA.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. 1396r–8(a)(7)) is amended—

(1) in subparagraph (A), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2006,'';

(2) in subparagraph (B)(ii), by inserting ''in non-hospital settings and on or after November 1, 2009, in hospitals'' after ''January 1, 2008,''; and

(3) in subparagraph (C), by inserting ''(November 1, 2009, in the case of hospital information),'' after ''January 1, 2007,''.

(b) PROPORTIONAL REBATES FOR DUAL ELIGIBLE CLAIMS.—Section 1927(a)(7) of the Social Security Act (42 U.S.C. §1396r–8(a)(7)) is amended by adding at the end the following new subparagraph:

''(E) TEMPORARY ADJUSTMENT TO REBATE CALCULATION FOR DUAL ELIGIBLE CLAIMS.—Only with respect to claims for rebates submitted by States to manufacturers during the 2-year period that begins on the date of enactment of this subparagraph, for purposes of calculating the amount of rebate under subsection (c) for a rebate period for a covered outpatient drug for which payment is made under a State plan or waiver under this title and under part B of title XVIII, the total number of units reported by the State of each dosage form and strength of each such drug paid for under the State plan or waiver under this title during such rebate period is deemed to be equal to the product of—

''(i) such total number of units of such drug for which payment is made under the State plan or waiver under this title and under part B of title XVIII; and

''(ii) the proportion (expressed as a percentage) that the amount the State paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period bears to the amount that the State would have paid for each dosage form and strength of such drug under the State plan or waiver under this title during such rebate period if the State were the sole payer for such dosage form and strength of such drug.''.

SA 470. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 698, after line 25, insert the following:

SEC. 4204A. EXCLUSION OF CUSTOMARY PROMPT PAY DISCOUNTS EXTENDED TO WHOLESALERS FROM MANUFACTURER'S AVERAGE SALES PRICE FOR PAYMENTS FOR DRUGS AND BIOLOGICALS UNDER MEDICARE PART B.

(a) IN GENERAL.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1395w–3a(c)(3)) is amended—

(1) in the first sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''prompt pay discounts''; and

(2) in the second sentence, by inserting ''(other than customary prompt pay discounts extended to wholesalers)'' after ''other price concessions''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs and biologicals furnished on or after the date that is 30 days after the date of the enactment of this Act.

Beginning on page 131, strike line 12 and all that follows through page 133, line 17.

SA 471. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. EXPIRATION OF AVAILABILITY OF FUNDS.

Unless otherwise provided in this title, each amount appropriated or otherwise made available under this title shall remain available until September 30, 2010.

SA 472. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter,

the Secretary of the Interior shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''BUREAU OF RECLAMATION'' under the heading entitled ''DEPARTMENT OF THE INTERIOR'' of title IV of division A.

SA 473. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. REPORTING REQUIREMENT.

Not later than 45 days after the date of enactment of this Act and quarterly thereafter, the Secretary of the Army shall submit to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate a report describing, for the period covered by the report, the allocation, obligation, and expenditure of the amounts appropriated or otherwise made available in the matter under the heading entitled ''CORPS OF ENGINEERS—CIVIL'' under the heading entitled ''DEPARTMENT OF THE ARMY'' under the heading entitled ''DEPARTMENT OF DEFENSE—CIVIL'' of title IV of division A.

SA 474. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 735, after line 7, and add the following:

TITLE VI—HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN

SEC. 6001. SHORT TITLE; PURPOSE; REPEAL.

(a) SHORT TITLE OF TITLE.—This title may be cited as the ''American Children's Health Coverage Act of 2009''.

(b) PURPOSE.—The purpose of this title is to ensure that American children have high-quality health coverage that fits their individual needs.

(c) REPEAL.—Effective February 4, 2009, the Children's Health Insurance Program Reauthorization Act of 2009 (Public Law 111–3) is repealed.

SEC. 6002. CONTINUATION OF SCHIP FUNDING DURING TRANSITION PERIOD.

(a) THROUGH FISCAL YEAR 2010.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd(a)) is amended—

(1) in subsection (a)—

(A) by striking ''and'' at the end of paragraph (10);

(B) in paragraph (11)—

(i) by striking ''each of fiscal years 2008 and 2009'' and inserting ''fiscal year 2008''; and

(ii) by striking the period at the end and inserting a semicolon; and

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

''(12) for fiscal year 2009, $7,780,000,000; and

''(13) for fiscal year 2010, $8,044,000,000.''; and

(2) in subsection (c)(4)(B), by striking ''2009'' and inserting ''2010''.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)) is amended by striking ''or 2009'' and inserting ''2009, or 2010''.

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

(c) COORDINATION OF FUNDING FOR FISCAL YEAR 2009.—Notwithstanding any other provision of law, insofar as funds have been appropriated under section 2104(a)(11) of the Social Security Act, as amended by section 201(a) of Public Law 110–173 and in effect on January 1, 2009, to provide allotments to States under title XXI of the Social Security Act for fiscal year 2009—

(1) any amounts that are so appropriated that are not so allotted and obligated before the date of the enactment of this Act are rescinded; and

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

SEC. 6003. HIGH-QUALITY HEALTH COVERAGE FOR AMERICAN CHILDREN.

(a) ESTABLISHMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary of Health and Human Services (in this Act referred to as the ''Secretary'') shall establish a program to ensure that American children have high-quality health coverage that fits their individual needs (in this section referred to as ''the program'').

(b) CRITERIA FOR ELIGIBILITY.—The program shall ensure that—

(1) all children eligible for medical assistance under a State Medicaid plan under title XIX of the Social Security Act or child health assistance under a State child health plan under title XXI of such Act (or under a waiver of either such plan) and whose gross family income ((as determined without regard to the application of any general exclusion or disregard of a block of income that is not determined by type of expense or type of income (regardless of whether such an exclusion or disregard is permitted under section 1902(r) of such Act)) does not exceed 300 percent of the poverty line (as defined in section 2110(c)(5) of the Social Security Act) are eligible for coverage under the program; and

(2) all children who do not have health insurance coverage (as defined in section 2791 of the Public Health Service Act) and whose gross family income (as so determined) does not exceed 300 percent of the poverty line (as so defined) are eligible for coverage under the program.

(c) BENEFITS.—Under the program, health insurance issuers shall offer children (who are not within a category of individuals described in section 1937(a)(2)(B) of the Social Security Act) private health insurance coverage that—

(1) is actuarially equivalent to the coverage requirements for State child health plans specified in section 2103(a) of the Social Security Act or any other health benefits coverage that the Secretary determines will provide appropriate coverage; and

(2) provides for total annual aggregate cost-sharing that does not exceed 5 percent of a family's income for the year involved.

(d) REIMBURSEMENTS.—The Secretary shall establish an annual process for awarding contracts on a competitive basis to health insurance issuers to provide private health insurance coverage for eligible children under the program. Such process shall ensure that—

(1) payments to such issuers shall be determined through a competitive bidding process;

(2) payments to such issuers shall be risk-adjusted;

(3) at least 2 plan options are available for every eligible child; and

(4) with respect to each eligible child, each State maintains the appropriate and equitable share of the cost of providing health insurance coverage to the child under the program that the State would have maintained but for the establishment of the program.

(e) ENROLLMENT.—The Secretary shall establish a fair and responsible process for the enrollment, disenrollment, termination, and changes in enrollment of eligible children under the program and shall conduct activities to effectively disseminate information about the program and initial enrollment.

(f) CONSUMER PROTECTIONS.—Health insurance issuers awarded contracts under the program shall—

(1) provide clear information on the coverage provided by such issuers under the program;

(2) establish meaningful procedures for hearing and resolving of any grievances between such issuers and enrollees that include an independent review and appeals process for coverage denials;

(3) be licensed to provide coverage in the State in which coverage is offered under the program; and

(4) provide market-based rates for provider reimbursements for coverage provided under the program.

(g) GEOGRAPHICAL ACCESS AND QUALITY.—The Secretary shall establish statewide plan regions or other appropriate regions in order to maximize competition and patient access under the program.

(h) OPTION FOR ASSISTANCE WITH EMPLOYER-SPONSORED INSURANCE.—The Secretary shall establish procedures under the program to provide premium assistance for children with access to employer-sponsored health insurance coverage.

(i) FINANCING.—

(1) MAINTENANCE OF FEDERAL-STATE PARTNERSHIP.—The Federal government and States shall maintain their appropriate and equitable share of premiums for providing health insurance coverage to eligible children under the program.

(2) ADDITIONAL OUTLAYS.—In the event that additional outlays are required to carry out the program for any fiscal year, Congress shall enact legislation to offset such outlays by cutting non-priority spending, making government spending more accountable and efficient, and ending wasteful government spending.

SEC. 6004. ALLOTMENT LIMITS FOR MEDICAID ADMINISTRATIVE COSTS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting ''(subject, except with respect to medical assistance expenditures under paragraph (1), to the allotment limits under subsection (aa))'' after ''under this title''; and

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

''(aa) STATE ADMINISTRATIVE COST LIMITATION.—

''(1) IN GENERAL.—Payments to a State under paragraphs (2) through (7) of subsection (a) for fiscal years beginning with fiscal year 2009, shall not exceed, in the aggregate, an amount equal to the State's administrative cost allotment, as determined under this subsection.

''(2) ALLOTMENT FORMULA.—The administrative allotment for a State for fiscal years beginning with fiscal year 2009 shall be determined as follows:

''(A)(i) FISCAL YEAR 2009.—For fiscal year 2009, the administrative allotment for a State shall be an amount equal to the Federal share of total allowable costs claimed by the State under paragraphs (2) through (7) of subsection (a) for calendar quarters in fiscal year 2007, determined as of December 31, 2007, adjusted in accordance with clause (ii).

''(ii) ADJUSTMENT.—For purposes of clause (i), the amount specified in clause (i) shall be increased by a percentage equal to the sum of the percentages described in clause (iii).

''(iii) PERCENTAGES DESCRIBED.—The percentages described in this clause are, with respect to each consecutive 12-month period in the 36-month period ending March 30, 2009, the percentage change in the consumer price index (for all urban consumers; U.S. city average).

''(B) SUCCEEDING FISCAL YEARS.—For each fiscal year after fiscal year 2009, the administrative allotment for a State shall be the State's administrative allotment for the preceding fiscal year, increased by the percentage change in the consumer price index (for all urban consumers; U.S. city average) for the 12-month period ending on March 30 of the fiscal year.''.

SEC. 6005. REDUCTION IN PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF SUCH PAYMENTS UNDER TANF.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (h)'';

(2) in subsection (a)(2)(D) by inserting '', subject to subsection (g)(3)(C) of such section'' after ''as are attributable to State activities under section 1919(g)''; and

(3) by adding after subsection (g) the following new subsection:

''(h) REDUCTION IN PAYMENTS FOR ADMINISTRATIVE COSTS TO PREVENT DUPLICATION OF PAYMENTS UNDER TITLE IV.—Beginning with the calendar quarter commencing April 1, 2009, the Secretary shall reduce the amount paid to each State under subsection (a)(7) for each quarter by an amount equal to ¼ of the annualized amount determined for the Medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).''.

SEC. 6006. APPLICATION OF MEDICARE PAYMENT ADJUSTMENT FOR CERTAIN HOSPITAL-ACQUIRED CONDITIONS TO PAYMENTS FOR INPATIENT HOSPITAL SERVICES UNDER MEDICAID.

(a) STATE PLAN REQUIREMENT.—Section 1902(a)(13)(A)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(13)(A)(iv)) is amended—

(1) by striking ''rates take'' and inserting ''rates—

''(I) take'';

(2) by striking the semicolon and inserting a comma; and

(3) by adding at the end the following:

''(II) ensure that higher payments are not made for services related to the presence of a condition that could be identified by a secondary diagnostic code described in section 1886(d)(4)(D);''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

SEC. 6007. ELIMINATION OF WAIVER OF CERTAIN MEDICAID PROVIDER TAX PROVISIONS.

Effective October 1, 2009, subsection (c) of section 4722 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 515) is repealed.

SEC. 6008. ELIMINATION OF SPECIAL PAYMENTS FOR CERTAIN PUBLIC HOSPITALS.

Effective October 1, 2009, subsection (d) of section 701 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554 (42 U.S.C. 1396r–4 note), is repealed.

SA 475. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 570, between lines 8 and 9, insert the following:

SEC. _____. DECREASED REQUIRED ESTIMATED TAX PAYMENTS IN 2009 FOR CERTAIN SMALL BUSINESSES.

Paragraph (1) of section 6654(d) is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR 2009.—

''(i) IN GENERAL.—Notwithstanding subparagraph (C), in the case of any taxable year beginning in 2009, clause (ii) of subparagraph (B) shall be applied to any qualified individual by substituting '75 percent' for '100 percent'.

''(ii) QUALIFIED INDIVIDUAL.—For purposes of this subparagraph, the term 'qualified individual' means any individual if—

''(I) the adjusted gross income shown on the return of such individual for the preceding taxable year is less than $500,000, and

''(II) such individual certifies that more than 50 percent of the income of such individual was income from a small business.

A certification under subclause (II) shall be in such form and manner and filed at such time as the Secretary may by regulations prescribe.

''(iii) INCOME FROM A SMALL BUSINESS.—For purposes of clause (ii), income from a small business means, with respect to any individual, income from a trade or business the average number of employees of which was less than 500 employees for the calendar year ending with or within the preceding taxable year of the individual.

''(iv) SEPARATE RETURNS.—In the case of a married individual (within the meaning of section 7703) who files a separate return for the taxable year for which the amount of the installment is being determined, clause (ii)(I) shall be applied by substituting '$250,000' for '$500,000'.

''(v) ESTATES AND TRUSTS.—In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).''.

SA 476. Ms. SNOWE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 492, line 9, strike ''10 percent (20'' and insert ''20 percent (30''.

On page 492, strike lines 16 and 17, and insert the following:

''(2) INTERMEDIATE GENERATION BROADBAND CREDIT.—The intermediate generation broadband credit for any taxable year is equal to 25 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing intermediate generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(3) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any

On page 492, line 18, strike ''20 percent'' and insert ''30 percent''.

On page 493, strike lines 5 through 8, and insert the following:

''(A) current generation broadband services are provided through such equipment to qualified subscribers,

''(B) intermediate generation broadband services are provided through such equipment to qualified subscribers, or

''(C) next generation broadband services

On page 494, line 19, strike ''rural areas and the''.

On page 497, line 4, insert '', intermediate generation broadband services,''.

On page 497, line 19, insert '', intermediate generation broadband services,''.

On page 498, line 6, insert '', intermediate generation broadband services,''.

On page 499, line 1, insert '', intermediate generation broadband services,''.

On page 499, strike lines 3 through 6, and insert the following:

''(i) in the normal course of operations to each subscriber who is utilizing such services, and

On page 501, line 3, insert '', intermediate generation broadband services,''.

Beginning on page 502, line 21, strike all through page 503, line 15, and insert the following:

''(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means any residential or nonresidential subscriber in an unserved area or an underserved area.

Beginning on page 503, line 20, strike all through page 504, line 11, and insert the following:

''(17) INTERMEDIATE GENERATION BROADBAND SERVICE.—The term 'intermediate generation broadband service' means the transmission of signals at a rate of at least 50,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 5,000,000 bits per second from the subscriber (or its equivalent as so measured).

(18) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities

Beginning on page 504, line 22, strike all through page 505, line 20, and insert the following:

(19) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services, intermediate generation broadband services, or next generation broadband services.

(20) TELECOMMUNICATIONS CARRIER.—The

On page 506, line 6, strike ''(23)'' and insert ''(21)''.

Beginning on page 506, line 14, strike all through page 507, line 1, and insert the following:

(22) UNDERSERVED AREA.—The term 'underserved area' means an area not served by at least one wireline broadband service provider offering current generation broadband service.

(23) UNDERSERVED SUBSCRIBER.—The term

On page 507, strike lines 7 through 12, and insert the following:

(24) UNSERVED AREA.—The term 'unserved area' means an area not served by any wireline broadband service provider.

(25) UNSERVED SUBSCRIBER.—The term

On page 509, lines 7 and 8, strike ''TRACTS.—'' and all that follows through ''The Secretary'' and insert ''TRACTS.—The Secretary''.

On page 509, line 12, strike ''(17), (23), (24), and (26)'' and insert ''(21), (22), and (24)''.

Beginning on page 507, line 18, strike all through page 510, line 25.

SA 477. Ms. SNOWE (for herself, Mr. GRASSLEY, and Mr. ENZI) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, strike lines 3 through 11, and insert the following:

(A) be one of the following—

(i) a State or political subdivision thereof;

(ii) a nonprofit foundation, corporation, institution, or association;

(iii) a provider of broadband service, including wireless and satellite broadband service;

(iv) an Indian tribe or Native Hawaiian organization; or

(v) other non-governmental entity in partnership with a State or political subdivision thereof, Indian tribe or Native Hawaiian organization but only if the Assistant Secretary determines that the partnership is consistent with the purposes of this section;

On page 54, line 22, strike ''and''.

On page 55, line 8, strike ''program.'' and insert ''program; and

(F) shall seek to promote economic opportunity, avoid excessive concentration of service, and disseminate grants among a wide variety of applicants, including small businesses and rural telephone companies, Indian Tribes, Hawaiian Native Organizations, and socially and economically disadvantaged business concerns (as defined under section 8(a) of the Small Business Act (15 U.S.C. 637)).

SA 478. Mr. SPECTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 118, line 4, strike ''$6,400,000,000'' and all that follows through ''*Provided,*'' on line 18 and insert ''$7,300,000,000, to remain available until September 30, 2010, of which $4,000,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.); of which $2,000,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Fund under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); of which $1,000,000,000 shall be available for brownfield remediation grants pursuant to section 104(k)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(k)(3)); and of which $300,000,000 shall be for grants under subtitle G of title VII of the Energy Policy Act of 2005 (42 U.S.C. 16131 et seq.): *Provided,*''.

On page 252, between lines 21 and 22, insert the following:

BROWNFIELDS ECONOMIC DEVELOPMENT INITIATIVE

For competitive economic development grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, for Brownfields redevelopment projects, $1,000,000,000, to remain available until September 30, 2010: *Provided*, That notwithstanding any other provision of law or other limitation under such section, that the maximum allowable grant awarded to an eligible public entity may not exceed $100,000,000.

URBAN DEVELOPMENT ACTION GRANTS

For urban development action grants, as authorized by section 118 of the Housing and Community Development Act of 1974, $1,000,000,000, to remain available until September 30, 2010.

SA 479. Mr. CASEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. ENHANCED CONGRESSIONAL OVERSIGHT.

(a) PLAN.—Not later than 30 days after the date of enactment of this Act, each authorizing committee of the Senate with jurisdiction over spending included in this Act shall prepare and publicly post on their website a plan detailing—

(1) spending or programmatic language contained in this Act which falls under their jurisdiction; and

(2) plans for oversight of spending under the jurisdiction of the committee, including congressional hearings.

(b) IMPLEMENTATION REPORTS.—Not later than 6 months and 1 year after the date of enactment of his Act, each committee described in subsection (a) shall prepare and post on their website a progress report towards fulfilling components of their oversight plan required by subsection (a) as well as any modifications to that plan.

(c) JOINT ECONOMIC COMMITTEE.—Each Federal department or agency that receives and administers funding under this Act shall provide information and data on their implementation of this Act to the Committee on Joint Economics.

SA 480. Mr. BINGAMAN (for himself, Mrs. BOXER, Mr. WYDEN, Mr. KERRY, Mr. TESTER, Ms. STABENOW, Mr. UDALL of New Mexico, Mr. BAUCUS, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. MERKLEY, Ms. CANTWELL, Mr. UDALL of Colorado, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, after line 23, add the following:

SEC. 70__. (a) In addition to amounts made available by this title, there shall be made available—

(1) for ''Operation of the National Park System'', $142,000,000;

(2) for ''National Park Service Construction'', $811,000,000;

(3) for ''Historic Preservation Fund'', $45,000,000;

(4) for ''Land Acquisition and State Assistance'', $100,000,000 to be derived from the land and water conservation fund established under section 2 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–5) to provide financial assistance to States in accordance with section 6 of that Act (16 U.S.C. 4601–8), subject to subsection (b);

(5) for ''United States Fish and Wildlife Service Resource Management'', $110,000,000;

(6) for ''United States Fish and Wildlife Service Construction'', $15,000,000;

(7) for ''State and Tribal Wildlife Grants'', $50,000,000 for wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.) and the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) for the development and implementation of programs for the benefit of wildlife and wildlife habitat, including species that are not hunted or fished;

(8) for ''Bureau of Land Management Management of Lands and Resources'', $350,000,000;

(9) for ''Bureau of Land Management Wildland Fire Management'', $20,000,000;

(10) for ''Forest Service Capital Improvement and Maintenance'', $50,000,000;

(11) for ''Forest Service Wildland Fire Management'', $850,000,000, of which $250,000,000 shall be available for work on State and private land; and

(12) for ''Bureau of Indian Affairs Operations'', $15,000,000.

(b) Amounts made available under subsection (a)(4) shall not be used for land acquisition.

(c) Amounts made available under subsection (a) shall remain available until September 30, 2010.

(d) Amounts made available by this title for ''Forest Service Capital Improvement and Maintenance'' may be—

(1) used for reconstruction, improvement, decommissioning, and maintenance of roads, trails, bridges, and dams; and

(2) transferred to the ''National Forest System'' account and other appropriate accounts of the Forest Service.

(e) Amounts made available by this title for ''Forest Service Wildland Fire Management'' may be—

(1) used for forest, rangeland, and watershed rehabilitation and restoration activities; and

(2) transferred to the ''National Forest System'' account, the ''State and Private Forestry'' account, and other appropriate accounts of the Forest Service.

SA 481. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 422, strike lines 4 through 14, and insert the following:

(4) The website shall include a link to the website established and maintained by the Office of Management and Budget under section 1551.

On page 422, line 15, strike ''(6)'' and insert ''(5)''.

On page 422, line 18, strike ''(7)'' and insert ''(6)''.

On page 428, between lines 11 and 12, insert the following:

Subtitle D—Recovery, Accountability, and Transparency Website

SEC. 1551. ESTABLISHMENT OF THE RECOVERY, ACCOUNTABILITY, AND TRANSPARENCY WEBSITE.

(a) IN GENERAL.—The Director of the Office of Management and Budget shall establish and maintain the Recovery, Accountability, and Transparency Website to foster greater accountability and transparency in the use of covered funds.

(b) DATE OF ESTABLISHMENT.—The Director shall establish the website required under this section not later than 30 days after the date of enactment of this Act.

SEC. 1552. WEBSITE.

(a) PURPOSE.—The website established and maintained under section 1551 shall be a publicly available portal or gateway to provide the public full transparency and accountability of covered funds with timely availability of information and accounting of covered funds expended at the Federal, State, and local level.

(b) CONTENT AND FUNCTION.—In establishing the website established and maintained under section 1551, the Director of the Office of Management and Budget shall ensure the following:

(1) The website shall include information on relevant, economic, financial, grant, and contract information in user-friendly visual presentations.

(2) At a minimum, the website shall include detailed information on government contracts and grants, including Federal, State, and local contracts and grants and any subsequent subcontracts, including those made by 1 private entity to another, that expend covered funds to include—

(A) information about the competitiveness of the contracting process;

(B) notification of solicitations for contracts to be awarded;

(C) information about the process that was used for the award of contracts;

(D) information about the recipient of the contract to include the scope and statement of work under the contract;

(E) the dollar value of the contract;

(F) an estimate of the jobs sustained or created through execution of the contract including an explanation of the estimate;

(G) an estimate of the start date for any project using covered funds and a corresponding end date for the project;

(H) information confirming the certification required under section 1605 for the receipt of any covered funds; and

(I) any other information as the Director determines necessary.

(3) The website shall be fully available to the public.

(4) Information included on the website shall be available in printable formats, to include information on covered funds obligated in each State and each congressional district.

(5) The website shall provide the information required under paragraph (2) not later than 30 days after the obligation or award of funds.

(6) The website shall be searchable by project type, geographic region, level of government executions and as otherwise determined necessary by the Director.

(7) The website shall include appropriate links to other Government websites with information concerning covered funds including, at a minimum, the Board website established under section 1519.

(c) COMPLIANCE.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, as a condition of receipt of funds under this Act, each agency shall require any recipient of such funds, whether from a Federal, State, or local contract or grant or otherwise, to provide the information required under subsection (b)(2).

(2) INFORMATION PROVIDED BY RECIPIENTS.—All information required to be made by recipients of covered funds under paragraph (1) shall be—

(A) provided not later than 30 days after the receipt of such funds; and

(B) updated not later than 30 days after any material changes in the execution of such funds.

(3) USER-FRIENDLY MEANS FOR COMPLIANCE.—In coordination with agencies and State and local governments, the Director of the Office of Management and Budget shall provide for user-friendly means for recipients of covered funds to meet the requirements of this subsection.

(d) WAIVER.—The Director of the Office of Management and Budget may exclude posting contractual or other information on the website on a case-by-case basis when necessary to protect national security.

SA 482. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, at the end of line 14, insert the following:

Provided further, That any fee imposed on an applicant in excess of the actual administrative costs to the Department in processing a loan guarantee application shall be refundable to the applicant if there is no financial close on that application.

SA 483. Mr. BENNETT submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 25, insert ''and demand responsive equipment and'' after ''grid''.

SA 484. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 451, line 15, strike all through page 452, line 18, and insert the following:

SEC. 1203. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2008) is amended—

(1) by striking ''or 2008'' and inserting ''2008, 2009, or 2010'', and

(2) by striking ''2008'' in the heading thereof and inserting ''2010''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1204. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking ''($69,950 in the case of taxable years beginning in 2008)'' in subparagraph (A) and inserting ''($70,950 in the case of taxable years beginning in 2009 and $72,550 in the case of taxable years beginning in 2010)'', and

(2) by striking ''($46,200 in the case of taxable years beginning in 2008)'' in subparagraph (B) and inserting ''($46,700 in the case of taxable years beginning in 2009 and $47,500 in the case of taxable years beginning in 2010)''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SA 485. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental

appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 486. Mr. THUNE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, beginning with line 6, strike all through page 735, line 7, and insert the following:

SEC. 2. REBATE TO ALL AMERICANS WITH TAX LIABILITY.

(a) IN GENERAL.—Section 6429 of the Internal Revenue Code of 1986 is amended to read as follows:

''SEC. 6429. 2009 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In the case of an eligible individual who has net income tax liability for the taxpayer's first taxable year beginning in 2007, there shall be allowed a credit against the tax imposed by subtitle A for the taxpayer's first taxable year beginning in 2009 an amount equal to the lesser of—

''(1) the taxpayer's net income tax liability for the taxpayer's first taxable year beginning in 2007, or

''(2) $4,730 ($9,460 in the case of a joint return) .

''(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(c) DEFINITIONS.—For purposes of this section—

''(1) NET INCOME TAX LIABILITY.—The term 'net income tax liability' means the excess of—

''(A) the sum of the taxpayer's regular tax liability (within the meaning of section 26(b)) and the tax imposed by section 55 for the taxable year, over

''(B) the credits allowed by part IV (other than section 24 and subpart C thereof) of subchapter A of chapter 1.

''(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means any individual other than—

''(A) any nonresident alien individual,

''(B) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(C) an estate or trust.

''(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

''(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

''(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.

''(e) ADVANCE REFUNDS AND CREDITS.—

''(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2007, and who had a net income tax liability for such first taxable year, shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the advance refund amount for such taxable year.

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if this section (other than this subsection) had applied to such taxable year.

''(3) TIMING OF PAYMENTS.—The Secretary shall, subject to the provisions of this title, refund or credit any overpayment attributable to this section as rapidly as possible. No refund or credit shall be made or allowed under this subsection after December 31, 2009.

''(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this section.

''(f) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—No credit shall be allowed under subsection (a) to an eligible individual who does not include on the return of tax for the taxable year—

''(A) such individual's valid identification number, and

''(B) in the case of a joint return, the valid identification number of such individual's spouse.

''(2) VALID IDENTIFICATION NUMBER.—For purposes of paragraph (1), the term 'valid identification number' means a social security number issued to an individual by the Social Security Administration. Such term shall not include a TIN issued by the Internal Revenue Service.

''(3) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (1) shall not apply to a joint return where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year.''.

(b) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSION.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefits that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to the residents of such possession.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No credit shall be allowed against United States income taxes for any taxable year under section 6429 of the Internal Revenue Code of 1986 (as amended by this section) to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from the credit allowed under section 36A of the Internal Revenue Code of 1986 (as added by this section).

(c) REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Any credit or refund allowed or made to any individual by reason of section 6429 of the Internal Revenue Code of 1986 (as amended by this section) or by reason of subsection (b) of this section shall not be taken into account as income and shall not be taken into account as resources for the month of receipt and the following 2 months, for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

(d) AUTHORITY RELATING TO CLERICAL ERRORS.—Section 6213(g)(2)(L) is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(e) CONFORMING AMENDMENTS.—

(1) Section 6211(b)(4)(A) is amended by striking ''and 6428'' and inserting ''6428, and 6429''.

(2) Section 1324(b)(2) of title 31, United States Code, is amended by striking ''or 6428'' and inserting ''6428, or 6429''.

(3) The table of sections for subchapter B of chapter 65 is amended by striking the item relating to section 6429 and inserting the following new item:

''Sec. 6429. 2009 recovery rebates for individuals.''.

(f) EFFECTIVE DATE.—This section, and the amendments made by this section, shall apply to taxable years beginning after December 31, 2008.

SA 487. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and

local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of training health care professionals.''.

SA 488. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 360, line 6, add after the period the following: ''In promulgating such regulations, the Secretary may not eliminate from the definition of health care operations activities that are conducted for the purpose of medical research or disease surveillance.''.

SA 489. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, strike lines 16 through 18 and insert the following:

ices, which may include—

(1) assistance for elementary and secondary education and public institutions of higher education; and

(2) critical water resource, flood protection, environmental restoration, and infrastructure programs, projects, and activities, which may be used to satisfy a non-Federal matching requirement for any other Federal program, project, or activity.

SA 490. Mr. FEINGOLD (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 457, between lines 16 and 17, insert the following:

(b) CLARIFICATION WITH RESPECT TO GREEN COMMUNITY PROGRAMS.—Clause (ii) of section 54D(f)(1)(A) is amended by inserting ''(including the use of loans, grants, or other repayment mechanisms to implement such programs)'' after ''green community programs''.

SA 491. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VI—TEMPORARY ECONOMIC RECOVERY ADJUSTMENT PANEL

SEC. 6001. SHORT TITLE.

This title may be cited as the ''Economic Recovery Adjustment Act of 2009''.

SEC. 6002. FINDINGS.

Congress finds that—

(1) the deterioration of financial firms in 2008 and the resulting crisis of confidence in the financial markets have required broad intervention by the Federal Government in the financial sector;

(2) the Emergency Economic Stabilization Act of 2008, signed by President Bush on October 3, 2008, included a $700,000,000,000 Troubled Asset Relief Program (or ''TARP'') for the express purpose of ''providing stability to and preventing disruption in the economy and financial system'';

(3) the investment and commercial banks and other financial institutions that have received taxpayer-funded bailouts perform public functions supporting the operation of the economy, in addition to their private profit-making functions;

(4) reports of billions of dollars in obligations to executives have eroded public confidence in the TARP, and have caused increasing opposition to other bailout proposals, thereby impeding the Government's ability to address the financial crisis;

(5) participation in the TARP and any other Federal Government bailout program should be conditioned on a fair restructuring of executive compensation obligations;

(6) taxpayer dollars should not unreasonably compensate executives, particularly when in the absence of such relief, such compensation would be reduced as part of a bankruptcy restructuring or liquidation; and

(7) establishing a due process forum will allow the Government to ensure that executive compensation relying on taxpayer funds is fair and reasonable.

SEC. 6003. DEFINITIONS.

In this title, the following definitions shall apply:

(1) ASSISTED ENTITY.—The term ''assisted entity'' means any recipient or applicant for assistance under the TARP.

(2) PANEL.—The term ''Panel'' means the Temporary Economic Recovery Oversight Panel established under section 6007.

(3) EXECUTIVE COMPENSATION.—The term ''executive compensation'' means wages, salary, deferred compensation, benefits, retirement arrangements, options, bonuses, office fixtures, goods, or other property, travel, or entertainment, vacation expenses, and any other form of compensation, obligation, or expense that is not routinely provided to all other employees of the assisted entity.

(4) OFFICE.—The term ''Office'' means the Office of the Taxpayer Compensation Advocate established under section 4.

(5) TARP.—The terms ''TARP'' and ''TARP funds'' mean the Troubled Asset Relief Program established under section 101 of the Emergency Economic Stabilization Act of 2008 and funds received thereunder, respectively, or pursuant to any successor program.

(6) SECRETARY.—The term ''Secretary'' means Secretary of the Treasury.

SEC. 6004. TAXPAYER COMPENSATION ADVOCATE.

(a) ESTABLISHMENT.—There is established within the Department of Justice, the Office of the Taxpayer Advocate.

(b) ADVOCATE.—The Office shall be headed by an Advocate, to be appointed by the Attorney General of the United States for such purpose.

(c) DUTIES.—The Advocate is authorized to conduct ongoing audits and oversight of the recipients of TARP funds with respect to compensation of the officers and directors of such entities.

(d) ACCESS TO RECORDS.—

(1) IN GENERAL.—To the extent otherwise consistent with law, the Advocate and the Office shall have access, upon request, to any information, data, schedules, books, accounts, financial records, reports, files, electronic communications, or other papers, things, or property belonging to or in use by the assisted entity and to the officers, directors, employees, independent public accountants, financial advisors, and other agents and representatives thereof (as related to the agent or representative's activities on behalf of or under the authority of the assisted entity) at such reasonable time as Office may request.

(2) COPIES.—The Advocate may make and retain copies of such books, accounts, and other records as the Advocate deems appropriate for the purposes of this title.

(e) REPORTING.—The Advocate shall submit quarterly reports of findings under this title to the appropriate committees of Congress, the Secretary and the Special Inspector General for the TARP established under the Emergency Economic Stabilization Act of 2008 on the activities and performance of the Office.

(f) AUDITS.—The Office is authorized to conduct an audit of any assisted entity for purposes of this title.

SEC. 6005. POWERS OF THE OFFICE.

(a) INVESTIGATIONS AND EVIDENCE.—The Office may, for purposes of carrying out this title—

(1) take depositions or other testimony, receive evidence, and administer oaths; and

(2) require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents.

(b) SUBPOENAS.—

(1) SERVICE.—Subpoenas issued under subsection (a)(2) may be served by any person designated by the Office.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subsection (a)(2), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—Sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under the authority of this section.

(c) INFORMATION FROM FEDERAL AGENCIES.—The Office may secure directly from any department, agency, or instrumentality of the United States any information related to any inquiry of the Office conducted under this title. Each such department, agency, or instrumentality shall, to the extent authorized by law, furnish such information directly to the Office, upon request.

SEC. 6006. EXECUTIVE COMPENSATION AUTHORITY.

(a) NEGOTIATED REDUCTIONS AUTHORIZED.—The Advocate is authorized to assist the Secretary in the negotiation of assistance under the TARP, in order to assure that fair and reasonable executive compensation is paid by entities receiving TARP funds, and to defend any such agreements in the event of any challenge to the adjustments to compensation obligations. If, after an audit authorized by this title, the Advocate finds reason to believe that any assisted entity would have been forced to file for bankruptcy protection under title 11, United States Code, if not for the receipt of assistance under the TARP, the Advocate shall negotiate a reduction in the executive compensation obligations of the assisted entity as a condition of the continuing use or future receipt of such TARP assistance.

(b) FORM.—Negotiated reductions in compensation under subsection (a)—

(1) may include vested deferred compensation; and

(2) shall be in an amount that is fair and reasonable in light of the taxpayers' assistance, but not less than the estimated value of the compensation obligations that would face the estate or debtor-in-possession if the TARP funds had not been granted and the entity had filed for bankruptcy protection.

(c) CERTIFICATION TO ADJUSTMENT PANEL.—The Advocate shall certify the findings of the Office under this section to the Panel.

SEC. 6007. AUTHORITY OF THE SECRETARY.

Until the Advocate is appointed, the Secretary, in the negotiation of assistance under the TARP, is authorized and directed to assure that executive compensation is fair and reasonable. In the event of a dispute as to whether such compensation is fair and reasonable, the Secretary is authorized to negotiate assistance with its executive compensation recommendations subject to the ruling of the Panel. If the Secretary recommends adjustments to the existing obligations (such as deferred compensation or retirement plan obligations), such recommendations shall be subject to the approval of the Panel, with any affected individuals having a right to intervene and be heard. The determination of what is fair and reasonable shall be made in light of the taxpayers' assistance to the company, the risk of bankruptcy and loss of such benefits and obligations, and the need for adequate compensation to attract competent management.

SEC. 6008. TEMPORARY ECONOMIC RECOVERY OVERSIGHT PANEL.

(a) ESTABLISHMENT.—There is established the Temporary Economic Recovery Oversight Panel.

(b) MAKEUP OF PANEL.—The Panel shall be comprised of 5 members, appointed by the President for such purpose from among United States bankruptcy court judges. The Secretary shall provide for appropriate space and staff to support the functioning of the Panel.

(c) DUTIES.—The Panel shall—

(1) promptly evaluate each proposed settlement reached under section 6;

(2) approve or deny such proposed settlement; and

(3) if no settlement is reached under section 6, upon petition of the Advocate or any individual subject to the actions of the Advocate under section 6, issue an order establishing an executive compensation program for such individuals in accordance with this section.

(d) NOTICE AND HEARING REQUIRED.—The Advocate shall provide adequate notice to all affected persons of its intention to seek an order from the Panel in accordance with this section, and the Panel shall hold an evidentiary hearing on any proposed settlement or petition of the Advocate.

(e) STANDING.—Under any proceeding before the Panel, any individual whose compensation might be adversely affected by Panel action shall be a party in interest, having full procedural rights, including the right to challenge a settlement between the assisted entity and the Advocate, to challenge the certified findings of the Advocate, or to appeal any order of the Panel.

(f) APPEALS.—The Advocate and any party having standing before the Panel shall have the right to appeal an order under this title directly to the United States Court of Appeals for the District of Columbia Circuit.

(g) EFFECTIVE PERIOD.—Any order of the Panel setting forth a reduction in compensation shall be effective 6 months after confirmation, and shall remain in effect while any obligation arising from assistance provided under the TARP remains outstanding.

SA 492. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

"Subchapter Z—Tribal School Modernization Provisions

''Sec. 1400V. Credit to holders of qualified tribal school modernization bonds

"SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—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 part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 493. Mr. DODD (for himself, Mr. LIEBERMAN, Mrs. MURRAY, Mr. MENENDEZ, Mr. DURBIN, Mr. KERRY and Mr. BROWN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 114, between lines 4 and 5, insert the following:

SEC. 603. WAIVERS OF CERTAIN FIRE GRANT PROGRAM PROVISIONS.

(a) WAIVER OF FEDERAL SHARE REQUIREMENT.—Subparagraph (E) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) shall not apply to a grant awarded under such section 34(a)(1) during the fiscal years 2009 and 2010.

(b) CONDITIONAL WAIVER OF CERTAIN PROVISIONS.—If the Administrator of the United States Fire Administration of the Federal Emergency Management Agency determines that a recipient of a grant awarded during fiscal year 2009 or 2010 under section 34(a)(1) of such Act is a fire department located in a community facing a severe economic hardship, the Administrator may waive or modify, with respect to such recipient—

(1) the requirements of subparagraph (B) of such section 34(a)(1); and

(2) the provision in paragraph (1) of section 34(c) of such Act.

SA 494. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. WORKER EMPLOYMENT PLAN.

Not later than 6 months after the date of enactment of this Act, the Secretary of Labor shall develop and implement a plan to connect individuals from low-income and high unemployment areas to employment opportunities associated with projects funded under this Act.

SA 495. Mr. TESTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 6, before the period at the end, insert ''*Provided*, That the funds may be used for research in renewable fuels and emerging agricultural production technologies that reduce agricultural input costs, increase agricultural profitability, and decrease dependence on foreign fuels''.

SA 496. Mr. CARPER (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Insert on p. 46, line 18:

(c) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by inserting'', oil and gas reservoirs,'' after ''deep saline formations'' and before ''and unminable coal seems''.

(d) CONFORMING AMENDMENT.—Section 45Q(d)(2) is amended by striking ''coordination'' and replacing with ''consultation'', and inserting after ''Environmental Protection Agency'' '', the Secretary of Energy, and the Secretary of the Interior,''

(e) CONFORMING AMENDMENT.—Section 45Q(e) is amended by striking ''or used as a tertiary injectant.'' at the end of subsection (e) and inserting in its place ''in accordance with subsection (a).''.

With subsequent relettering of the subsection (c) to (f) and (d) to (g).

SA 497. Mr. DORGAN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 74, strike line 22 and all that following through page 75, line 2, and insert the following:

Provided further, That $1,520,000,000 is available for competitive solicitations for a range of industrial applications: *Provided further*, That, pursuant to section 703 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17251), at least $1,420,000,000 is available for projects that demonstrate carbon capture from industrial sources: *Provided further*, That awards for such projects under section 703 of that Act may include power plant efficiency improvements for integration with carbon capture technology: *Provided further*, That, pursuant to section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), up to $100,000,000 may be available for a competitive solicitation for pilot and commercial scale projects that advance innovative and novel concepts for carbon dioxide capture and beneficial carbon dioxide reuse.

SA 498. Mr. BEGICH (for himself, Ms. MURKOWSKI) submitted an amendment

intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 228, line 6, insert ''*Provided further*, That not less than $900,000,000 of the amounts provided under this heading shall be available for port infrastructure investment grants by the Maritime Administration:'' after ''movement:''.

SA 499. Ms. KLOBUCHAR submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 36, between lines 3 and 4, insert the following:

SEC. 107. ADDITIONAL FUNDS FOR THE FOOD AND DRUG ADMINISTRATION.

(a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act, there are appropriated, out of any money in the Treasury not otherwise appropriated, $200,000,000 for the Food and Drug Administration for new laboratory equipment and Internet Technology updates to help detect and track foodborne illness outbreaks.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount appropriated under title V for the ''FEDERAL BUILDINGS FUND'' shall be reduced by $200,000,000.

SA 500. Mr. DORGAN (for himself and Mr. BENNETT) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike all between page 70, line 13 and page 72, line 22 and insert the following:

''For an additional amount for ''Energy Efficiency and Renewable Energy'', $14,398,000,000, for necessary expenses, to remain available until September 30, 2010: *Provided*, That $2,000,000,000 shall be available for grants for the manufacturing of advanced batteries and components and the Secretary shall provide facility funding awards under this section to manufacturers of advanced battery systems and vehicle batteries that are produced in the United States, including advanced lithium ion batteries, hybrid electrical systems, component manufacturers, and software designers: *Provided further*, That Section 136(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(b)) is amended for Fiscal Years 2009 and 2010 by striking ''30 percent'' and inserting ''90 percent'': *Provided further*, That $2,048,000,000 shall be for expenses necessary for energy efficiency and renewable energy research, development, demonstration and deployment activities: *Provided further*, That of which not less than $100,000,000 shall be for the building codes training and technical assistance program of the Department of Energy, including section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833): *Provided further*, That of which not less than $180,000,000 shall be available for renewable energy construction grants under section 803 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17282), geothermal energy programs and grants under sections 613, 614, 615, and 625 of that Act (42 U.S.C. 17192, 17193, 17194, 17204), and the marine and hydrokinetic renewable energy technologies program established under section 633 of that Act (42 U.S.C. 17212): *Provided further*, That the Secretary of Energy shall increase the ceiling on energy savings performance contracts entered into under section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) prior to December 1, 2008, to ensure that projects for which a contractor has been selected under the contracts are concluded in a timely manner: *Provided further*, That $2,900,000,000 shall be for the Weatherization Assistance Program under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That $500,000,000 shall be for the State Energy Program authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321): *Provided further*, That $4,200,000,000 shall be available for Energy Efficiency and Conservation Grants, of which $2,100,000,000 is available through the formula in subtitle E of title V of the Energy Independence and Security Act of 2007 (42 U.S.C. 17151 et seq.): *Provided further*, That the remaining $2,100,000,000 shall be awarded on a competitive basis: *Provided further*, That $350,000,000 is for grants to implement Section 721 of the Energy Policy Act of 2005 (42 U.S.C. 16091 et seq.) for acquisition and alternative fuel or fuel-cell vehicles, especially for transportation purposes: *Provided further*, That $200,000,000 for grants to states under Section 131 of the Energy Independence and Security Act of 2007 to plan, develop, and demonstrate electrical infrastructure projects that encourage the use of plug-in electric drive vehicles and for near term large-scale electrification projects aimed at the transportation sector: *Provided further*, That no funds are provided for grants under Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1): *Provided further*, That $2,200,000,000 is available to off-set the costs associated with Federal Purchases of Electricity Generated by Renewable Energy contained in Section 407 of this Act: *Provided further*, That notwithstanding section 3304 of title 5, United States Code, and without regard to the provisions of sections 3309 through 3318 of such title 5, the Secretary of Energy, upon a determination that there is a severe shortage of candidates or a critical hiring need for particular positions, may from within the funds provided, recruit and directly appoint highly-qualified individuals into the competitive service: *Provided further*, That such authority shall not apply to positions in the Excepted Service or the Senior Executive Service: *Provided further*, That any action authorized herein shall be consistent with the merit principles of section 2301 of such title 5, and the Department shall comply with the public notice requirements of section 3327 of such title 5.

SA 501. Mr. GRAHAM (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 6, strike lines 1 through 4.

On page 37, strike lines 1 through 5.

On page 37, line 10, strike ''$9,000,000,000'' and insert ''$8,800,000,000''

On page 37, line 13, strike ''not'' and all that follows through ''libraries:'' on line 16.

On page 39, strike line 3 and all that follows through page 40, line 2.

On page 42, strike lines 10 through 14.

On page 44, line 18, strike ''$300,000,000'' and insert ''$275,000,000''.

On page 44, line 25, after the semicolon insert ''and''

On page 45, line 2, strike ''; and'' and insert a period.

On page 45, strike lines 3 through 5.

On page 57, line 10, strike ''$1,169,291,000'' and insert ''$1,069,291,000''.

On page 57, line 14, strike ''$571,843,000'' and insert ''$531,843,000''.

On page 57, line 18, strike ''$112,167,000'' and insert ''$92,167,000''.

On page 57, line 22, strike ''$927,113,000'' and insert ''$887,113,000''.

On page 92, strike lines 1 through 20.

On page 93, line 7, strike ''$9,048,000,000'' and insert ''$8,048,000,000''.

On page 93, line 12, strike ''$6,000,000,000'' and insert ''$5,000,000,000''.

On page 93, line 23, strike ''$7,000,000,000'' and insert ''$6,000,000,000''.

On page 95, strike lines 1 through 8.

On page 123, line 9, strike ''$3,250,000,000'' and insert ''$2,050,000,000''.

On page 123, strike line 18 and all that follows through page 124, line 9.

On page 124, line 10, strike ''(3)'' and insert ''(2)''.

On page 124, line 13, strike ''(4)'' and insert ''(3)''.

On page 124, line 15, strike ''(5)'' and insert ''(4)''.

On page 125, line 1, strike ''(6)'' and insert ''(5)''.

On page 127, line 23, strike ''$1,088,000,000'' and insert ''$1,000,000,000''.

On page 127, line 24, strike ''of which'' and all that follows through ''and'' on page 128, line 3.

On page 128, strike lines 8 through 22.

On page 130, strike lines 4 through 10.

On page 213, line 22, strike ''$64,961,000'' and insert ''$59,476,000''.

On page 213, line 25, strike ''; and'' and all that follows through ''initiatives'' on lines 25 and 26.

On page 137, line 17, strike ''$5,800,000,000'' and insert ''$5,325,000,000''.

On page 139, line 22, after ''funds:'' insert ''*Provided further*, That none of the amounts available under this paragraph may be used for the screening or prevention of any sexually transmitted disease or for any smoking cessation activities.''

On page 391, line 5, strike ''$79,000,000,000'' and insert ''$62,800,000,000''.

At the end of division A, add the following:

TITLE XVII—FORECLOSURE PREVENTION MORTGAGE MODIFICATIONS

SEC. 1701. DEFINITIONS.

In this title—

(1) the term ''Corporation'' means the Federal Deposit Insurance Corporation;

(2) the term ''Chairperson'' means the Chairperson of the Board of Directors of the Corporation;

(3) the term ''Secretaries'' means the Secretary of the Treasury and the Secretary of Housing and Urban Development, jointly;

(4) the term ''program'' means the foreclosure prevention and mortgage modification program established under this section; and

(5) the term ''eligible mortgage'' means an extension of credit that is secured by real property that is the primary residence of the borrower.

SEC. 1702. LOAN MODIFICATION PROGRAM.

(a) ESTABLISHMENT.—The Chairperson shall establish a systematic foreclosure prevention and mortgage modification program, in consultation with the Secretaries, that—

(1) provides lenders and loan servicers with compensation to cover administrative costs for each eligible mortgage modified according to the required standards; and

(2) provides loss sharing or guarantees for certain losses incurred if a modified eligible mortgage should subsequently redefault.

(b) PROGRAM COMPONENTS.—The program established under subsection (a) shall include the following components:

(1) EXCLUSION FOR EARLY PAYMENT DEFAULT.—To promote sustainable mortgages, loss sharing or guarantees under the program shall be available only after the borrower has made a specified minimum number of payments on the modified mortgage, as determined by the Chairperson.

(2) STANDARD NET PRESENT VALUE TEST.—In order to promote consistency and simplicity in implementation and auditing under the program, the Chairperson shall prescribe and require lenders and loan servicers to apply a standardized net present value analysis for participating lenders and loan servicers that compares the expected net present value of modifying past due mortgage loans with the net present value of foreclosing on such mortgage loans. The Chairperson shall use standard industry assumptions to ensure that a consistent standard for affordability is provided, based on a ratio of the borrower's mortgage-related expenses to gross monthly income specified by the Chairperson.

(3) SYSTEMATIC LOAN REVIEW BY PARTICIPATING LENDERS AND SERVICERS.—

(A) REQUIREMENT.—Any lender or loan servicer that participates in the program shall be required—

(i) to undertake a systematic review of all of the eligible mortgage loans under its management;

(ii) to subject each such eligible mortgage loan to the standard net present value test prescribed by the Chairperson to determine whether it is suitable for modification under the program; and

(iii) to offer modifications for all eligible mortgages that meet such test.

(B) DISQUALIFICATION.—Any lender or loan servicer that fails to undertake a systematic review and to carry out modifications where they are justified, as required by subparagraph (A), shall be disqualified from further participation in the program, pending proof of compliance with subparagraph (A).

(4) MODIFICATIONS.—Modifications to eligible mortgages under the program may include—

(A) reduction in interest rates and fees;

(B) term or amortization extensions;

(C) forbearance or forgiveness of principal; and

(D) other similar modifications, as determined appropriate by the Chairperson.

(5) LOSS SHARE CALCULATION.—In order to ensure the administrative efficiency and effective operation of the program and to provide adequate incentive to lenders and loan servicers to modify eligible mortgages and avoid unnecessary foreclosures, the Chairperson shall define appropriate standardized measures for loss sharing or guarantees.

(6) DE MINIMIS TEST.—The Chairperson shall implement a de minimis test to exclude from loss sharing under the program any modification that does not lower the monthly loan payment to the borrower by at least 7 to 15 percent, at the determination of the Chairperson.

(7) TIME LIMIT ON LOSS SHARING PAYMENT.—At the determination of the Chairperson, a loss sharing guarantee under the program shall terminate between 5 and 15 years after the date on which the mortgage modification is consummated, as determined by the Chairperson.

SEC. 1703. ALTERNATIVE COMPONENTS.

(a) IN GENERAL.—The Chairperson may, with the approval of the Secretaries, and after making the certifications to Congress required by subsection (b), implement foreclosure prevention and mitigation actions other than those authorized under section 1702.

(b) CERTIFICATION TO CONGRESS.—The Chairperson shall certify to Congress that the Chairperson believes the alternative foreclosure mitigation actions would provide equivalent or greater impact or have a more cost-effective impact on foreclosure mitigation than those authorized under section 1702. Such certification shall contain quantitative projections of the benefit of pursuing the alternative actions in place of or in addition to the actions authorized under section 1702.

SEC. 1704. TIMELY IMPLEMENTATION.

The Chairperson shall begin implementation of, and shall allow lenders and loan servicers to begin participation in, the mortgage modification program under this title not later than 1 month after the date of enactment of this Act.

SEC. 1705. SAFE HARBOR FOR LOAN SERVICERS.

(a) LOAN MODIFICATIONS AND WORKOUT PLANS.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, a loan servicer that acts consistent with the duty set forth in section 129A(a) of Truth in Lending Act (15 U.S.C. 1639a) shall not be liable for entering into a loan modification or workout plan under the program established under this title, or with respect to any mortgage that meets all of the criteria set forth in subsection (b)(2), to—

(1) any person, based on that person's ownership of a residential mortgage loan or any interest in a pool of residential mortgage loans or in securities that distribute payments out of the principal, interest, and other payments on loans in the pool;

(2) any person who is obligated to make payments determined in reference to any loan or any interest referred to in paragraph (1); or

(3) any person that insures any loan or any interest referred to in paragraph (1) under any provision of law or regulation of the United States or of any State or political subdivision of any State.

(b) ABILITY TO MODIFY MORTGAGES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a loan servicer and a securitization vehicle or investor, with respect to any mortgage loan that meets all of the criteria set forth in paragraph (2), or which is modified in accordance with the loan modification program established under this title, a loan servicer—

(A) shall not be limited in the ability to modify mortgages, the number of mortgages that can be modified, the frequency of loan modifications, or the range of permissible modifications;

(B) shall not be obligated to repurchase loans from or otherwise make payments to the securitization vehicle on account of a modification, workout, or other loss mitigation plan for a residential mortgage or a class of residential mortgages that constitute a part or all of the mortgages in the securitization vehicle; and

(C) shall not lose the safe harbor protection provided under subsection (a) due to actions taken in accordance with subparagraphs (A) and (B).

(2) CRITERIA.—A mortgage loan described in this paragraph is a mortgage loan with respect to which—

(A) default on the payment of such mortgage has occurred or is reasonably foreseeable;

(B) the property securing such mortgage is occupied by the mortgagor; and

(C) the loan servicer reasonably and in good faith believes that the anticipated recovery on the principal outstanding obligation of the mortgage under the particular modification or workout plan or other loss mitigation action will exceed, on a net present value basis, the anticipated recovery on the principal outstanding obligation of the mortgage to be realized through foreclosure.

(c) APPLICABILITY.—This section shall apply only with respect to modifications, workouts, and other loss mitigation plans initiated before July 1, 2010.

(d) REPORTING.—Each loan servicer that engages in loan modifications or workout plans subject to the safe harbor in this section shall report to the Chairperson on a regular basis regarding the extent, scope, and results of the loan servicer's modification activities, subject to the rules of the Chairperson regarding the form, content, and timing of such reports.

(e) DEFINITION OF SECURITIZATION VEHICLES.—For purposes of this section, the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that—

(1) is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

(2) holds such mortgages.

SEC. 1706. FUNDING.

There is appropriated to the Secretary of the Treasury to cover the costs incurred by the Corporation in carrying out the mortgage modification program established under this title, $22,850,000,000. Funds that are unused by July 1, 2010, shall be returned to the General Fund of the Treasury of the United States, unless otherwise directed by Congress.

SEC. 1707. FDIC COSTS AND AUTHORITY.

(a) TRANSFER FROM SECRETARY.—The Chairperson shall, from time to time, request payment of the anticipated costs of carrying out the program, including any administrative costs, and the Secretary of the Treasury shall immediately pay the amounts requested to the Corporation from the funds made available under section 1706.

(b) CORPORATION AUTHORITY.—In carrying out its responsibilities under this title, the Corporation may exercise its authority under section 9 of the Federal Deposit Insurance Act.

SEC. 1708. REPORT.

Before the end of the 2-month period beginning on the date of enactment of this Act and every 3 months thereafter, the Chairperson shall submit a report to the Congress

detailing the implementation results and costs of the mortgage modification program, and containing such recommendations for legislative or administrative action as the Chairperson may determine to be appropriate.

SA 502. Mr. BINGAMAN (for himself, Mr. MENENDEZ, Mr. DORGAN, Mr. BENNETT, Ms. MURKOWSKI, and Mr. SANDERS) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Page 90, line 15 insert the following:

SEC. 4.—FEDERAL PURCHASES OF ELECTRICITY GENERATED BY RENEWABLE ENERGY.

(a) IN GENERAL.—Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by adding at the end the following:

''(e) CONTRACT PERIOD—

''(1) IN GENERAL.—Notwithstanding section 501(b)(1)(B) of Title 40, United States Code, a contract entered into by a Federal agency to acquire renewable energy may be made for a period of not more than 30 years.

''(2) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to Federal agencies to enter into contracts under this subsection.

''(3) STANDARDIZED RENEWABLE ENERGY PURCHASE AGREEMENT.—Not later than 90 days after the date of enactment of this subsection, the Secretary, acting through the Federal Energy Management Program, shall publish a standardized renewable energy purchase agreement setting forth commercial terms and conditions that can be used by Federal agencies to acquire renewable energy.''.

(b) FUNDING.—The Amount Otherwise made available for ''Energy Efficiency and Renewable Energy'' by the matter under the heading ''ENERGY EFFICIENCY AND RENEWABLE ENERGY'' under the heading ''ENERGY PROGRAMS'' under the heading ''DEPARTMENT OF ENERGY'' of this title shall be reduced by the amount necessary to carry out the amendment made by subsection (a).

SA 503. Mr. BINGAMAN (for himself, Mr. CARPER, and Mr. CRAPO) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 518, beginning on line 1, strike through page 521, line 23, and insert the following:

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated for all taxable years with respect to any qualifying advanced energy project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING ADVANCED ENERGY PROJECT.—

''(A) IN GENERAL.—The term 'qualifying advanced energy project' means a project—

''(i) which re-equips, expands, or establishes a manufacturing facility for the production of property which is—

''(I) designed to be used to produce energy from the sun, wind, geothermal deposits (within the meaning of section 613(e)(2)), or other renewable resources,

''(II) designed to manufacture fuel cells, microturbines, or an energy storage system for use with electric or hybrid-electric motor vehicles,

''(III) designed to manufacture electric grids to support the transmission of intermittent sources of renewable energy, including storage of such energy,

''(IV) designed to capture and sequester carbon dioxide emissions,

''(V) designed to refine or blend renewable fuels or to produce energy conservation technologies (including energy-conserving lighting technologies and smart grid technologies), or

''(VI) other advanced energy property designed to reduce greenhouse gas emissions as may be determined by the Secretary, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Such term shall not include any portion of a project for the production of any property which is used in the refining or blending of any transportation fuel (other than renewable fuels).

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property which is part of a qualifying advanced energy project and is necessary for the production of property described in paragraph (1)(A)(i).

''(d) QUALIFYING ADVANCED ENERGY PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Energy, shall establish a qualifying advanced energy project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying advanced energy project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $2,000,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application containing such information as the Secretary may require during the 3-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 2 years from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 5 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying advanced energy projects to certify under this section, the Secretary—

''(A) shall take into consideration only those projects where there is a reasonable expectation of commercial viability, and

''(B) shall take into consideration which projects—

''(i) will provide the greatest domestic job creation (both direct and indirect) during the credit period,

''(ii) will provide the greatest net impact in avoiding or reducing air pollutants or anthropogenic emissions of greenhouse gases,

''(iii) have the greatest readiness for commercial employment, replication, and further commercial use in the United States,

''(iv) will provide the greatest benefit in terms of newness in the commercial market,

''(v) have the lowest levelized cost of generated or stored energy, or of measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain), and

''(vi) have the shortest project time from certification to completion.''.

SA 504. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 7, insert ''and for activities described in subparagraph (B)'' before the period at the end.

On page 176, line 8, strike ''REQUIRED''.

On page 176, line 13, insert after the period at the end the following: ''Each State educational agency may use a portion of the reserved funds under subparagraph (A) for renovation, repair, and construction of State-operated or State-supported elementary schools and secondary schools if such activities meet the requirements of subsection (c).''.

SA 505. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, between lines 8 and 9, insert the following:

(v) carrying out measures designed to reduce or eliminate human exposure to classroom noise and environmental noise pollution.

SA 506. Mrs. MCCASKILL (for herself and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and

local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period '', including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409)''.

On page 411, strike lines 1 through 3, and insert ''subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).''

On page 411, line 20, strike all after ''conduct'' through line 22, and insert ''audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.''.

On page 411, line 23, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 1 and 2, strike ''investigations'' and insert ''reviews''.

On page 412, line 3, strike ''investigations'' and insert ''reviews''.

On page 412, line 7, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 16 and 17, strike ''investigative depositions'' and insert ''necessary inquiries''.

On page 412, strike lines 21 through 23 and insert ''are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

On page 413, line 8, strike all after ''audits'' through line 11 and insert '', reviews, or other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.''.

On page 415, line 20, strike ''a report''.

On page 415, line 23, strike the period through line 25 and insert '', a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.''.

SA 507. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1518 and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

SA 508. Mrs. MCCASKILL submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 409, strike lines 16 through 19, and insert the following:

(C) auditing or reviewing covered funds to determine whether wasteful spending, poor contract or grant management, or other abuses are occurring and referring matters the Board considers appropriate for investigation to the inspector general for the agency that disbursed the covered funds;

On page 410, line 3, insert before the period '', including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency established by the Inspector General Reform Act of 2008 (Public Law 110–409)''.

On page 411, strike lines 1 through 3, and insert ''subject to disclosure under sections 552 and 552a of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act).''

On page 411, line 20, strike all after ''conduct'' through line 22, and insert ''audits and reviews of spending of covered funds and coordinate on such activities with the inspectors general of the relevant agencies to avoid duplication of work.''.

On page 411, line 23, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 1 and 2, strike ''investigations'' and insert ''reviews''.

On page 412, line 3, strike ''investigations'' and insert ''reviews''.

On page 412, line 7, strike ''INVESTIGATIONS'' and insert ''REVIEWS''.

On page 412, lines 16 and 17, strike ''investigative depositions'' and insert ''necessary inquiries''.

On page 412, strike lines 21 through 23 and insert ''are not Federal officers or employees at such public hearings. Any such subpoenas may be enforced in the same manner as provided for inspector general subpoenas under section 6 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

On page 413, line 8, strike all after ''audits'' through line 11 and insert '', reviews, or

other activities relating to oversight by the Board of covered funds to any office of inspector general (including for the purpose of a related investigation of an inspector general), the Office of Management and Budget, the General Services Administration, and the Panel.''.

On page 415, line 20, strike ''a report''.

On page 415, line 23, strike the period through line 25 and insert '', a brief statement or notification. The statement or notification shall state the reasons that the inspector general has rejected the request in whole or in part. The decision of the inspector general to reject the request shall be final.''.

On page 416, strike line 6 and all that follows through page 421, line 4, and insert the following:

SEC. 1518. PROTECTING STATE AND LOCAL GOVERNMENT AND CONTRACTOR WHISTLEBLOWERS.

(a) PROHIBITION OF REPRISALS.—An employee of any non-Federal employer receiving covered funds may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing, including a disclosure made in the ordinary course of an employee's duties, to the Board, an inspector general, the Comptroller General, a member of Congress, a State or Federal regulatory or law enforcement agency, a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct), a court or grand jury, the head of a Federal agency, or their representatives information that the employee reasonably believes is evidence of—

(1) gross mismanagement of an agency contract or grant relating to covered funds;

(2) a gross waste of covered funds;

(3) a substantial and specific danger to public health or safety related to the implementation or use of covered funds;

(4) an abuse of authority related to the implementation or use of covered funds; or

(5) a violation of law, rule, or regulation related to an agency contract (including the competition for or negotiation of a contract) or grant, awarded or issued relating to covered funds.

(b) INVESTIGATION OF COMPLAINTS.—

(1) IN GENERAL.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint regarding the reprisal to the appropriate inspector general. Except as provided under paragraph (3), unless the inspector general determines that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint, the inspector general shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the person's employer, the head of the appropriate agency, and the Board.

(2) TIME LIMITATIONS FOR ACTIONS.—

(A) IN GENERAL.—Except as provided under subparagraph (B), the inspector general shall, not later than 180 days after receiving a complaint under paragraph (1)—

(i) make a determination that the complaint is frivolous, does not relate to covered funds, or another Federal or State judicial or administrative proceeding has previously been invoked to resolve such complaint; or

(ii) submit a report under paragraph (1).

(B) EXTENSIONS.—

(i) VOLUNTARY EXTENSION AGREED TO BETWEEN INSPECTOR GENERAL AND COMPLAINANT.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A) and the person submitting the complaint agrees to an extension of time, the inspector general shall submit a report under paragraph (1) within such additional period of time as shall be agreed upon between the inspector general and the person submitting the complaint.

(ii) EXTENSION GRANTED BY INSPECTOR GENERAL.—If the inspector general is unable to complete an investigation under this section in time to submit a report within the 180-day period specified under subparagraph (A), the inspector general may extend the period for not more than 180 days without agreeing with the person submitting the complaint to such extension, provided that the Inspector General provides a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for the decision, which shall be provided to both the person submitting the complaint and the non-Federal employer.

(iii) SEMI-ANNUAL REPORT ON EXTENSIONS.—The inspector general shall include in semi-annual reports to Congress a list of those investigations for which the inspector general received an extension, including a copy of each written explanation provided with respect to extensions under clause (ii).

(3) DISCRETION NOT TO INVESTIGATE COMPLAINTS.—

(A) IN GENERAL.—The inspector general may decide not to conduct or continue an investigation under this section upon providing to the person submitting the complaint and the non-Federal employer a written explanation (subject to the authority to exclude information under paragraph (5)(C)) for such decision.

(B) ASSUMPTION OF RIGHTS TO CIVIL REMEDY.—Upon receipt of an explanation of a decision not to conduct or continue an investigation under subparagraph (A), the person submitting a complaint shall immediately assume the right to a civil remedy under subsection (c)(2) as if the 210-day period specified under such subsection has already passed.

(C) SEMI-ANNUAL REPORT.—The inspector general shall include in semi-annual reports to Congress a list of those investigations the inspector general decided not to conduct or continue under this paragraph, including copies of the written explanations for such decisions not to investigate.

(4) BURDEN OF PROOF.—

(A) DISCLOSURE AS CONTRIBUTING FACTOR IN REPRISAL.—

(i) IN GENERAL.—A person alleging a reprisal under this section shall be deemed to have affirmatively established the occurrence of the reprisal if the person demonstrates that a disclosure described in subsection (a) was a contributing factor in the reprisal.

(ii) USE OF CIRCUMSTANTIAL EVIDENCE.—A disclosure may be demonstrated as a contributing factor in a reprisal for purposes of this paragraph by circumstantial evidence, including—

(I) evidence that the official undertaking the reprisal knew of the disclosure; or

(II) evidence that the reprisal occurred within a period of time after the disclosure such that a reasonable person could conclude that the disclosure was a contributing factor in the reprisal.

(B) OPPORTUNITY FOR REBUTTAL.—The inspector general may not find the occurrence of a reprisal with respect to a reprisal that is affirmatively established under subparagraph (A) if the non-Federal employer demonstrates by clear and convincing evidence that the non-Federal employer would have taken the action constituting the reprisal in the absence of the disclosure.

(5) ACCESS TO INVESTIGATIVE FILE OF INSPECTOR GENERAL.—

(A) IN GENERAL.—The person alleging a reprisal under this section shall have access to the complete investigation file of the appropriate inspector general in accordance with section 552a of title 5, United States Code (commonly referred to as the ''Privacy Act''). The investigation of the inspector general shall be deemed closed for purposes of disclosure under such section when an employee files an appeal to an agency head or a court of competent jurisdiction.

(B) CIVIL ACTION.—In the event the person alleging the reprisal brings suit under subsection (c)(2)(A), the person alleging the reprisal and the non-Federal employer shall have access to the complete investigative file of the Inspector General in accordance with the Privacy Act.

(C) EXCEPTION.—The inspector general may exclude from disclosure—

(i) information protected from disclosure by a provision of law; and

(ii) any additional information the inspector general determines disclosure of which would impede a continuing investigation, provided that such information is disclosed once such disclosure would no longer impede such investigation.

(6) PRIVACY OF INFORMATION.—An inspector general investigating an alleged reprisal under this section may not respond to any inquiry or disclose any information from or about any person alleging such reprisal, except in accordance with the provisions of section 552a of title 5, United States Code, or as required by any other applicable Federal law.

(c) REMEDY AND ENFORCEMENT AUTHORITY.—

(1) AGENCY ACTION.—Not later than 30 days after receiving an inspector general report under subsection (b), the head of the agency concerned shall determine whether there is sufficient basis to conclude that the non-Federal employer has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief in whole or in part or shall take 1 or more of the following actions:

(A) Order the employer to take affirmative action to abate the reprisal.

(B) Order the employer to reinstate the person to the position that the person held before the reprisal, together with the compensation (including back pay), compensatory damages, employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

(C) Order the employer to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the agency or a court of competent jurisdiction.

(2) CIVIL ACTION.—

(A) IN GENERAL.—If the head of an agency issues an order denying relief in whole or in part under paragraph (1), has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under subsection (b)(2)(B)(i), within 30 days after the expiration of the extension of time, or decides under subsection (b)(3) not to investigate or to discontinue an investigation, and there is no showing that such delay or decision is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the employer to seek compensatory

damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury.

(B) BURDENS OF PROOF.—In any action under subparagraph (A), the establishment of the occurrence of a reprisal shall be governed by the provisions of subsection (b)(3)(A), including with respect to burden of proof, and the establishment that an action alleged to constitute a reprisal did not constitute a reprisal shall be subject to the burden of proof specified in subsection (b)(4)(C).

(3) JUDICIAL ENFORCEMENT OF ORDER.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the agency shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorneys fees and costs.

(4) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

(d) NONENFORCEABILITY OF CERTAIN PROVISIONS WAIVING RIGHTS AND REMEDIES OR REQUIRING ARBITRATION OF DISPUTES.—

(1) WAIVER OF RIGHTS AND REMEDIES.—Except as provided under paragraph (3), the rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement.

(2) PREDISPUTE ARBITRATION AGREEMENTS.—Except as provided under paragraph (3), no predispute arbitration agreement shall be valid or enforceable if it requires arbitration of a dispute arising under this section.

(3) EXCEPTION FOR COLLECTIVE BARGAINING AGREEMENTS.—Notwithstanding paragraphs (1) and (2), an arbitration provision in a collective bargaining agreement shall be enforceable as to disputes arising under the collective bargaining agreement.

(e) REQUIREMENT TO POST NOTICE OF RIGHTS AND REMEDIES.—Any employer receiving covered funds shall post notice of the rights and remedies provided under this section.

(f) RULES OF CONSTRUCTION.—

(1) NO IMPLIED AUTHORITY TO RETALIATE FOR NON-PROTECTED DISCLOSURES.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

(2) RELATIONSHIP TO STATE LAWS.—Nothing in this section may be construed to preempt, preclude, or limit the protections provided for public or private employees under State whistleblower laws.

(g) DEFINITIONS.—In this Act:

(1) ABUSE OF AUTHORITY.—The term ''abuse of authority'' means an arbitrary and capricious exercise of authority by a contracting official or employee that adversely affects the rights of any person, or that results in personal gain or advantage to the official or employee or to preferred other persons.

(2) COVERED FUNDS.—The term ''covered funds'' means any contract, grant, or other payment received by any non-Federal employer if—

(A) the Federal Government provides any portion of the money or property that is provided, requested, or demanded; and

(B) at least some of the funds are appropriated or otherwise made available by this Act.

(3) EMPLOYEE.—The term ''employee''—

(A) except as provided under subparagraph (B), means an individual performing services on behalf of an employer; and

(B) does not include any Federal employee or member of the uniformed services (as that term is defined in section 101(a)(5) of title 10, United States Code).

(4) NON-FEDERAL EMPLOYER.—The term ''non-Federal employer''—

(A) means any employer—

(i) with respect to covered funds—

(I) the contractor, subcontractor, grantee, or recipient, as the case may be, if the contractor, grantee, or recipient is an employer; and

(II) any professional membership organization, certification or other professional body, any agent or licensee of the Federal government, or any person acting directly or indirectly in the interest of an employer receiving covered funds; or

(ii) with respect to covered funds received by a State or local government, the State or local government receiving the funds and any contractor or subcontractor of the State or local government; and

(B) does not mean any department, agency, or other entity of the Federal Government.

(5) STATE OR LOCAL GOVERNMENT.—The term ''State or local government'' means—

(A) the government of each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Is Lands, or any other territory or possession of the United States; or

(B) the government of any political subdivision of a government listed in subparagraph (A).

On page 421, line 5, strike all through page 422, line 23.

SA 509. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, line 13, strike ''2010.'' and insert ''2010, of which $150,000,000 shall be used to upgrade high speed research networks, of which $75,000,000 shall be used for connections of research institutions in States participating in the Experimental Program to Stimulate Competitive Research to the national networking infrastructure.''.

SA 510. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on 491, line 15, strike all through page 512, line 11, and insert the following:

PART VIII—BROADBAND INCENTIVES

SEC. 1271. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48C the following new section:

''SEC. 48D. BROADBAND INTERNET ACCESS CREDIT.

''(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

''(1) the current generation broadband credit, plus

''(2) the next generation broadband credit.

''(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

''(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 30 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 40 percent of the qualified broadband expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

''(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

''(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

''(A) current generation broadband services are provided through such equipment to qualified subscribers, or

''(B) next generation broadband services are provided through such equipment to qualified subscribers.

''(2) LIMITATION.—

''(A) IN GENERAL.—Qualified broadband expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

''(i) the original use of which commences with the taxpayer, and

''(ii) which is placed in service, after December 31, 2008, and before January 1, 2011.

''(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

''(i) is originally placed in service after December 31, 2008, by any person, and

''(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

''(d) SPECIAL ALLOCATION RULES.—

''(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers

which the equipment is capable of serving with current generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

''(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

''(A) the numerator of which is the sum of the number of potential qualified subscribers which the equipment is capable of serving with next generation broadband services, and

''(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

''(3) TOTAL POTENTIAL SUBSCRIBER POPULATION.—For purposes of this subsection, the term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential subscribers located in such area.

''(e) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

''(1) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

''(2) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

''(3) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

''(4) such services have been purchased by 1 or more such subscribers, and

''(5) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

''(f) DEFINITIONS.—For purposes of this section—

''(1) ANTENNA.—The term 'antenna' means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

''(2) CABLE OPERATOR.—The term 'cable operator' has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

''(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term 'commercial mobile service carrier' means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

''(4) CURRENT GENERATION BROADBAND SERVICE.—The term 'current generation broadband service' means the transmission of signals at a rate of at least 5,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (at least 3,000,000 bits per second to the subscriber and at least 768,000 bits per second from the subscriber in the case of service through radio transmission of energy).

''(5) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 100,000,000 bits per second to the subscriber (or its equivalent when the data rate is measured before being compressed for transmission) and at least 20,000,000 bits per second from the subscriber (or its equivalent as so measured) (at least 6,000,000 bits per second to the subscriber (or its equivalent as so measured) and at least 2,000,000 bits per second from the subscriber (or its equivalent as so measured) in the case of service through radio transmission of energy).

''(6) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

''(7) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

''(8) PROVIDER.—The term 'provider' means, with respect to any qualified equipment any—

''(A) cable operator,

''(B) commercial mobile service carrier,

''(C) open video system operator,

''(D) satellite carrier,

''(E) telecommunications carrier, or

''(F) other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

''(9) QUALIFIED EQUIPMENT.—

''(A) IN GENERAL.—The term 'qualified equipment' means property with respect to which depreciation (or amortization in lieu of depreciation) is allowable and which provides current generation broadband services or next generation broadband services—

''(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

''(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

''(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

''(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier or broadband-over-powerline operator,

''(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

''(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

''(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

''(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

''(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

''(E) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

''(ii) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

''(10) QUALIFIED BROADBAND EXPENDITURE.—

''(A) IN GENERAL.—The term 'qualified broadband expenditure' means any amount—

''(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

''(ii) incurred after December 31, 2008, and before January 1, 2011.

''(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

''(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in subparagraph (A).

''(11) QUALIFIED SUBSCRIBER.—

''(A) IN GENERAL.—The term 'qualified subscriber' means a subscriber with respect to the provision of current generation broadband services or next generation broadband services provided in a rural area or an unserved area.

''(B) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) RURAL AREA.—The term 'rural area' means any census tract which—

''(I) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

''(II) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

''(ii) UNSERVED AREA.—The term 'unserved area' means any census tract in which no current generation broadband services are provided, as certified by the State in which such tract is located not later than September 30, 2009.

''(12) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code

of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

''(13) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

''(14) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

''(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

''(B) does not include any commercial mobile service carrier.''.

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking ''and'' at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting '', and'', and by adding at the end the following:

''(6) the broadband Internet access credit.''

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'', and by adding at the end the following new clause:

''(v) from the sale of property subject to a lease described in section 48D(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified broadband expenditures which would be determined under section 48D for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''.

(d) CONFORMING AMENDMENTS.—

(1) Section 49(a)(1)(C), as amended by this Act, is amended by striking ''and'' at the end of clause (iv), by striking the period at the end of clause (v) and inserting '', and'', and by adding after clause (v) the following new clause:

''(vi) the portion of the basis of any qualified equipment attributable to qualified broadband expenditures under section 48D.''.

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48C the following:

''Sec. 48D. Broadband internet access credit''.

(e) DESIGNATION OF CENSUS TRACTS.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in subsections (d)(2), (f)(B)(i), and (f)(B)(ii) of section 48D of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(f) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any credit or portion thereof allowed under section 48D of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband Internet access credit under section 48D of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48D of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48D of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48D of such Code.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2008.

SA 511. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, at the end of line 9, insert the following:

Provided further, That from within available funds, $60 million will be made available for infrastructure investments to support the national laboratories Smart Grid and related grid equipment testing activities.

SA 512. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 431, between lines 8 and 9, insert the following:

SEC. 1607. Section 206.101 of title 44, Code of Federal Regulations, is amended—

(1) in the section heading by striking ''**DECLARED ON OR BEFORE OCTOBER 14, 2002**''; and

(2) in subsection (a), by striking ''declared on or before October 14, 2002''.

SA 513. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 51, line 5, insert ''(as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b))'' after ''Indian tribe''.

SA 514. Mr. ROCKEFELLER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

FEDERAL AVIATION ADMINISTRATION

NEXTGEN ACCELERATION

For grants or other agreements to accelerate the transition to the Next Generation Air Transportation System by accelerating deployment of ground infrastructure for Automatic Dependent Surveillance—Broadcast, by accelerating development of procedures and routes that support performance-based air navigation, to incentivize aircraft equipage to use such infrastructure and procedures and routes, and for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $275,000,000, to remain available until September 30, 2010: *Provided*, That the Administrator of the Federal Aviation Administration shall use the authority under section 106(l)(6) of title 49, United States Code, to make such grants or agreements: and *Provided further*, That, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent.

(RESCISSION)

Of the amounts authorized under sections 48103 and 48112 of title 49, United States Code, $275,000,000 are permanently rescinded from amounts authorized for the fiscal year ending September 30, 2009.

SA 515. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 if the individual's assets exceed $1,000,000, as determined under guidelines issued by the Secretary of the Treasury.

(2) RECAPTURE OF SUBSIDY.—If a covered employee's assets for a year in which the employee receives a subsidy under subsection (b) exceeds the applicable limit under paragraph (1) then the covered employee's tax imposed by chapter 1 of the Internal Revenue Code of 1986 for such taxable year shall be increased by the amount of such assistance.

(3) NOTICE OF INCOME TESTS.—Each person required to provide a notice under subsection (b)(7)(A) shall include with such notice a statement that—

(A) an individual shall not be eligible for the subsidy under subsection (b)(1)(A) if the individual's assets exceed the limit under paragraph (1); and

(B) if the individual receives any subsidy the individual is not entitled to by reason of such excess assets, the individual's tax liability for such taxable year shall be increased by the amount of that subsidy.

(4) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of the Internal Revenue Code of 1986.

SA 516. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 625, after line 23, insert the following:

(c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-INCOME INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding subsection (b)(3), an individual who is a covered employee (and any qualified beneficiary of such employee) shall not be treated as an assistance eligible individual for purposes of this section and section 6432 of the Internal Revenue Code of 1986 unless—

(A) the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 does not exceed—

(i) $125,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (c) or (d) of section 1 of such Code (relating to certain unmarried individuals and married individuals filing separate returns), and

(ii) $250,000 in the case of an individual whose filing status for purposes of the income tax imposed by chapter 1 of such Code is described in subsection (a) or (b) of section 1 of such Code (relating to married individuals filing joint returns and surviving spouses and heads of households), and

(B) the covered employee provides to the entity to whom premiums are reimbursed under section 6432(a) of such Code a written certification meeting the requirements of paragraph (2).

(2) CERTIFICATION REQUIREMENTS.—A certification meets the requirements of this paragraph if such certification contains—

(A) the name and social security number of the covered employee, and

(B) an attestation that the covered employee is eligible to receive the subsidy under subsection (b) because the covered employee's modified adjusted gross income for the last taxable year beginning in 2008 is less than the applicable limit under paragraph (1)(A).

The entity receiving such certification shall maintain it in their records for at least 3 years after its receipt.

(3) RECAPTURE OF SUBSIDY.—If—

(A) a covered employee's modified adjusted gross income for the last taxable year beginning in 2008 exceeds the applicable limit under paragraph (1)(A), and

(B) the covered employee (or any qualified beneficiary) received any premium assistance under this section for 1 or more months in a taxable year with respect to any COBRA continuation coverage,

then the covered employee's tax imposed by chapter 1 of such Code for such taxable year shall be increased by the amount of such assistance.

(4) PROVISION OF TIN TO SECRETARY.—Section 6432(e)(1) of the Internal Revenue Code of 1986, as added by subsection (b)(12), is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following new subparagraph:

''(C) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each covered employee and qualified beneficiaries, and a designation with respect to each covered employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.''.

(5) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this subsection, the term ''modified adjusted gross income'' means the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933 of such Code.

(6) COVERED EMPLOYEE; QUALIFIED BENEFICIARY.—For purposes of this subsection, the terms ''covered employee'' and ''qualified beneficiary'' have the meanings given such terms by section 4980B of such Code.

SA 517. Ms. SNOWE (for herself and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 105, between lines 3 and 4, insert the following:

SEC. 505. SMALL BUSINESS PARTICIPATION.

(a) SMALL BUSINESS INNOVATION RESEARCH PROGRAM.—Any Federal agency required to participate in the Small Business Innovation Research Program, as that term is defined in section 9(e)(4) of the Small Business Act (15 U.S.C. 638(e)(4)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 2.5 percent of such funds with small business concerns, in accordance with section 9(f)(1)(C) of such Act (15 U.S.C. 638(f)(1)(C)).

(b) SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.—Any Federal agency required to participate in the Small Business Technology Transfer Program, as that term is defined in section 9(e)(6) of the Small Business Act (15 U.S.C. 638(e)(6)), that receives funds under this Act for extramural research and development related to technology and innovation shall expend not less than 0.3 percent of such funds with small business concerns, in accordance with section 9(n)(1)(B)(ii) of such Act (15 U.S.C. 638(n)(1)(B)(ii).

SA 518. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 470, after line 23, insert the following:

PART VII—ALTERNATIVE FUELS

SEC. 1171. EXTENSION OF ALCOHOL, ALCOHOL MIXTURE, ALTERNATIVE FUEL, ALTERNATIVE FUEL MIXTURE, BIODIESEL, AND RENEWABLE DIESEL FUEL CREDITS.

(a) EXTENSION.—

(1) ALTERNATIVE FUEL CREDIT.—Paragraph (5) of section 6426(d) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in paragraph (2)(E)).''.

(2) ALTERNATIVE FUEL MIXTURE CREDIT.—Paragraph (3) of section 6426(e) is amended by striking ''December 31, 2009'' and all that follows and inserting ''December 31, 2014 (December 31, 2009, in the case of any sale or use involving a fuel described in subsection (d)(2)(E)).''.

(3) ALTERNATIVE FUEL AND ALTERNATIVE FUEL MIXTURE PAYMENTS.—Subparagraph (C) of section 6427(e)(6) is amended by striking ''December 31, 2009'' and inserting ''December 31, 2014 (December 31, 2009, in the case of a fuel described in section 6426(d)(2)(E))''.

(4) BIODIESEL AND RENEWABLE DIESEL FUEL CREDITS.—Sections 40A(g), 6426(c)(6), and 6427(e)(6)(B) are each amended by striking ''December 31, 2009'' and inserting ''December 31, 2014''.

(5) ALCOHOL FUEL CREDITS.—

(A) Section 40(e)(1)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(B) Section 40(e)(1)(B) is amended by striking ''January 1, 2011'' and inserting ''January 1, 2015''.

(C) Section 6426(b)(6) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(D) Section 6427(e)(6)(A) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) CONFORMING AMENDMENT.—The table contained in section 40(h)(2) is amended by striking ''2010'' in the last item and inserting ''2014''.

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

SEC. 1172. EXTENSION AND MODIFICATION OF ALTERNATIVE FUEL MOTOR VEHICLE CREDIT.

(a) EXTENSION.—Paragraph (4) of section 30B(j) is amended by striking ''December 31, 2010'' and inserting ''December 31, 2014''.

(b) INCLUSION OF BIFUEL VEHICLES.—Clause (i) of section 30B(e)(4)(A) is amended to read as follows:

''(i) which—

''(I) is only capable of operating on an alternative fuel, or

''(II) is capable of operating on alternative fuel and (but not in combination with) gasoline or diesel fuel, if such vehicle has an operating range of not less than 200 miles in all cases when operating on alternative fuel,''.

(c) INCREASE IN APPLICABLE PERCENTAGE AND APPLICATION TO BIFUEL VEHICLES.—

(1) IN GENERAL.—Paragraph (2) of section 30B(e) is amended to read as follows:

''(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the applicable percentage with respect to any new qualified alternative fuel motor vehicle is—

''(A) in the case of a vehicle described in paragraph (4)(A)(i)(I), 80 percent, and

''(B) in the case of a vehicle described in paragraph (4)(A)(i)(II), 50 percent.''.

(2) APPLICATION TO MIXED-FUEL VEHICLES.—Subparagraph (A) of section 30B(e)(5) is amended by inserting ''described in paragraph (4)(A)(i)(I)'' after ''qualified alternative fuel motor vehicle'' each place it appears in clauses (i) and (ii).

(d) INCREASE IN INCREMENTAL COST LIMITS.—Paragraph (3) of section 30B(e) is amended—

(1) by striking ''$5,000'' in subparagraph (A) and inserting ''$12,500'',

(2) by striking ''$10,000'' in subparagraph (B) and inserting ''$20,000'',

(3) by striking ''$25,000'' in subparagraph (C) and inserting ''$50,000'', and

(4) by striking ''$40,000'' in subparagraph (D) and inserting ''$80,000''.

(e) TRANSFERABILITY OF CREDIT.—Subsection (h) of section 30B is amended by adding at the end the following new paragraph:

''(11) TRANSFERABILITY OF CREDIT.—

''(A) IN GENERAL.—A taxpayer may transfer the credit allowed under this section by reason of subsection (e) through an assignment to any person. Such transfer may be revoked only with the consent of the Secretary.

''(B) REGULATIONS.—The Secretary shall prescribe such regulations as necessary to ensure that any credit transferred under subparagraph (A) is claimed once and not reassigned by such other person.''.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SEC. 1173. ALLOWANCE OF ALTERNATIVE FUEL MOTOR VEHICLE CREDITS AGAINST AMT.

(a) BUSINESS CREDIT.—Subparagraph (B) of section 38(c)(4), as amended by this Act, is amended—

(1) by striking ''and'' at the end of clause (viii),

(2) by striking the period at the end of clause (ix) and inserting '', and'', and

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

''(x) the portion of the credit determined under section 30B by reason of subsection (e).''.

(b) PERSONAL CREDIT.—

(1) IN GENERAL.—Subsection (g) of section 30B is amended by adding at the end the following new paragraph:

''(3) SPECIAL RULE FOR NEW QUALIFIED ALTERNATIVE FUEL MOTOR VEHICLES.—In the case of the portion of the credit determined under subsection (a) by reason of subsection (e)—

''(A) this subsection shall be applied separately with respect to such portion, and

''(B) such portion of such credit allowed (after the application of paragraph (1)) for any taxable year shall not exceed the excess (if any) of—

''(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tentative minimum tax for the taxable year, reduced by

''(ii) the sum of the credits allowable under subpart A and sections 27 and 30 for such taxable year.''.

(2) CONFORMING AMENDMENT.—Paragraph (2) of section 30B(g) is amended by striking ''The credit'' and inserting ''Except as provided in paragraph (3), the credit''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after the date of the enactment of this Act.

SA 519. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 4, line 24, before the period at the end, insert ''; *Provided*, That priority for use of these loan funds shall be given to providing credit to eligible borrowers on their existing operations (including crop and livestock operations and facilities) for uses (except in the case of small farms and beginning and socially disadvantaged farmers and ranchers) that do not increase production capacity significantly in segments of agriculture in which the cost of production significantly exceeds current prices received by agricultural producers, as determined by the Secretary''.

SA 520. Mr. KOHL (for himself, Mr. HATCH, and Mr. BENNET) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information, except that the Secretary shall exempt accounting for those disclosures where the Secretary determines that such accounting is unnecessary; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

SA 521. Mr. KOHL (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 357, strike line 1 and all that follows through line 12 on page 359, and insert the following:

''(1) IN GENERAL.—In applying section 164.528 of title 45, Code of Federal Regulations, in the case that a covered entity uses or maintains an electronic health record with respect to protected health information—

''(A) the exception under paragraph (a)(1)(i) of such section shall not apply to disclosures through an electronic health record made by such entity of such information; and

''(B) an individual shall have a right to receive an accounting of disclosures described in such paragraph of such information made by such covered entity during only the three years prior to the date on which the accounting is requested.

''(2) REGULATIONS.—The Secretary shall promulgate regulations on what disclosures must be included in an accounting referred to in paragraph (1)(A) and what information must be collected about each such disclosure not later than 18 months after the date on which the Secretary adopts standards on accounting for disclosure described in the section 3002(b)(2)(B)(iv) of the Public Health Service Act, as added by section 13101. Such regulations shall only require such information to be collected through an electronic health record in a manner that takes into account the interests of individuals in learning when their protected health information was disclosed and to whom it was disclosed, and the usefulness of such information to the individual, and takes into account the administrative and cost burden of accounting for such disclosures.

''(3) CONSTRUCTION.—Nothing in this subsection shall be construed as—

''(A) requiring a covered entity to account for disclosures of protected health information that are not made by such covered entity; or

''(B) requiring a business associate of a covered entity to account for disclosures of protected health information that are not made by such business associate.

''(4) REASONABLE FEE.—A covered entity may impose a reasonable fee on an individual for an accounting performed under paragraph (1)(B). Any such fee shall not be greater than the entity's labor costs in responding to the request.

''(5) EFFECTIVE DATE.—

''(A) CURRENT USERS OF ELECTRONIC RECORDS.—In the case of a covered entity insofar as it acquired an electronic health record as of January 1, 2009, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such a record on and after January 1, 2014.

''(B) OTHERS.—In the case of a covered entity insofar as it acquires an electronic health record after January 1, 2010, paragraph (1) shall apply to disclosures, with respect to protected health information, made by the covered entity from such record on and after the later of the following:

''(i) January 1, 2011; or

''(ii) the date that it acquires an electronic health record.

''(C) LATER DATE.—The Secretary may set an effective date that is later that the date specified under subparagraph (A) or (B) if the Secretary determines that such later date it necessary.''.

On page 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 522. Mrs. FEINSTEIN submitted (for herself and Mr. CORKER) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, between lines 23 and 24, insert the following:

(11) In establishing obligations under paragraph (8), the Assistant Secretary shall allow for reasonable network management practices such as deterring unlawful activity, including child pornography and copyright infringement.

SA 523. Mr. REID (for Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 541, after line 20, insert the following:

SEC. _____. QUALIFIED COMMUNITY HEALTH CENTER BONDS.

(a) QUALIFIED COMMUNITY HEALTH CENTER BONDS TREATED AS STATE AND LOCAL BONDS.—

(1) IN GENERAL.—Section 150 is amended by adding at the end the following new subsection :

''(f) QUALIFIED COMMUNITY HEALTH CENTER BOND.—For purposes of this part and section 103—

''(1) TREATMENT AS STATE OR LOCAL BOND.—A qualified community health center bond shall be treated as a State or local bond.

''(2) QUALIFIED COMMUNITY HEALTH CENTER BOND DEFINED.—The term 'qualified community health center bond' means a bond issued as part of an issue by a qualified community health issuer 95 percent or more of the net proceeds of which are to be used by a qualified community health organization to finance capital expenditures with respect to a qualified community health facility.

''(3) QUALIFIED COMMUNITY HEALTH ORGANIZATION DEFINED.—A qualified community health organization is an organization which—

''(A) is described in section 501(c)(3) and exempt from tax under section 501(a),

''(B) is incorporated in a State in which at least one qualified community health facility owned by such organization is located, and

''(C) constitutes a health center within the meaning of section 330 of the Public Health Service Act.

''(4) QUALIFIED COMMUNITY HEALTH ISSUER DEFINED.—The term 'qualified community health issuer' means an entity—

''(A) which is established and owned exclusively by the National Association of Community Health Centers,

''(B) which is disregarded under section 7701 as an entity separate from the National Association of Community Health Centers, and

''(C) one of the primary purposes of which, as set forth in the documents relating to its formation, is to issue qualified community health center bonds.

''(5) QUALIFIED COMMUNITY HEALTH FACILITY DEFINED.—The term 'qualified community health facility' means property owned and used by a qualified community health organization to provide health care services to all residents who request the provision of health care services the operation of which is subject to sections 330 and 330A of the Public Health Service Act.

''(6) TREATMENT OF ISSUER AS OTHER THAN TAXABLE MORTGAGE POOL.—Neither the National Association of Community Health Centers, nor a qualified community health issuer, nor any portion thereof shall be treated as a taxable mortgage pool under section 7701(i) with respect to any issue of qualified community health center bonds.''.

(2) COORDINATION WITH PUBLIC APPROVAL REQUIREMENT.—Subsection (f) of section 147 is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULES FOR QUALIFIED COMMUNITY HEALTH CENTER BONDS.—In the case of a qualified community health center bond, any governmental unit in which the qualified community health facility financed by the qualified community health center bonds is located may be treated for purposes of paragraph (2) as the governmental unit on behalf of which such qualified community health center bonds are issued.''.

(3) NO FEDERAL GUARANTEE.—Subparagraph (A) of section 149(b)(3) is amended by striking ''or'' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '', or'' and by adding at the end the following new clause:

''(v) any guarantee of a qualified community health center bond for a qualified community health facility which is made under title XVI of the Public Health Service Act (or a renewal or extension of a guarantee so made).''.

(4) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

(b) LOANS AND LOAN GUARANTEES UNDER THE PUBLIC HEALTH SERVICE ACT.—

(1) AUTHORITY FOR LOANS AND LOAN GUARANTEES.—Section 1601 of the Public Health Service Act (42 U.S.C. 300q) is amended—

(A) in subsection (a)(2), by adding at the end the following:

''(C) In addition to authorizing loan guarantees, the Secretary may—

''(i) guarantee tax exempt bonds for the purpose of financing a project of a health center that receives funding under section 330 located in or serving an area determined by the Secretary to be a medically underserved area or serving a special medically underserved population as defined in such section 330 (referred to in this section as a 'health center project'), and

''(ii) use of such authorized guarantees for health center projects in conjunction with any credits allowed under the Internal Revenue Code of 1986, for such health center project.'';

(B) in subsection (b)—

(i) by striking ''The principal amount of'' and inserting ''(1) Subject to paragraph (2), the principal amount of''; and

(ii) by adding at the end the following:

''(2) Notwithstanding paragraph (1), a guarantee of a loan or tax exempt bond issued for the purpose of financing a health center project, as defined in subsection (a)(2)(C), shall cover up to 100 per centum of the principal amount and interest due on such guaranteed loan or tax exempt bond.'';

(C) by redesignating subsection (d) as subsection (e);

(D) by inserting after subsection (c) the following:

''(d) No State (including any State or local government authority with the power to tax) receiving funds under a Federal health care program (as defined under section 1128B(f) of the Social Security Act), may impose a tax with respect to interest earned on bonds issued under this section.''.

(2) GENERAL PROVISIONS RELATING TO LOAN GUARANTEES AND LOANS.—Section 1602 of the Public Health Service Act (42 U.S.C. 300q–2) is amended—

(A) in subsection (a)(2)—

(i) by redesignating subparagraph (D) as subparagraph (H);

(ii) in subparagraph (B), by striking ''subparagraph (D)'' and inserting ''subparagraph (H)''; and

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

''(D) The Secretary shall approve, not later than 30 calendar days of receipt, an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601q(a)(2)(C)), that is eligible for such guarantee, provided that the health center has certified, to the best of its knowledge, and consistent with its annual audit and such application, that the health center has satisfied or will comply with each of the following criteria:

''(i) The health center has for at least two out of last three fiscal years (on the basis of accrual accounting) received more in revenue (including the amount of Federal funds in any section 330 grants made in each year to the health center and all other revenue of any kind received by the health center in each year) than the expenses of the health center in each year.

''(ii) The health center will contribute at least 20 per centum equity to the project in the form of cash contributions (from cash reserves, grants or capital campaign proceeds), equity derived as a result of tax credits (which may be structured as debt during the tax credit compliance period) or other forms of equity-like contributions.

''(iii)(I) As measured at the fiscal year end of its most recent fiscal year and on a current year-to-date basis, the health center's days cash on hand, including Federal grant funds available for drawdown, must have been/be greater than 30 days.

''(II) In this clause, 'days cash on hand' shall be calculated on an accrual accounting basis according to the following formula: The sum of unrestricted cash and investments divided by total operating expenses minus depreciation divided by 360.

''(iv)(I) The health center's debt service coverage ratio on a projected basis will not be less than 1.10X in any year.

''(II) In this clause, 'debt service coverage ratio' shall be calculated as the sum of net assets plus interest expense plus depreciation expense divided by the sum of debt service and capitalized interest payments due during the period.

''(v)(I) The health center has reasonably projected a leverage ratio (as measured after the first full year of the new/improved facility's operation) less than 3.0X.

''(II) In this clause, 'leverage ratio' shall be calculated as total liabilities less new markets tax credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

''(E)(i) Not later than 30 calendar days after the receipt of a health center's application and certification under subparagraph (D), the Secretary shall send a letter to the health center notifying it that the application has been approved, unless within such 30-day period the Secretary—

''(I) notifies the health center in writing as to why the Secretary reasonably believes any or all of the foregoing criteria are not met; and

''(II) provides the health center the opportunity to submit comments within 30 calendar days of receipt of such notice.

''(ii) Not later than 30 calendar days from the date of receipt of such comments, the Secretary shall provide a final decision in writing regarding the comments submitted by the applicant, including sufficient justification for the Secretary's decision.

''(F) The Secretary may approve an application for a loan or a tax exempt bond guarantee submitted by a health center for a health center project (as defined in section 1601(a)(2)(C)) that is eligible for such guarantee and which deviates from the criteria set forth in clauses (i) through (v) of subparagraph (D), provided that the Secretary determines that such deviation is not material or that the health center has provided sufficient explanation or justification for such deviation.

''(G)(i) Upon approval of a loan or tax exempt bond guarantee for a health center project eligible for such guarantee, the Secretary shall charge such health center a closing fee of 50 basis points, which will be put into a reserve fund to cover direct administrative costs of the program and to fund a loan loss reserve to support the guarantee program. Thereafter, the Secretary shall charge those health centers with loans or tax exempt bonds guaranteed through the program an annual fee of 50 basis points, calculated based on the principal amount outstanding on the guaranteed loan or tax exempt bond.

''(ii) All closing and annual fee proceeds shall be invested and maintained in an interest-bearing reserve account until such time as the reserve account reaches 5 per centum of the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iii) If at any time the Secretary determines that, based on a lack of actual losses resulting from default, the amount of proceeds held in the reserve account is excessive, the Secretary may reduce the per centum to be maintained in such reserve account, calculated based on the outstanding principal amount of loans and tax exempt bonds guaranteed through the program.

''(iv) Subject to a determination under clause (iii) of this subparagraph to reduce the per centum maintained in the reserve account, any overages in the reserve account that are attributable to the collection of fee proceeds shall be rebated annually on a pro rata basis to those health centers with loans or tax exempt bonds guaranteed through the program and that are not in default.'';

(B) in subsection (d)—

(i) by redesignating paragraph (2) as paragraph (3);

(ii) by redesignating the matter following paragraph (1)(F) as paragraph (2)(A); and

(iii) by inserting after paragraph (2)(A), as so redesignated, the following:

''(B) In addition to the amounts authorized under subparagraph (A), there are authorized such amounts to support guarantees of loans or tax exempt bonds issued for the purpose of financing a health center project, which shall be added to any amounts derived from the fees required to be charged under subsection (a)(2)(G) and placed in the same interest-bearing reserve account established by subsection (a)(2)(G).''.

(c) APPLICATION DAVIS-BACON.—The provisions of subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act) shall apply to any construction projects carried out using amounts made available under the amendments made by this section.

(d) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall be in effect only during the period that begins on the date of enactment of this Act, and ends on December 31, 2010. On and after January 1, 2011, the Public Health Service Act and the Internal Revenue Code of 1985 shall each be applied as if this section and the amendments made by this section had not been enacted.

(2) CONTINUED APPLICATION.—This section and the amendments made by this section shall continue to apply with respect to loans, loan guarantees, and bonds issued under the authority of this section (or such amendments) until the term of such loan, guarantee, or bond has expired.

SA 524. Mr. JOHNSON submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 122, after line 23, add the following:

SEC. 7_____. INDIAN SCHOOL CONSTRUCTION.

(a) SHORT TITLE.—This section may be cited as the ''Indian School Construction Act''.

(b) DEFINITIONS.—In this section:

(1) BUREAU.—The term ''Bureau'' means the Bureau of Indian Affairs.

(2) ESCROW ACCOUNT.—The term ''escrow account'' means the Tribal School Modernization Escrow Account established under subsection (c)(6)(B)(i)(I).

(3) INDIAN.—The term ''Indian'' means any individual who is a member of an Indian tribe.

(4) INDIAN TRIBE.—

(A) IN GENERAL.—The term ''Indian tribe'' has the meaning given the term ''Indian tribal government'' in section 7701(a)(40) of the Internal Revenue Code of 1986 (as modified by section 7871(d) of that Code).

(B) INCLUSION.—The term ''Indian tribe'' includes any consortium of Indian tribes approved by the Secretary.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(6) TRIBAL SCHOOL.—The term ''tribal school'' means an elementary school, secondary school, or dormitory that—

(A) is operated by a tribal organization or the Bureau for the education of Indian children; and

(B) receives financial assistance for the operation of the school or dormitory under an appropriation for the Bureau under a contract, grant, or agreement, or for a Bureau-operated school, under—

(i) section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d); or

(ii) the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.).

(c) ISSUANCE OF BONDS.—

(1) IN GENERAL.—The Secretary shall establish a pilot program under which the Secretary shall provide to eligible Indian tribes the authority to issue qualified tribal school modernization bonds to provide funds for the construction, rehabilitation, and repair of tribal schools, including advance planning and design of tribal schools.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to issue a qualified tribal school modernization bond under the program under paragraph (1), an Indian tribe shall—

(i) prepare and submit to the Secretary a plan of construction that meets the requirements of subparagraph (B);

(ii) provide for quarterly and final inspection by the Bureau of each project to be funded by the bond; and

(iii) ensure that the facilities to be funded by the bond will be used primarily for elementary and secondary educational purposes for the period during which the bond remains outstanding.

(B) PLAN OF CONSTRUCTION.—The requirements referred to in subparagraph (A)(i) are that the plan shall—

(i) contain a description of the construction to be carried out using funds provided under a qualified tribal school modernization bond;

(ii) demonstrate that a comprehensive survey has been carried out regarding the construction needs of the applicable tribal school;

(iii) contain assurances that funding under the bond will be used only for the activities described in the plan;

(iv) contain a response to the evaluation criteria contained in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999; and

(v) contain any other reasonable and related information that the Secretary determines to be appropriate.

(C) PRIORITY.—In determining whether an Indian tribe is eligible to participate in the program under this subsection, the Secretary shall give priority to Indian tribes that, as demonstrated by the plans of construction of the Indian tribes, will fund projects—

(i) described in the list of the Bureau entitled ''Education Facilities Replacement Construction Priorities List as of FY 2000'' (65 Fed. Reg. 4623) (or successor regulations); or

(ii) that meet the criteria for ranking schools described in the document entitled ''Instructions and Application for Replacement School Construction, Revision 6'' and dated February 6, 1999.

(D) ADVANCE PLANNING AND DESIGN FUNDING.—

(i) IN GENERAL.—An Indian tribe may propose in the plan of construction of the Indian tribe to receive advance planning and design funding from the escrow account.

(ii) CONDITIONS.—As a condition of receiving advance planning and design funds from the escrow account under clause (i), an Indian tribe shall agree—

(I) to issue qualified tribal school modernization bonds after the date of receipt of the funds; and

(II) as a condition of each issuance of a bond, to deposit into the escrow account or a fund managed by a trustee under paragraph (4)(C) an amount equal to the amount of funds received from the escrow account.

(3) PERMISSIBLE ACTIVITIES.—In addition to the use described in paragraph (1), an Indian tribe may use amounts received through the issuance of a qualified tribal school modernization bond—

(A) to enter into, and make payments under, contracts with licensed and bonded architects, engineers, and construction firms—

(i) to determine the needs of a tribal school; and

(ii) for the design and engineering of a tribal school;

(B) to enter into, and make payments under, contracts with financial advisors, underwriters, attorneys, trustees, and other professionals to provide assistance to the Indian tribe in issuing the bonds; and

(C) to carry out other such activities as the Secretary determines to be appropriate.

(4) BOND TRUSTEE.—

(A) IN GENERAL.—Notwithstanding any other provision of law, any qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be subject to a trust agreement between the Indian tribe and a trustee.

(B) TRUSTEE.—Any bank or trust company that meets the requirements established by the Secretary may serve as a trustee for purposes of subparagraph (A).

(C) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by an Indian tribe under this paragraph shall specify that the trustee, with respect to any bond issued under this subsection, shall—

(i) act as a repository for the proceeds of the bond;

(ii) make payments to bondholders;

(iii) receive, as a condition to the issuance of the bond, a transfer of funds from the escrow account, or from other funds furnished by or on behalf of the Indian tribe, in an amount that, together with interest earnings from the investment of the funds in obligations of or fully guaranteed by the United States, or from other investments under paragraph (10), will be sufficient to pay timely and in full the entire principal amount of the bond on the stated maturity date of the bond;

(iv) invest the funds received in accordance with clause (iii); and

(v) hold and invest the funds in a segregated fund or account under the agreement, to be used solely to pay the costs of activities described in paragraph (3).

(D) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the trustee shall make each payment described in subparagraph (C)(v) in accordance with such requirements as the Indian tribe may prescribe in the trust agreement under subparagraph (C).

(ii) PAYMENTS TO CONTRACTORS.—As a condition of making a payment to a contractor under subparagraph (C)(v), the trustee shall require an inspection of the project of the contractor, to ensure the completion of the project, by—

(I) a local financial institution; or

(II) an independent inspecting architect or engineer.

(iii) CONTRACTS.—Each contract under subparagraphs (A) and (B) of paragraph (3) shall require, or be renegotiated to require, that each payment under the contract shall be made in accordance with this paragraph.

(5) PAYMENTS OF PRINCIPAL AND INTEREST.—

(A) PRINCIPAL.—

(i) IN GENERAL.—No principal payment on any qualified tribal school modernization bond shall be required until the final, stated maturity of the bond.

(ii) MATURITY.—

(I) IN GENERAL.—The final, stated maturity of a qualified tribal school modernization bond shall be not later than the date that is 15 years after the date of issuance of the bond.

(II) EXPIRATION.—On expiration of a qualified tribal school modernization bond under subclause (I), the entire outstanding principal under the bond shall become due and payable.

(B) INTEREST.—In lieu of interest on a qualified tribal school modernization bond, there shall be provided a tax credit under section 1400V of the Internal Revenue Code of 1986.

(6) BOND GUARANTEES.—

(A) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this subsection shall be guaranteed solely by amounts deposited with each respective bond trustee as described in paragraph (4)(C)(iii).

(B) ESCROW ACCOUNT.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Secretary—

(I) shall establish an escrow account, to be known as the ''Tribal School Modernization Escrow Account'';

(II) beginning in fiscal year 2010, may deposit in the escrow account not more than $50,000,000 of amounts made available for school replacement in the construction account of the Bureau; and

(III) may accept for transfer into the escrow account amounts from, as the Secretary determines to be appropriate—

(aa) other Federal departments and agencies (such as amounts made available for facility improvement and repairs); or

(bb) non-Federal public or private sources.

(ii) TRANSFERS OF EXCESS PROCEEDS.—The excess proceeds held under any trust agreement that are not used for a purpose described in clause (iii) or (v) of paragraph (4)(C) shall be transferred periodically by the trustee for deposit into the escrow account.

(iii) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under clause (i) or (ii) to make payments—

(I) to trustees under paragraph (4); or

(II) under paragraph (2)(D).

(7) LIMITATIONS.—

(A) OBLIGATION TO REPAY.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the principal amount of any qualified tribal school modernization bond issued under this subsection shall be repaid only to the extent of any escrowed funds provided under paragraph (4)(C)(iii).

(ii) TREATMENT.—No qualified tribal school modernization bond issued by an Indian tribe under this subsection shall be an obligation of, and no payment of the principal of such a bond shall be guaranteed by—

(I) the United States;

(II) an Indian tribe; or

(III) the tribal school for which the bond was issued.

(B) LAND AND FACILITIES.—No land or facility purchased or improved using amounts provided under a qualified tribal school modernization bond issued under this subsection shall be mortgaged or used as collateral for the bond.

(8) SALE OF BONDS.—A qualified tribal school modernization bond may be sold at a purchase price equal to, in excess of, or at a discount from the par amount of the bond.

(9) TREATMENT OF TRUST AGREEMENT EARNINGS.—Amounts earned through the investment of funds under the control of a trustee under a trust agreement described in paragraph (4) shall not be subject to Federal income tax.

(10) INVESTMENT OF SINKING FUNDS.—Any sinking fund established for the purpose of the payment of principal on a qualified tribal school modernization bond shall be invested in—

(A) obligations issued or guaranteed by the United States; or

(B) such other assets as the Secretary of the Treasury may allow, by regulation.

(d) EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.—Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

''Subchapter Z—Tribal School Modernization Provisions

''Sec. 1400V. Credit to holders of qualified tribal school modernization bonds

''SEC. 1400V. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

''(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a

qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

''(A) the applicable credit rate, multiplied by

''(B) the outstanding face amount of the bond.

''(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the date of sale of the issue) on outstanding long-term corporate obligations of similar ratings (as determined by the Secretary).

''(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—

''(1) IN GENERAL.—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 part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

''(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

''(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

''(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

''(A) IN GENERAL.—The term 'qualified tribal school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section, if—

''(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a school facility funded by the Bureau of Indian Affairs of the Department of the Interior or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

''(ii) the bond is issued by an Indian tribe,

''(iii) the issuer designates such bond for purposes of this section, and

''(iv) the term of each bond which is part of such issue does not exceed 15 years.

''(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(i) NATIONAL LIMITATION.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

''(I) $200,000,000 for 2009,

''(II) $200,000,000 for 2010, and

''(III) zero for 2011 and thereafter.

''(ii) ALLOCATION OF LIMITATION.—The national qualified tribal school modernization bond limitation shall be allocated to Indian tribes by the Secretary of the Interior subject to the provisions of subsection (c) of the Indian School Construction Act, as in effect on the date of the enactment of this section.

''(iii) DESIGNATION SUBJECT TO LIMITATION AMOUNT.—The maximum aggregate face amount of bonds issued during any calendar year which may be designated under subsection (d)(1) with respect to any Indian tribe shall not exceed the limitation amount allocated to such government under clause (ii) for such calendar year.

''(iv) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year—

''(I) the limitation amount under this subparagraph, exceeds

''(II) the amount of qualified tribal school modernization bonds issued during such year, the limitation amount under this subparagraph for the following calendar year shall be increased by the amount of such excess. The preceding sentence shall not apply if such following calendar year is after 2012.

''(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term includes the last day on which the bond is outstanding.

''(3) BOND.—The term 'bond' includes any obligation.

''(4) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term 'Indian tribal government' by section 7701(a)(40), including the application of section 7871(d). Such term includes any consortium of Indian tribes approved by the Secretary of the Interior.

''(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

''(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(g) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

''(h) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

''(i) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).''.

(e) ADDITIONAL PROVISIONS.—

(1) SOVEREIGN IMMUNITY.—Nothing in this section or an amendment made by this section impacts, limits, or otherwise affects the sovereign immunity of the United States or any State or Indian tribal government.

(2) APPLICATION.—This section and the amendments made by this section shall take effect on the date of enactment of this Act with respect to bonds issued after December 31, 2009, regardless of the status of regulations promulgated pursuant to this section or an amendment made by this section.

SA 525. Mr. REID submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 76, line 14, strike after ''That none'' and all that follows through ''project'' on line 25 and insert ''That not less than $25,000,000 shall be available for and distributed equally among the members of an interagency working group including the Secretary of Energy, the Secretary of Interior, and heads of other applicable agencies for the purposes of enhancing the processing of permit applications for renewable energy projects and related transmission facilities on public land''.

On page 88, line 19, insert ''and new or significantly improved'' after ''commercial''.

On page 90, between lines 14 and 15, insert the following:

SEC. 4___. RENEWABLE ENERGY.

(a) IN GENERAL.—Section 365 of the Energy Policy Act of 2005 (42 U.S.C. 15924) is amended by adding at the end the following:

''(k) PILOT PROJECT OFFICE TO IMPROVE FEDERAL PERMIT COORDINATION FOR RENEWABLE ENERGY.—

''(1) DEFINITION OF RENEWABLE ENERGY.—In this subsection, the term 'renewable energy' means energy derived from a wind or solar source.

''(2) FIELD OFFICES.—As part of the Pilot Project, the Secretary shall designate 1 field office of the Bureau of Land Management in each of the following States to serve as Renewable Energy Pilot Project Offices for coordination of Federal permits for renewable energy projects on Federal land:

''(A) Arizona.

''(B) California.

''(C) New Mexico.

''(D) Nevada.

''(E) Montana.

''(3) MEMORANDUM OF UNDERSTANDING.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary shall enter into an amended memorandum of understanding under subsection (b) to provide for the inclusion of the additional Renewable Energy Pilot Project Offices in the Pilot Project.

''(B) SIGNATURES BY GOVERNORS.—The Secretary may request that the Governors of each of the States described in paragraph (2) be signatories to the amended memorandum of understanding.

''(C) DESIGNATION OF QUALIFIED STAFF.—Not later than 30 days after the date of the signing of the amended memorandum of understanding, all Federal signatory parties shall, if appropriate, assign to each Renewable Energy Pilot Project Offices designated under paragraph (2) an employee described in subsection (c) to carry out duties described in that subsection.

''(D) ADDITIONAL PERSONNEL.—The Secretary shall assign to each Renewable Energy Pilot Project Office additional personnel under subsection (f).''.

(b) PERMIT PROCESSING IMPROVEMENT FUND.—Section 35(c)(3) of the Mineral Leasing Act (30 U.S.C. 191(c)(3)) is amended—

(1) by striking ''use authorizations'' and inserting ''and renewable energy use authorizations''; and

(2) by striking ''section 365(d)'' and inserting ''subsections (d) and (k)(2) of section 365''.

SEC. 4___. MAXIMUM FUNDING AMOUNT FOR THIRD-PARTY FINANCE.

Section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421) is amended by striking subsection (g) and inserting the following:

''(g) MAXIMUM FUNDING AMOUNT.—The Secretary shall not accept and use more than

$2,500,000,000 under subsection (c)(1) for the period of fiscal years 2009 through 2018.''.

On page 570, between lines 8 and 9, insert the following:

SEC. 1903. GRANTS FOR SPECIFIED ENERGY PROPERTY IN LIEU OF TAX CREDITS.

(a) GRANTS.—

(1) IN GENERAL.—Upon application, the Secretary of Energy shall, within 60 days of the application and subject to the requirements of this section, provide a grant to each person who places in service specified energy property during 2009 or 2010 to reimburse such person for a portion of the expense of such facility as provided in subsection (b).

(2) SPECIAL RULE FOR UTILITY-SCALE SOLAR AND GEOTHERMAL PROPERTY.—

(A) IN GENERAL.—In the case of any specified energy property which is a part of a utility-scale solar or geothermal project, paragraph (1) shall be applied by substituting ''2009, 2010, 2011, or 2012'' for ''2009 or 2010''.

(B) UTILITY-SCALE SOLAR OR GEOTHERMAL PROJECT.—For purposes of this section, the term ''utility-scale solar or geothermal project'' means any project which—

(i)(I) uses solar energy for a purpose described in clause (i) or (ii) of section 48(a)(3)(A) of the Internal Revenue Code of 1986, or

(II) produces, distributes, or uses energy derived from geothermal deposits (within the meaning of section 613(e)(2) of such Code), and

(ii) has a nameplate capacity rating which is not less than—

(I) 25 megawatts electrical, or

(II) 10 megawatts thermal.

(b) GRANT AMOUNT.—

(1) IN GENERAL.—The amount of the grant under subsection (a) with respect to any specified energy property shall be the applicable percentage of the basis of such facility.

(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ''applicable percentage'' means—

(A) 30 percent in the case of any property described in paragraphs (1) through (4) of subsection (c), and

(B) 10 percent in the case of any other property.

(3) DOLLAR LIMITATIONS.—In the case of property described in paragraph (2), (6), or (7) of subsection (c), the amount of any grant under this section with respect to such property shall not exceed the limitation described in section 48(c)(1)(B), 48(c)(2)(B), or 48(c)(3)(B) of the Internal Revenue Code of 1986, respectively, with respect to such property.

(c) SPECIFIED ENERGY PROPERTY.—For purposes of this section, the term ''specified energy property'' means any of the following:

(1) QUALIFIED FACILITIES.—Any facility described in paragraph (1), (2), (3), (4), (6), (7), (9), or (11) of section 45(d) of the Internal Revenue Code of 1986.

(2) QUALIFIED FUEL CELL PROPERTY.—Any qualified fuel cell property (as defined in section 48(c)(1) of such Code).

(3) SOLAR PROPERTY.—Any property described in clause (i) or (ii) of section 48(a)(3)(A) of such Code.

(4) QUALIFIED SMALL WIND ENERGY PROPERTY.—Any qualified small wind energy property (as defined in section 48(c)(4) of such Code).

(5) GEOTHERMAL PROPERTY.—Any property described in clause (iii) of section 48(a)(3)(A) of such Code.

(6) QUALIFIED MICROTURBINE PROPERTY.—Any qualified microturbine property (as defined in section 48(c)(2) of such Code).

(7) COMBINED HEAT AND POWER SYSTEM PROPERTY.—Any combined heat and power system property (as defined in section 48(c)(3) of such Code).

(8) GEOTHERMAL HEATPUMP PROPERTY.—Any property described in clause (vii) of section 48(a)(3)(A) of such Code.

(d) APPLICATION OF CERTAIN RULES.—In making grants under this section, the Secretary of Energy shall apply rules similar to the rules of section 50 of the Internal Revenue Code of 1986. In applying such rules, if the facility is disposed of, or otherwise ceases to be a qualified renewable energy facility, the Secretary of Energy shall provide for the recapture of the appropriate percentage of the grant amount in such manner as the Secretary of Energy determines appropriate.

(e) EXCEPTION FOR CERTAIN NON-TAXPAYERS.—The Secretary of Energy shall not make any grant under this section to any Federal, State, or local government (or any political subdivision, agency, or instrumentality thereof) or any organization described in section 501(c) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code.

(f) DEFINITIONS.—Terms used in this section which are also used in section 45 or 48 of the Internal Revenue Code of 1986 shall have the same meaning for purposes of this section as when used in such section 45 or 48. Any reference in this section to the Secretary of the Treasury shall be treated as including the Secretary's delegate.

(g) COORDINATION BETWEEN DEPARTMENTS OF TREASURY AND ENERGY.—The Secretary of the Treasury shall provide the Secretary of Energy with such technical assistance as the Secretary of Energy may require in carrying out this section. The Secretary of Energy shall provide the Secretary of the Treasury with such information as the Secretary of the Treasury may require in carrying out the amendment made by section 1604.

(h) APPROPRIATIONS.—There is hereby appropriated to the Secretary of Energy such sums as may be necessary to carry out this section.

(i) TERMINATION.—The Secretary of Energy shall not make any grant to any person under this section unless the application of such person for such grant is received before January 1, 2013.

(j) COORDINATION WITH RENEWABLE ENERGY GRANTS.—Section 48 is amended by adding at the end the following new subsection:

''(d) COORDINATION WITH DEPARTMENT OF ENERGY GRANTS.—In the case of any property with respect to which the Secretary of Energy makes a grant under section 1903 of the American Recovery and Reinvestment Tax Act of 2009—

''(1) DENIAL OF PRODUCTION AND INVESTMENT CREDITS.—No credit shall be determined under this section or section 45 with respect to such property for the taxable year in which such grant is made or any subsequent taxable year.

''(2) RECAPTURE OF CREDITS FOR PROGRESS EXPENDITURES MADE BEFORE GRANT.—If a credit was determined under this section with respect to such property for any taxable year ending before such grant is made—

''(A) the tax imposed under subtitle A on the taxpayer for the taxable year in which such grant is made shall be increased by so much of such credit as was allowed under section 38,

''(B) the general business carryforwards under section 39 shall be adjusted so as to recapture the portion of such credit which was not so allowed, and

''(C) the amount of such grant shall be determined without regard to any reduction in the basis of such property by reason of such credit.

''(3) TREATMENT OF GRANTS.—Any such grant shall—

''(A) not be includible in the gross income of the taxpayer, but

''(B) shall be taken into account in determining the basis of the property to which such grant relates, except that the basis of such property shall be reduced under section 50(c) in the same manner as a credit allowed under subsection (a).''.

SA 526. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 95, line 8, insert before the period at the end the following: '': *Provided*, That none of the amounts provided under this heading may be expended to increase the number of motor vehicles in the Federal fleet: *Provided further*, That motor vehicle replacements funded with amounts provided under this heading shall comply with the motor vehicle replacement standards set forth in subpart D of part 102–34 of title 41, Code of Federal Regulations (as in effect on the date of the enactment of this Act)''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 10 a.m. in room 216 of the Hart Senate office building.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on February 5, 2009, at 10 a.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, after the first rollcall vote.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 4:30 p.m.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. 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 ''Implementing Best Patient Care Practices'' on Thursday, February 5, 2009. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BAUCUS. 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 on Thursday, February 5, 2009 at 2 p.m., in room 430 of the Dirksen Senate Office Building.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Thursday, February 5, 2009, at 11 a.m., in room 628 of the Dirksen Senate Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''the nomination of David W. Ogden to be Deputy Attorney General of the United States Department of Justice'' on Thursday, February 5, 2009, at 9:30 a.m., in room SD–226 of the Dirksen Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on February 5, 2009, at 2:30 p.m.

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

ORDERS FOR FRIDAY, FEBRUARY 6, 2009

Mr. CASEY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. Friday, February 6; that following the prayer and 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 resume consideration of H.R. 1, the Economic Recovery and Reinvestment Act.

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

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CASEY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 9:04 p.m., adjourned until Friday, February 6, 2009, at 10 a.m.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S1615–S1772

Measures Introduced: Eight bills and three resolutions were introduced, as follows: S. 384–391, and S. Res. 28–30. **Page S1677**

Measures Reported:

S. Res. 28, authorizing expenditures by the Senate Committee on Indian Affairs.

S. Res. 30, authorizing expenditures by the Committee on Foreign Affairs. **Page S1677**

Measures Considered:

American Recovery and Reinvestment Act: Senate continued consideration of H.R. 1, making supplemental appropriations for job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and State and local fiscal stabilization, for fiscal year ending September 30, 2009, taking action on the following amendments proposed thereto: **Pages S1617–76**

Adopted:

Dorgan Modified Amendment No. 138 (to Amendment No. 98), to provide for reports on the use of funds made available under this Act and the economic impact made by the expenditure or obligation of such funds. **Page S1660**

Dodd Amendment No. 354 (to Amendment No. 98), to impose executive compensation limitations with respect to entities assisted under the Troubled Asset Relief Program. **Pages S1617, S1660–61**

Baucus (for McCaskill) Amendment No. 125 (to Amendment No. 98), to limit compensation to officers and directors of entities receiving emergency economic assistance from the Government. **Pages S1617, S1661**

Baucus (for McCaskill) Further Modified Amendment No. 236 (to Amendment No. 98), to establish funding levels for various offices of inspectors general and to set a date until which such funds shall remain available. **Pages S1617, S1663–64**

Baucus (for Boxer) Further Modified Amendment No. 363, to ensure the expeditious completion of National Environmental Policy Act reviews under applicable law. **Pages S1617, S656, S1664–65**

Rejected:

By 32 yeas to 65 nays (Vote No. 46), Feingold Amendment No. 140 (to Amendment No. 98), to provide greater accountability of taxpayers' dollars by curtailing congressional earmarking and requiring disclosure of lobbying by recipients of Federal funds. **Pages S1617, S1658–59, S1659–60**

By 43 yeas to 54 nays (Vote No. 47), Barrasso (for DeMint) Amendment No. 189 (to Amendment No. 98), to allow the free exercise of religion at institutions of higher education that receive funding under section 803 of division A. **Pages S1617, S1650–51, S1661**

Barrasso Amendment No. 326 (to Amendment No. 98), to expedite reviews required to be carried out under the National Environmental Policy Act of 1969. **Pages S1617, S1665**

Withdrawn:

Baucus (for Dorgan) Amendment No. 200 (to Amendment No. 98), to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property. **Pages S1617, S1660**

Baucus (for Harkin/Stabenow) Amendment No. 338 (to Amendment No. 98), to require the Secretary of the Treasury to carry out a program to enable certain individuals to trade certain old automobiles for certain new automobiles. **Pages S1617, S1661**

Pending:

Reid (for Inouye/Baucus) Amendment No. 98, in the nature of a substitute. **Page S1617**

Murray Amendment No. 110 (to Amendment No. 98), to strengthen the infrastructure investments made by the bill. **Page S1617**

Baucus (for Dodd) Amendment No. 145 (to Amendment No. 98), to improve the efforts of the Federal Government in mitigating home foreclosures and to require the Secretary of the Treasury to develop and implement a foreclosure prevention loan modification plan. **Pages S1617, S1661**

Coburn Amendment No. 176 (to Amendment No. 98), to require the use of competitive procedures to award contracts, grants, and cooperative agreements funded under this Act. (By 1 yea to 96 nays

(Vote No. 50), Senate earlier failed to table the amendment.) **Pages S1665–66, S1670**

Udall Amendment No. 359 (to Amendment No. 98), to expand the number of veterans eligible for the employment tax credit for unemployed veterans. **Pages S1666–67**

Coburn Amendment No. 309 (to Amendment No. 98), to ensure that taxpayer money is not lost on wasteful and non-stimulative projects. **Pages S1667–69**

Sanders/Grassley Modified Amendment No. 306 (to Amendment No. 98), to require recipients of TARP funding to meet strict H–1B worker hiring standard to ensure non-displacement of U.S. workers. **Pages S1669–70**

During consideration of this measure today, Senate also took the following action:

By 40 yeas to 57 nays (Vote No. 45), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive pursuant to section 306 of the Congressional Budget Act of 1974, with respect to McCain Modified Amendment No. 364 (to Amendment No. 98), in the nature of a substitute. Subsequently, the point of order that the amendment was in violation of section 306 of the Congressional Budget Act of 1974, was sustained, and the amendment thus fell. **Pages S1617–50, S1656, S1659**

By 35 yeas to 62 nays (Vote No. 48), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974 with respect to Ensign Amendment No. 353 (to Amendment No. 98), in the nature of a substitute. Subsequently, a point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S1617, S1662**

By 37 yeas to 60 nays (Vote No. 49), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate rejected the motion to waive the Congressional Budget Act of 1974 with respect to Grassley (for Thune) Amendment No. 197 (to Amendment No. 98), in the nature of a substitute. Subsequently, a point of order that the amendment was in violation of section 311(a)(2)(b) of the Congressional Budget Act of 1974 was sustained, and the amendment thus fell. **Pages S1617, S1653–55, S1664**

A unanimous-consent agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, February 6, 2009. **Page S1772**

Messages from the House: **Page S1677**

Measures Referred: **Page S1677**

Executive Reports of Committees: **Page S1677**

Additional Cosponsors: **Pages S1677–79**

Statements on Introduced Bills/Resolutions: **Pages S1679–89**

Additional Statements: **Page S1677**

Amendments Submitted: **Pages S1689–S1771**

Authorities for Committees to Meet: **Pages S1771–72**

Record Votes: Six record votes were taken today. (Total—50) **Pages S1659, S1660, S1661, S1662, S1664, S1670**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 9:04 p.m., until 10 a.m. on Friday, February 6, 2009. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S1772.)

Committee Meetings

(Committees not listed did not meet)

FOOD SAFETY

Committee on Agriculture, Nutrition, and Forestry: Committee concluded a hearing to examine federal food safety relative to the peanut products recall, after receiving testimony from Stephen Sundlof, Director, Center for Food Safety and Applied Nutrition, Michael Chappell, Acting Associate Commissioner, Regulatory Affairs, and William K. Hubbard, Former Senior Associate Commissioner for Policy, Planning, and Legislation, all of the Food and Drug Association, Department of Health and Human Services; Rear Admiral Ali S. Khan, Assistant Surgeon General, Centers for Disease Control and Prevention; Caroline Smith DeWaal, Center for Science in the Public Interest, Washington, D.C.; and Gabrielle Meunier, Burlington, Vermont.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nominations of William J. Lynn, III, to be Deputy Secretary, Robert F. Hale, to be Under Secretary (Comptroller) and Chief Financial Officer, Michèle Flournoy, to be Under Secretary for Policy, and Jeh Charles Johnson, to be General Counsel, all of the Department of Defense.

TARP

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine the Troubled Asset Relief Program (TARP), focusing on oversight of the financial rescue package, after receiving testimony from Gene L. Dodaro, Acting Comptroller General, Government Accountability Office; and Neil M. Barofsky, Special Inspector General, and Elizabeth Warren, Chair, Congressional Oversight

Panel, both of the Troubled Asset Relief Program, Department of the Treasury.

BUSINESS MEETING

Committee on Foreign Relations: Committee ordered favorably reported an original resolution authorizing expenditures by the Committee.

Also, committee adopted its rules of procedure for the 111th Congress and announced the following subcommittee assignments:

Subcommittee on Western Hemisphere, Peace Corps, and Global Narcotics Affairs: Senators Dodd (Chair), Menendez, Cardin, Webb, Gillibrand, Barrasso, Isakson, Risch, and Republican Leader designee.

Subcommittee on African Affairs: Senators Feingold (Chair), Cardin, Webb, Kaufman, Shaheen, Isakson, DeMint, Corker, and Risch.

Subcommittee on International Operations and Organizations, Human Rights, Democracy, and Global Women's Issues: Senators Boxer (Chair), Feingold, Menendez, Kaufman, Shaheen, Gillibrand, Wicker, DeMint, Barrasso, and Republican Leader designee.

Subcommittee on International Development and Foreign Assistance, Economic Affairs, and International Environmental Protection: Senators Menendez (Chair), Boxer, Cardin, Casey, Shaheen, Gillibrand, Corker, Wicker, DeMint, and Republican Leader designee.

Subcommittee on Near Eastern and South and Central Asian Affairs: Senators Casey (Chair), Dodd, Feingold, Boxer, Cardin, Kaufman, Risch, Corker, Barrasso, and Isakson.

Subcommittee on East Asian and Pacific Affairs: Senators Webb (Chair), Dodd, Feingold, Boxer, Casey, Gillibrand, Republican Leader designee, Isakson, Barrasso, and Wicker.

Subcommittee on European Affairs: Senators Shaheen (Chair), Dodd, Menendez, Casey, Webb, Kaufman, DeMint, Risch, Corker, and Wicker.

BEST PATIENT CARE PRACTICES

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine implementing best patient care practices, after receiving testimony from Peter J. Pronovost, Johns Hopkins University, Baltimore, Maryland; Steven D. Pearson, Massachusetts General Hospital Institute for Clinical and Economic Review, Boston; Donald R. Fischer, Highmark Blue Cross Shield, Pittsburgh, Pennsylvania, on behalf of the Blue Cross and Blue Shield Association; and Jeff Gulcher, deCODE Genetics, Chicago, Illinois.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported an original resolution authorizing expenditures by the Committee, and the rules of procedure for the 111th Congress.

HEALTH CARE

Committee on Indian Affairs: Committee concluded an oversight hearing to examine advancing Indian health care, after receiving testimony from H. Sally Smith, National Indian Health Board, and Rachel A. Joseph, National Steering Committee to Reauthorize the Indian Health Care Improvement Act, both of Washington, D.C.; Ron His Horse is Thunder, Great Plains Tribal Chairman's Association, Rapid City, South Dakota; David Rambeau, United American Indian Involvement, Los Angeles, California, on behalf of National Council of Urban Indian Health; Andrew Joseph, Jr., Northwest Portland Area Indian Health Board, Portland, Oregon; and Mickey Peercy, Choctaw Nation of Oklahoma, Durant.

NOMINATION

Committee on the Judiciary: Committee concluded a hearing to examine the nomination of David W. Ogden, of Virginia, to be Deputy Attorney General, after the nominee, who was introduced by former Senator Warner, testified and answered questions in his own behalf.

NOMINATION

Select Committee on Intelligence: Committee held a hearing to examine the nomination of Leon E. Panetta, of California, to be Director of the Central Intelligence Agency, the nominee testified and answered questions on his own behalf.

Hearings recessed subject to the call and will meet again on Friday, February 6, 2009.

House of Representatives

Chamber Action

The House was not in session today. The House is scheduled to meet at 2 p.m. on Monday, February 9, 2009, pursuant to the provisions of H. Con. Res. 26.

Committee Meetings

No committee meetings were held.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D89)*

H.R. 2, to amend title XXI of the Social Security Act to extend and improve the Children's Health Insurance Program. Signed on February 4, 2009. (Public Law 111–3)

COMMITTEE MEETINGS FOR FRIDAY, FEBRUARY 6, 2009

(Committee meetings are open unless otherwise indicated)

Senate

Select Committee on Intelligence: to continue hearings to examine the nomination of Leon E. Panetta, of California, to be Director of the Central Intelligence Agency, 10 a.m., SH–216.

House

No committee meetings are scheduled.

Joint Meetings

Joint Economic Committee: to hold hearings to examine the employment situation for January 2009, 9:30 a.m., SD–106.

Next Meeting of the SENATE

10 a.m., Friday, February 6

Senate Chamber

Program for Friday: Senate will continue consideration of H.R. 1, American Recovery and Reinvestment Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

2 p.m., Monday, February 9

House Chamber

Program for Monday: To be announced.

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