

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

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

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

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.
The majority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

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

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

The assistant legislative clerk read as follows:

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

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. HARKIN. Thirty-minute time limit on?

The PRESIDING OFFICER. Each amendment.

AMENDMENT NO. 2300

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

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

Mr. HARKIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

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

At the appropriate place, insert the following:

SEC. ____ . ELIGIBLE INDIVIDUALS.

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

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

“(i) who filed a return of Federal income tax for a taxable year beginning in 2008, and, if married for the taxable year concerned (as determined under section 7703 of the Internal Revenue Code of 1986), filed a joint return;

“(ii) who is not an individual with respect to whom a deduction under section 151 of the Internal Revenue Code of 1986 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins; and

“(iii) whose adjusted gross income reported in the most recent return described in clause (i) was not more than \$50,000 (\$75,000 in the case of a joint tax return or a return filed by a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986)).”.

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

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

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

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

Mr. HARKIN. Mr. President, the Car Allowance Rebate Program, or the cash for clunkers as everyone knows it, has been very popular with the American people, there is no doubt about it, the

way it has been used. It has been a shot in the arm for the auto industry and our dealers at a very critical time. But I believe the program should be strengthened, and I think we should seize this supplemental time as an opportunity to do just that.

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

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

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

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