BAUCUS) to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 341. Mr. ROCKEFELLER (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 342. 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, supra; which was ordered to lie on the table.

SA 343. Mr. REED (for himself, Mr. DODD, Mr. KERRY, Mr. SCHUMER, Ms. STABENOW, Ms. 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 344. Mr. KERRY (for himself and Mr. KENNEDY) 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 345. 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 346. 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 347. 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 348. 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 349. Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGMAN, 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, supra; which was ordered to lie on the table.

SA 350. Ms. SNOWE (for herself, Mrs. FEINSTEIN, 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, supra; which was ordered to lie on the table.

SA 351. 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 352. 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 353. 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, supra; which was ordered to lie on the table.

SA 354. Mr. DODD proposed an amendment to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCUS) to the bill H.R. 1, supra.

SA 355. Ms. CANTWELL (for herself and 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 356. 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, supra; which was ordered to lie on the table.

SEC. 25E. DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.

(a) In general.—Section 25D of chapter A of chapter 1 is amended by inserting after subsection (j) the following new subsection:

"(k) SPECIAL RULES FOR STOCK ACQUIRED IN 2009 AND 2010.—

"(1) INCREASE EXCLUSION.—Subsection (a)(1) shall be applied by substituting ‘$75,000,000’ for ‘$50,000,000’ each place it appears.

"(2) INCREASE AGGREGATE ASSET LIMITATION FOR QUALIFIED SMALL BUSINESSES.—Subsection (d) shall be applied by substituting ‘$75,000,000’ for ‘$50,000,000’ each place it appears.

"(3) EXCLUSION NOT TREATED AS A TAX PREFERENCE.—Paragraph (7) of section 57(a) shall not apply and section 53(d)(l)(B) shall be applied by disregarding any item of tax preference described in paragraph (7) of section 57(a).

"(4) INCOME NOT SUBJECT TO 28 PERCENT CAPITAL GAINS RATE.—Section 1(h)(4) shall be applied without regard to subparagraph (A)(ii).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to stock acquired after the date of the enactment of this Act.

SEC. 25F. DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.

(a) In general.—Subpart A of part IV of chapter A of chapter 1 is amended by inserting after section 25D the following new section:

"SEC. 25E. DONATIONS FOR SCHOLARSHIPS FOR ELEMENTARY AND SECONDARY SCHOOL STUDENTS.

"(a) In general.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the qualified elementary and secondary school student scholarships donations made by the taxpayer during such taxable year.

"(b) Limitation.—The amount of the credit allowed under this section for any taxable year shall not exceed $50,000.

"(c) Qualified Elementary and Secondary School Student Scholarships Donations.—For purposes of this section, the term ‘qualified elementary and secondary school student scholarships donations’ means any donation to a an organization which—
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 subsection (a) of section 1004 of division B and insert the following:

(a) In GENERAL.—Section 25A (relating to Hope scholarship credit) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

“(i) INCREASE IN CREDIT.—The Hope Scholarship Credit shall be an amount equal to the sum of—

(A) 25 percent of so much of the qualified tuition and related expenses paid by the taxpayer during the taxable year (for education furnished to the eligible student during any academic period beginning in such taxable year) as does not exceed $1,500,

(B) 50 percent of such expenses so paid as exceeds $1,500 but does not exceed $3,000, plus

(C) an amount equal to 25 percent of such expenses so paid as exceeds $3,000 but does not exceed $6,000.

(2) MINIMUM TAX.—In the case of a taxable year beginning in 2009 or 2010—

(A) as is attributable to the Hope Scholarship Credit shall be an amount equal to 25 percent of so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit under section 1 applies for such taxable year.

(B) The preceding sentence shall not apply to such a taxable year if the amount of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit under section 1, (as determined without regard to this paragraph) shall be reduced to an amount that bears the same ratio to such credit (as so determined) as—

(A) the excess of—

(i) the taxpayer’s modified adjusted gross income (as defined in subsection (d)(3)) for such taxable year, over

(ii) $80,000 ($160,000 in the case of a joint return),

(B) $10,000 ($20,000 in the case of a joint return).

(3) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—In the case of a taxable year to which section 26(a)(2) does not apply, so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit shall be added to 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 subsection (other than this section and sections 23, 25D, and 30D) and section 27 for the taxable year.

Any reference in this section or section 24, 25, 26, 26B, 904, or 1400C to a credit allowable under this subsection shall be treated as a reference to so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit.

(6) PORTION OF CREDIT MADE REFUNDABLE.—Twenty-five percent of so much of the credit allowable under subsection (a) as is attributable to the Hope Scholarship Credit (determined after application of paragraph (4) and without regard to this paragraph and section 26(a)(2)) shall be treated as a credit allowable under subsection C (and not allowed under subsection (a)). The preceding sentence shall not apply to any taxable year if the taxpayer is a child to whom subsection (g) of section 1 applies for such taxable year.

(7) COORDINATION WITH MIDWESTERN DISASTER AREA BENEFITS.—In the case of a taxpayer with respect to whom section 702(a)(1)(B) of the Heartland Disaster Tax Relief Act of 2009 is applicable for the taxable year, such taxpayer may elect to waive the application of this subsection to such taxpayer for such taxable year.

SA 210. Mr. CORNYN (for himself, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an 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 7 and 8, insert the following:

(3) ANTI-FRAUD IMPLEMENTATION PLAN; GAO REPORTS.—

(A) REQUIREMENT TO SUBMIT PLAN FOR APPROVAL.—In GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in the amount of State expenditures under section 1902 (a)(25) of the Social Security Act (42 U.S.C. 1396b(r)(3)), or an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year beginning on or after October 1, 2009, unless, not later than 3 months after the date on which the Secretary receives the plan, the State shall submit to the Secretary a report identifying the details of any updates made to the State Medicaid program under title XIX of the Social Security Act.

(B) APPROVAL AND IMPLEMENTATION.—The Secretary shall approve or disapprove a plan submitted by a State under clause (i) not later than 30 days after the date on which the Secretary receives the plan. A State shall implement an approved plan not later than 180 days after the date on which the plan is approved.

(ii) ANTI-FRAUD MEASURES DESCRIBED.—The anti-fraud measures described in this subparagraph and implemented as required under subparagraph (B) with respect to the State Medicaid program under section 1902(4) of the Social Security Act (42 U.S.C. 1396b(r)(4)) are as follows:

(A) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, unless, not later than 6 months after the first date on which the State receives additional Federal funds under this section, the State submits a report to the Secretary containing the information described in subparagraph (B) with respect to the State Medicaid program under title XIX of the Social Security Act.

(B) ANTI-FRAUD IMPLEMENTATION PLAN; GAO REPORTS.—The Comptroller General of the United States shall submit the following reports to Congress on the plans submitted by States under subparagraph (A):

(i) INITIAL REPORT.—Not later than March 31, 2010, a report specifying the details of the plans submitted by States under subparagraph (A).

(ii) UPDATE AND IMPLEMENTATION.—Not later than December 31, 2010, a report specifying the details of any updates made to such plans and of the implementation of such plans.

SA 211. Mr. CORNYN (for himself, Mr. HATCH, Mr. GRASSLEY, Mr. COBURN, and Mr. MARTINEZ) submitted an 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 7 and 8, insert the following:

(5) LONG-TERM MEDICAID FISCAL OUTLOOK AND SUSTAINABILITY PLAN; ANNUAL GAO REPORT.—(A) IN GENERAL.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date on which the State submits a report to the Secretary detailing the State’s fiscal situation with respect to the State Medicaid program and the State’s plan to ensure the long-term sustainability of its State Medicaid program that contains the information described in subparagraph (B).

(B) REQUIRED INFORMATION.—The reports required under subparagraph (A), shall include the following with respect to the fiscal outlook for the State:

(i) A 10 year and 25 year expenditure forecast.

(ii) A 10 year and 25 year forecast as a percentage of the State’s budget.

(iii) The methodology for State actions in the next 5 years to ensure adequate State funding over the 10 and 25 year periods.
SA 212. Mr. MARTINEZ submitted an 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 399, between lines 6 and 7, insert the following:

SEC. 1405A. SPECIAL RULES FOR STATES WITH HIGH 2006 EDUCATION SUPPORT LEVELS.

(a) Definitions.—In this section:

(1) HIGH 2006 EDUCATION SUPPORT LEVEL.—The term ‘‘high 2006 education support level’’ means the level of State support for elementary and secondary education in fiscal year 2006, which is determined in accordance with section 1401(d), when that determination is being made.

(2) State Support for Elementary and Secondary Education.—The term ‘‘State support for elementary and secondary education’’ means the support provided by the State for which the level of State support for elementary and secondary education is being determined.

(b) REQUIREMENTS.—The cost sharing requirements contained in the second sentence of paragraph (1), subparagraphs (B) and (C) of paragraph (3), and paragraph (4)(D) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)) shall not apply to a Hollings Manufacturing Partnership Program under title II of this division.

(c) Offset.—The amount appropriated or otherwise made available by this title under the heading ‘‘Scientific and Technical Research and Services’’ is hereby decreased by $30,000,000.

SEC. 12...

On page 57, between lines 5 and 6, insert the following:

SEC. 203. HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

(a) Appropriation of Additional Amount.—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 ‘‘Industrial Technology Services’’, $30,000,000, to remain available until September 30, 2010, for the Hollings Manufacturing Partnership Program.

(b) Availability.—Of the amount appropriated or otherwise made available by subsection (a), $30,000,000 shall be available for the Hollings Manufacturing Partnership Program.

SEC. 215. 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 244, between lines 2 and 3, insert the following:

SEC. 12...

Amounts made available under this title for distribution by the Federal Highway Administration for surface transportation projects shall not be subject to section 133(c) of title 23, United States Code, or any other provision of law that restricts the use of those funds for projects relating to local or rural roads or bridges.

SEC. 216. Mr. SANDERS (for himself, Mr. LEAHY) submitted an 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:

On page 228, line 19, strike "$300,000,000" and insert "$1,000,000".

SA 217. Mr. BROWN (for himself 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:

On page 89, after line 24, add the following:

(d) Effective Use of Funds.—In providing funds made available by this Act and the amendments made by this Act for the weatherization assistance program, the Secretary of Energy may encourage States to give priority to using the funds for the most cost-effective efficiency activities, which may include insulation of attics, if the Secretary determines that the use of the funds would increase the effectiveness of the program.

SA 218. Mrs. MURRAY (for herself, Mr. KENNEDY, Mr. BROWN, Ms. STABENOW, Mr. SANDERS, and Mr. REED) submitted an 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:

On page 123, line 9, insert "(and an additional amount of $1,675,000,000)" before "which"

On page 123, line 12, insert "(and an additional amount of $300,000,000)" before "for adults"

On page 123, line 19, insert "and year-round" after "summer"

On page 124, line 10, insert "(and an additional amount of $500,000,000)" before "for grantee taxpayers"

On page 124, line 13, insert "(and an additional amount of $300,000,000)" before "for national"

On page 124, line 15, insert "(and an additional amount of $375,000,000)" before "under"

On page 125, line 1, insert "(and an additional amount of $200,000,000)" before "for YouthBuild"

On page 126, line 8, insert "(and an additional amount of $300,000,000)" before "which"

On page 126, line 13, insert "(and an additional amount of $150,000,000)" before "of such"

On page 126, line 26, insert "(and an additional amount of $340,000,000)" before "which"

On page 228, line 19, strike "$300,000,000" and insert "$1,000,000".

SA 219. 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:

On page 589, after line 14, insert the following:

(c) Increased Funding.—

(1) In General.—Section 903(f) of the Social Security Act, as added by subsection (a), is amended—

(A) in paragraph (1)(B), by striking "$7,000,000,000" and inserting "$14,000,000,000"; and

(B) in paragraph (6), by striking "$7,000,000,000" and inserting "$14,000,000,000".

(2) Emergency Designation.—Each amount provided as a result of the amendments made by paragraph (1) 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 continuation of the budget for fiscal years 2008 and 2009.

SA 220. Mr. MENENDEZ (for himself, Mr. DURbin, Mr. DODD, 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:

On page 228, line 19, strike "training for custodial, janitorial, and maintenance work experience" and insert "training, and work experience to improve the skills of unemployed workers so as to prepare them for construction-related careers or to maintain their unique qualifications for existing construction and maintenance positions of States or local governments".

On page 127, line 2, strike "may transfer up to 15 percent" and insert "may transfer up to 20 percent".

On page 127, line 4, strike "training for careers" and insert "training and retraining, and work experience to improve such Centers, to prepare participants for careers".

SEC. 12. — NON-FEDERAL SHARE OF TRANSPORTATION PROGRAMS AND ACTIVITIES.

(a) Definition of Covered Transportation Program or Activity.—In this section, the term ‘‘covered transportation program or activity’’ means an activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

(b) Non-Federal Share.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.

SEC. 12A. — CREDIT FOR BATTERY POWERED LAWN MOWERS.

(a) Allowance of Credit.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

SEC. 25E. CREDIT FOR BATTERY POWERED LAWN MOWERS.

"(a) Allowance of Credit.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter an amount equal to so much of the qualified battery powered lawn mower expenses for the taxable year as does not exceed $100.

"(b) Qualifying Battery Powered Lawn Mower Expenses.—For purposes of this section—

"(1) In General.—The term ‘‘qualified battery powered lawn mower expenses’’ means the cost of any battery powered lawn mower which is placed in service in the taxable year which does not exceed $100.

"(b) Conforming Amendments.—

(1) Section 24(b)(3)(B) is amended by striking "and 25B" and inserting "25B, and 25E".

(2) Section 1125(b)(2) is amended by inserting "25E", after "25B".

(3) Section 25B(g)(2) is amended by striking "section 23" and inserting "sections 23 and 25E".

(4) Section 904(f) is amended by striking "(and an additional amount for the fire grant program under section 34 of the Federal Fire Prevention and Control Act of 1974 (c) Definition of Covered Transportation Program or Activity.—In this section, the term ‘‘covered transportation program or activity’’ means an activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

(b) Non-Federal Share.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.

SEC. 12. — NON-FEDERAL SHARE OF TRANSPORTATION PROGRAMS AND ACTIVITIES.

(a) Definition of Covered Transportation Program or Activity.—In this section, the term ‘‘covered transportation program or activity’’ means an activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

(b) Non-Federal Share.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.

SEC. 12. — NON-FEDERAL SHARE OF TRANSPORTATION PROGRAMS AND ACTIVITIES.

(a) Definition of Covered Transportation Program or Activity.—In this section, the term ‘‘covered transportation program or activity’’ means an activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

(b) Non-Federal Share.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.

SEC. 12. — NON-FEDERAL SHARE OF TRANSPORTATION PROGRAMS AND ACTIVITIES.

(a) Definition of Covered Transportation Program or Activity.—In this section, the term ‘‘covered transportation program or activity’’ means an activity for which funds are authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59) or an amendment made by that Act.

(b) Non-Federal Share.—Amounts made available by this Act may be used by States and municipalities to pay the non-Federal share of the cost of any covered transportation program or activity.
SA 223. 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:

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

SEC. 5. ENACTMENT OF WAIVER OF REQUIRED MINIMUM DISTRIBUTION RULES FROM CERTAIN RETIREMENT PLANS AND ACCOUNTS.

(a) IN GENERAL.—Subparagraph (H) of section 401(a)(9), as added by the Worker, Retiree, and Employer Recovery Act of 2008, is amended—

(1) by striking “for calendar year 2009” in clause (i) and inserting “in calendar years 2009 or 2010”;

(2) by striking “2009” in clause (ii)(I) and inserting “2010”;

and

(3) by striking “to calendar year 2009” in clause (ii)(II) and inserting “to calendar years 2009 or 2010”.

(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.—

(1) AS USED IN GENERAL.—In subparagraph (B) of section 402(c)(4), as added by the Worker, Retiree, and Employer Recovery Act of 2008, as amended by inserting “or 2010” after “2009”;

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to calendar years beginning after December 31, 2009.

(2) PROVISIONS RELATING TO PLAN OR CONTRACT AMENDMENTS.—

(A) IN GENERAL.—If this paragraph applies to any pension plan or contract amendment made after the date of enactment of this Act, such pension plan or contract shall be treated as being operated in accordance with the terms of the plan or contract amendment if such plan or contract amendment were in effect on December 31, 2009 (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect.

SEC. 227. Mr. ENSIGN submitted an amendment intended to be proposed to 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 end of subtitle C of title I of division B, insert the following:

PART IX—REDUCTION IN CORPORATE INCOME TAX RATES.

(a) GENERAL RULE.—Section 11(b) (relating to amount of tax) is amended to read as follows:

“(b) AMOUNT OF TAX.—The amount of tax imposed by subsection (a) shall be equal to 15 percent of taxable income.”

(b) CONFORMING AMENDMENTS.—

(1) Section 236 is amended by striking “2012” and inserting “2009”.

(2) Section 1101(b)(1), 1111(e)(1), 8602(2)(B), and 8606(b)(A)(ii) are each amended by striking “15 percent” and inserting “15 percent”.

(c) CLERICAL AMENDMENTS.—

Sections 3201(a)(11), 11(b)(1)(II), 8602(2)(B), and 8606(b)(A)(11) are each amended by striking “11(b)(1)” and inserting “11(b)(1).”
SEC. 231. 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 570, between lines 8 and 9, insert the following:

SEC. . TEMPORARY INCREASE IN TIME PERIOD FOR RECYCLING OF TAX-EXEMPT DEBT FOR RESIDENTIAL RENTAL PROJECTS.

(a) In General.—Section 146(l)(6)(A) is amended by inserting “(12-month period in the case of repayments made before January 1, 2011)” after “6-month period”.

(b) Effective Date.—The amendment made by this section shall apply to repayments of loans received before, on, or after the date of the enactment of this Act.

SEC. 232. 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 570, between lines 8 and 9, insert the following:

SEC. . MODIFICATION OF THE TAX RATE FOR CERTAIN INCOME OF PRIVATE FOUNDATIONS.

(a) In General.—Subsection (a) of section 4940 is amended by striking “2 percent” and inserting “1.33 percent”.

(b) Elimination of Reduced Tax Where Foundation Does Not Meet Distribution Requirements.—Section 4940 is amended by striking subsection (e).

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 230. 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 570, between lines 8 and 9, insert the following:

SEC. . TEMPORARY MINIMUM CREDIT RATE FOR CERTAIN FEDERALLY SUBSIDIZED NEW BUILDINGS.

(a) In General.—Section 42(b) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) Temporary Minimum Credit Rate for Certain Federally Subsidized New Buildings.—In the case of any new building—

(A) which is placed in service by the taxpayer after the date of the enactment of this paragraph and before December 31, 2013, and

(B) which is federally subsidized for the taxable year,

the applicable percentage shall not be less than 4 percent.”.

(b) Effective Date.—The amendments made by this section shall apply to new buildings placed in service after the date of the enactment of this Act.

SEC. . DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONTRIBUTIONS DEDUCTION.

(a) In General.—Section 27(a)(2) is amended by striking “4 cents per mile” and inserting “14 cents per mile”.

(b) Effective Date.—The amendment made by this section shall apply to charitable contributions made after December 31, 2013.
"(2) SPECIAL RULE FOR 2009 AND 2010.—For miles traveled after the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009 and before January 1, 2011, the standard mileage rate shall be the rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213.

(b) IN GENERAL.—(A) May Require.—The amendment made by this section shall apply to miles traveled after the date of the enactment of this Act.

SEC. 3. EXCLUSION FROM GROSS INCOME FOR CHARITABLE MILEAGE REIMBURSEMENTS.

(a) In General.—Part III of chapter B of chapter 1 is amended by adding at the end the following new section:

"Sec. 139C. Charitable mileage reimbursement.

"(a) In general.—In the case of a charitable contribution in which reimbursement is made by this section, there shall be excluded from gross income under section 61(a)(3) the amount paid by such contribution, to the extent it is reasonable and necessary for the performance of services.

(b) Limitation.—The amount paid by such contribution shall not exceed the product of the standard mileage rate used for purposes of section 213 multiplied by the number of miles traveled for such reimbursement.

(c) Coordination.—The provisions of this section shall be coordinated with the provisions of chapter 1 and chapter 2.

(d) No double benefit.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursement unless with respect to such reimbursement the taxpayer meets substantiation requirements similar to the requirements of section 274(d).

(e) Exemption from reporting requirements.—Section 6011 shall not apply with respect to reimbursement excluded from income under subsection (a).

(f) Maintenance of records.—For purposes of this section, the requirements of section 6011 shall not apply with respect to reimbursement excluded from income under subsection (a).

(g) Effective date.—This section shall apply to reimbursement made after December 31, 2010.

(b) Conforming amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 139c. Charitable mileage reimbursement.

(c) Effective date.—The amendments made by this section shall apply to miles traveled after the date of the enactment of this Act.

SA 234. Mr. SCHUMER (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 370, after line 8, insert the following:

SEC. 4. DETERMINATION OF STANDARD MILEAGE RATE FOR CHARITABLE CONSTRUCTIONS.

(a) In General.—Section 274(c)(1) of section 170 is amended to read as follows:

"Sec. 274(c). Standard mileage rate for use of passenger automobile.

Sec. 274(c). Standard mileage rate for use of passenger automobile. For purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate determined by the Secretary, which rate shall not be less than the standard mileage rate used for purposes of section 213, shall apply to the use of a passenger automobile for the benefit of a charitable organization.

"(d) No double benefit.—A taxpayer may not claim a deduction or credit under any other provision of this title with respect to reimbursement excluded from income under subsection (a).

"(f) Coordination.—The provisions of this section shall be coordinated with the provisions of chapter 1 and chapter 2.

"(g) Effective date.—This section shall apply to reimbursement made after December 31, 2010.

On page 412, lines 1 and 2, strike "investigations" and insert "reviews".

On page 412, line 10, insert "Additionally, the Board may order subpeonas to compel the testimony of persons who are not Federal officers or employees and may enforce such subpoenas in the same manner as provided in the Inspector General Act of 1978 (5 U.S.C. App.), at the end.

On page 412, lines 15 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.), at the end.

On page 413, line 8, strike all after "auditees" through line 11 and insert "reviews", or other activities related to audits, or investigations, or reviews, or other activities related to reviews, or other activities related to subpeonas in the same manner as provided in the Inspector General Act of 1978.

On page 415, line 20, strike "a report".

On page 415, line 23, strike the period at the end and insert "a 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 235. 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 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 "2011., and an additional $4,000,000 for such purposes, to remain available until September 30, 2011."

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 397, 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 105, line 12, insert before the period “and an additional $15,000,000 for such purposes, to remain available until September 30, 2011.”.

On page 105, line 9, strike “$246,000,000,” and insert “$426,600,000.”

On page 105, line 24, strike “2010” and insert “2011”.

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 “2010,” and insert “2011,” and an additional $15,000,000 for such purposes, to remain available until September 30, 2011.”.

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 224, 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, 2011,” before the colon.

On page 263, line 7, insert “,$ and an additional $12,250,000 for such purposes, to remain available until September 30, 2011,” before the colon.

On page 733, line 2, strike “expended” and insert “September 30, 2012.”.

SA 237. Mr. CARDIN (for himself, Ms. LANDRIEU, and Ms. SNOwE) 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:

On page 105, between lines 3 and 4, insert the following: SEC. 505. Surety Bonds.

(a) Maximum Bond Amount.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694(a)(1)) is amended—

(1) by inserting “A” after “I”;

(2) by striking “$2,000,000” and inserting “$3,000,000”; and

(b) Size Standards.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by adding at the end the following:

(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purposes of sections 410, 411, and 412 the term ‘small business concern’ means a concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.

(c) Sunset.—The amendments made by this section shall remain in effect until September 30, 2010.

SA 238. Mr. GRASSLEY (for 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:

At the appropriate place, insert the following:


SEC. 604. (a) Definitions.—In this section:

(1) Inspections.—The term ‘inspections’ means—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary, and the Committee on Homeland Security.

(b) Pilot Program.—The term ‘pilot program’ means the pilot program carried out under section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1324a note).

(c) Funding Under Agreement.—For each fiscal year after fiscal year 2008, the Commission and the Secretary shall enter into an agreement that—

(1) provides funds to the Commissioner for the full costs of carrying out the responsibilities of the Commissioner under the pilot program, including the costs of—

(A) acquiring, installing, and maintaining technological equipment and systems to carry out the portion of such costs that are attributable exclusively to such responsibilities; and

(B) responding to individuals who contest the results of nonconfirmative inspections provided by the confirmation system established pursuant to the pilot program;

(2) provides such funds to the Commissioner quarterly, in advance of the applicable quarterly, based on estimating methodology agreed to by the Commissioner and the Secretary; and

(3) requires an annual accounting and reconciliation of the actual costs incurred by the Commissioner to carry out such responsibilities and the funds provided under the agreement that shall be reviewed by the Office of the Inspector General in the Social Security Administration and in the Department of Homeland Security.

(d) Continuation of Employment Verification in Absence of Timely Agreement.—

(1) Continuation of Previous Agreement.—

(A) in General.—Subject to subparagraph (b), if the agreement required under subsection (b) for a fiscal year is not reached as of the first day of such fiscal year, the most recent previous agreement between the Commissioner and the Secretary, and the funds provided to the Commissioner for carrying out the responsibilities of the Commissioner under the pilot program shall be deemed to remain in effect until the date by which the agreement required under subsection (b) for such fiscal year becomes effective.

(B) Annual Adjustment.—If the most recent previous agreement is deemed to remain in effect for a fiscal year under subparagraph (A), the Director of the Office of Management and Budget is authorized to modify the amount provided under such agreement for such fiscal year to account for—

(i) inflation; and

(ii) any increase or decrease in the number of individuals who require services from the Commissioner under the pilot program.

(2) Notification of Congress.—If the most recent previous agreement is deemed to remain in effect under paragraph (1)(A) for a fiscal year, the Commissioner and the Secretary shall—

(A) no later than the first day of such fiscal year, submit to the appropriate committees of Congress a notification of the failure to reach the agreement required under subsection (b) for such fiscal year; and

(B) once during each 90-day period until the date that the agreement required under subsection (b) has been reached for such fiscal year, submit to the appropriate committees of Congress a notification of the status of negotiations between the Commissioner.
and the Secretary to reach such an agreement.

STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION Sec. 606. (a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study of the erroneous tentative nonconfirmations sent to individuals under the pilot program referenced in subsection (a); and (b) matters to be studied.—The study required by subsection (a) shall include an analysis of—
   (1) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program referenced in subsection (a); (2) the processes by which such erroneous tentative nonconfirmations are remedied; and (3) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(a) IN GENERAL.—The study required by subsection (b) shall analyze separately with respect to—
   (A) small entities with fewer than 50 employees; and
   (B) small entities that operate in States that require small entities to participate in the pilot program.

(b) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

STUDY AND REPORT OF ERRONEOUS RESPONSES SENT TO INAPPROPRIATE COMPANIES Sec. 607. None of the funds made available in this Act may be used to enter into a contract with a person that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1224a note).

SEC. 605. (a) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Finance of the Senate and the Committee on the Judiciary of the House of Representatives a report on the results of the study required by this section.

STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES Sec. 608. (a) DEFINITION.—In this section—
   (1) I N GENERAL.—The term "appropriately committees of Congress" means—
      (A) the Committee on the Judiciary of the Senate; and
      (B) the Committee on the Judiciary of the House of Representatives.

(b) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—
   (1) the Committee on the Judiciary of the Senate; and
   (B) the Committee on the Judiciary of the House of Representatives.

(c) APPROPRIATE COMMITTEES OF CONGRESS.—The term "Comptroller General" means the Comptroller General of the United States.

(d) PILOT PROGRAM.—The term "pilot program" means the program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1224a note).

(e) SMALL ENTITY.—The term "small entity" has the meaning given to that term in section 901 of title 5, United States Code.

(f) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the effect of the pilot program on small entities.

(g) MATTERS TO BE STUDIED.—The study required by subsection (b) shall analyze, and treat separately, with respect to—
   (1) any direct effects of compliance with the pilot program, including effects on wages and time used and fees spent on such compliance; and
   (2) any indirect effects of such compliance, including effects on cash flow, sales, and competitiveness of such compliance.

(h) DISAGGREGATION BY ENTITY SIZE.—The study required by subsection (b) shall analyze separately with respect to—
   (A) small entities with fewer than 50 employees; and
   (B) small entities that operate in States that require small entities to participate in the pilot program.

(i) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the study required by subsection (b).

RESTRICTION ON USE OF FUNDS Sec. 607. None of the funds made available in this Act may be used to enter into a contract with a person that does not participate in the pilot program described in section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104-208; 8 U.S.C. 1224a note).

SA 240. Mr. CRAPO (for himself, Ms. LANDRIEU, Mr. GRAHAM, Mr. RISCH, and Mr. MCCAIN) submitted an 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, in-stabilization, for fiscal year ending September 30, 2009, and for other purposes; which was ordered to lie on the table; as follows:

On page 519, beginning on line 12, strike through line 19 and insert the following:

"(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,

(VI) designed to manufacture components for the production of nuclear energy, and"

SA 241. Mr. MARTINEZ submitted an 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 INTERNET-BASED TRANSPARENCY PROGRAM.

(a) IN GENERAL.—Title XIX of the Social Security Act is amended by adding at the end the following new section:

"SEC. 1942. INTERNET-BASED TRANSPARENCY PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this section, the Secretary shall implement a program under which the Secretary shall make available through the public Internet website of the Department of Health and Human Services non-aggregated information on individuals collected under the Medicaid Statistical Information System described in section 1903(r)(1)(F) insofar as such information has been de-identified with regulations promulgated pursuant to section 264(c) of the Health Insurance Portability and Accountability Act of 1996. In implementing such program, the Secretary shall ensure that—

(1) the information made so available is in a format that is easily accessible, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for Medicare and Medicaid services under this title, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under this title;

(2) the information made so available is as current as deemed practical by the Secretary and shall be updated at least once per calendar quarter;

(3) to the extent feasible—

(A) all hospitals, nursing homes, clinics, and large physician practices included in such information that are identifiable by name to individuals who access the information through such program;

(B) all individual health care providers not described in subparagraph (A), including physicians and dentists identifiable by unique identifier numbers that are disclosed only to appropriate officials within the Department of Health and Human Services and the States involved; and

(C) the information made so available shall include non-aggregated information with respect to the provision of medical assis-tance under State plans under title XVII of the Social Security Act, the District of Columbia, Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa;

(4) the Secretary periodically solicits comments from a sampling of individuals who access the information through such program on how to best improve the utility of the program.

(b) USE OF CONTRACTOR.—For purposes of implementing the program under subsection (a) and ensuring the information made available through such program is accurately updated, the Secretary may select and enter into a contract with a public or private entity, including an entity whose address and qualifications as the Secretary determines appropriate.

(c) ANNUAL REPORTS.—Not later than 2 years after the date of the enactment of this section and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the progress of the program and annually thereafter, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate a report on the progress of the program.

(d) INCENTIVES FOR COMPLIANCE WITH EXISTING STATE REQUIREMENTS.—If the Secretary determines that a State has not fully complied with section 1903(r)(1)(F), including any encounter data requirements, for any period beginning after the date that is 1 year after the date of the enactment of this section, the Secretary shall reduce the amount paid to the State under section 1903(a)(by $25,000 for each such day. Such reduction shall be made unless—

(1) the State demonstrates to the Secretary’s satisfaction that the State made a good faith effort to comply;

(2) the Secretary determines that the State has failed to comply with the requirement described in subparagraph (A) in good faith and

(3) the Secretary determines that the State demonstrated a good faith effort to comply with the requirement described in subparagraph (A)

(4) the Secretary determines that the State made a good faith effort to comply with the requirement described in subparagraph (A) in good faith and

(5) the Secretary determines that the State demonstrated a good faith effort to comply with the requirement described in subparagraph (A)
“(2) not later than 60 days after the date of a finding that the State has not fully and properly complied with section 1903(r)(1)(F), the State submits to the Secretary (and the Secretary approves the corrective action plan) to implement such a program; and

“(3) not later than 12 months after the date of such submission (and approval), the State fulfills the terms of such corrective action plan.

The Secretary shall transfer the amount of any reduction under this subsection to the fund established under subsection (e).

(e) FUNDING.—

“(1) MEDICAID INTERNET-BASED TRANSPARENCY FUND.—The Secretary shall establish a fund known as the Medicaid Internet-based Transparency Fund, consisting of such amounts as may be transferred to such Fund under subsection (d) and such amounts as may be appropriated to such Fund under paragraph (3).

“(2) EXPENDITURES FROM FUND.—Amounts in the Medicaid Internet-based Transparency Fund shall be available to the Secretary only for purposes of carrying out this section.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Medicaid Internet-based Transparency Fund $10,000,000 for fiscal year 2009, to remain available until expended.”

(2) FEASIBILITY REPORT ON INCLUDING SICHI INFORMATION IN INTERNET-BASED TRANSPARENCY PROGRAM.—Not later than 2 years after the date of the enactment of this Act, the Secretary, with respect to such feasibility, potential costs, and potential benefits of making publicly available through an Internet-based program identified patient and provider encounter information for items and services furnished under title XXI of the Social Security Act which would not otherwise be included in the information collected under the Medicaid Statistical Information System described in section 1903(r)(1)(F) of such Act and made available under section 1942 of such Act, as added by subsection (a).

SA 242. Mr. BUNNING submitted an 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 484, after line 24, add the following:

The preceding sentence shall not apply to any taxpayer with respect to losses attributable to personal residence indebtedness. Notwithstanding any other provision of division A, each amount appropriated or made available in division A (other than any such amount that is transferred to the Department of Veterans Affairs) in title X of division A shall be reduced by 0.05 percent.

SA 244. Mr. CORYN submitted an amendment intended to be proposed to amendment SA 89 submitted by Ms. STABENOW (for herself and Mr. LEVIN) to the bill H.R. 2, to amend section 122 of the Social Security Act to extend and improve the Children’s Health Insurance Program, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 435, strike line 4 and all that follows through page 441, line 15, and insert the following:


(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, $2,500,000,000 for carrying out activities authorized under section 803 of this Act, which funds shall remain available through September 30, 2010.

(b) EMERGENCY DISPOSITION.—The amount provided in subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 20(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 247. Mr. UDALL of Colorado submitted an 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, between lines 12 and 13, insert the following:

SEC. 803A. ADDITIONAL FUNDS FOR HIGHER EDUCATION MODERNIZATION, RENOVATION AND REPAIR.

(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, $6,000,000,000 for carrying out activities authorized under section 803 of this Act, which funds shall remain available through September 30, 2010.

(b) EMERGENCY DISPOSITION.—The amount provided in subsection (a) is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 20(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.
proposed to amendment SA 98 proposed by Mr. INOUE (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 68, line 2, strike “$1,400,000,000” and insert “$1,250,000,000”.

On page 70, line 9, before the period, insert the following: “‘Provided further. That not less than $2,000,000,000 of the funds provided under this heading shall be used for programs, projects, and activities for and relating to the Armel Unit of the Pick-Sloan Missouri River Basin Program as authorized by section 9 of the Act of December 22, 1944 (commonly known as the ‘Flooding Control Act of 1944’) (58 Stat. 891, chapter 665), and other law’.

SA 249. Mrs. LINCOLN (for herself, Ms. STABENOW, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (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, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. APPLYING MEDICARE RURAL HEALTH ADD-ON POLICY FOR REMAINING PORTION OF 2009 AND ALL OF 2010.

Section 421(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2283), as amended by section 520(b) of the Deficit Reduction Act of 2005 (Public Law 109–171; 120 Stat. 197), is amended—

(1) in subsections (a)(1) and (b), by striking ‘‘October 1, 2009’’ each place it appears and inserting ‘‘June 30, 2010’’; and

(2) in subsections (a)(2) and (b), by striking ‘‘October 1, 2009’’ each place it appears and inserting ‘‘July 1, 2010’’.

SA 250. Mrs. LINCOLN (for herself, Mr. CRAPO, Mr. WYDEN, Mr. ROBERTS, and Mr. PRYOR) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (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, insert the following:

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 6001. NO APPLICATION OF REVISED AVERAGE HOURLY WAGE COMPARISON CRITERIA TO STATE MEDICAID BENEFICIARIES.

(a) In General.—Notwithstanding any other provision of law, the Secretary of Health and Human Services (in this section referred to as the ‘‘Secretary’’) shall not apply, during the period described in subsection (b), the changes to the average hourly wage comparison criteria described in sections 412.230(d)(1)(iv), 412.232(c), and 412.234(b) of title 42, Code of Federal Regulations (as in effect on October 1, 2008), or any amendment to a subsection (d) (hereinafter referred to as a ‘‘plan’’) (as defined for purposes of section 1866 of the Social Security Act (42 U.S.C. 1396w), seeking reclassification of its wage index for purposes of such section during such period.

(b) Suspension Period.—The period described in this subsection begins on October 1, 2008, and ends on the first day of the fiscal year that begins 1 year after the Secretary has published in the Federal Register a proposal (or proposals) that considers the matters described in subparagraphs (A) through (1) of section 106(b)(2) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432).

(c) Effect on Reclassification Decisions.—Notwithstanding any other provision of law, in the case of a decision made by the Medicare Geographic Classification Review Board under section 1886(d)(10) of the Social Security Act (42 U.S.C. 1395ww(d)(10)), during the period described in subsection (b), denying an application by a subsection (d) plan for reclassification of its wage index for purposes of such section during such period on the basis of the changes to the average hourly wage comparison reclassification criteria described in sections 412.230(d)(1)(iv), 412.232(c) and 412.234(b) of title 42, Code of Federal Regulations (as in effect on October 1, 2008), or any similar provision, the decision shall be a decision as if such changes were not in effect.

(d) Implementation.—The Secretary shall make a proportional adjustment in the standardized amounts determined under sections 412.230(d)(1)(iv), 412.232(c) and 412.234(b) of title 42, Code of Federal Regulations as in effect on October 1, 2008, or any similar provision, the decision as if such changes were not in effect.

SEC. 5006. DELAY IN APPLICATION OF NEW PAYMENTS FOR MULTIPLE SOURCE DRUGS UNDER MEDICAID.

Section 203 of the Medicare Improvements for Patients and Providers Act of 2008 (42 U.S.C. 1395ww note) is amended—

(1) in subsection (a)(1), by striking ‘‘September 30, 2009’’ and inserting ‘‘June 30, 2010’’; and

(2) in subsections (a)(2) and (b), by striking ‘‘October 1, 2009’’ each place it appears and inserting ‘‘July 1, 2010’’.

SA 252. Mr. COBURN (for himself, Mr. GRASSLEY, and Mr. CORYN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUE (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 7 and 8, insert the following:

(3) PLAN TO ESTABLISH A MEDICAL HOME PROGRAM TO COORDINATE CARE FOR ELIGIBLE MEDICAID BENEFICIARIES.—

(A) IN GENERAL.—

(i) Submission.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date (not later than 6 months after the date of enactment of this Act) on which the State submits to the Secretary a plan to establish a medical home program to coordinate care for eligible Medicaid beneficiaries;

(ii) Such plan shall include the following:

(1) Subject to clause (ii), provide primary care physicians and other participating providers of services a management fee that reflects the amount of time spent with an eligible Medicaid beneficiary, and the family of such eligible Medicaid beneficiary, providing primary care services, chronic care disease management services, and other services for purposes of coordinating care of the eligible Medicaid beneficiary.

(3) PLAN TO ESTABLISH CHRONIC CARE DISEASE MANAGEMENT PROGRAMS.—

(A) IN GENERAL.—

(i) Submission.—A State is not eligible for an increase in its FMAP under subsection (a), (b), or (c), or an increase in a cap amount under subsection (d), for any fiscal year quarter occurring during the recessionary adjustment period that begins on or after October 1, 2009, and before the date (not later than 6 months after the date of enactment of this Act) on which the State submits to the Secretary a plan to establish a medical home program to coordinate care for eligible Medicaid beneficiaries;
(a), (b), or (c), or an increase in a cap amount
under subsection (d), for any fiscal year
quarter occurring during the recessional
adjustment period that begins on or after
October 1, 2009, and before the date (not
later than 6 months after the date of enactment
of this Act) on which the State submits to the
Secretary a plan to establish chronic disease
management programs with respect to at least
the 5 most prevalent diseases within the
population of Medicaid bene-
ficiaries in the State.

SEC. 3005. DEFINITIONS; REFERENCE.

(a) IN GENERAL.—In this title:

(1) ENTITY.—The term "Entity" means the
Health Information Technology
Policy Committee established
under section 2791(1); or

(2) QUALIFIED HEALTH INFORMATION TECH-
NOLOGY.—The term "qualified health infor-
mation technology" means health information
technology to establish a nationwide interoper-
able health information technology infra-
structure;

(3) SAFETY NET HEALTH PLAN.—The term
"safety net health plan" means—

(a) that is exempt from or not subject to
Federal income tax, or that is owned by an
entity or entities exempt from or not subject to
Federal income tax, or that is owned by an
entity or entities exempt from or not subject to
Federal income tax;

(b) for which not less than 75 percent of
the enrolled population receives services
under a Federal health care program (as de-

defined in section 1122(b)(1)(B)(i) of the Social
Security Act) or a health care plan or program
which is funded, in whole or in part, by a
State (other than a program for government
employees).

(5) INDIVIDUALLY IDENTIFIABLE HEALTH IN-
FORMATION.—The term 'individually identifi-
able health information' has the meaning
given such term in section 1171 of the Social
Security Act.

(6) LABORATORY.—The term 'laboratory'
has the meaning given such term in section
353.

(7) NATIONAL COORDINATOR.—The term
"National Coordinator" means the National
Coordinator for Health Information Tech-

(a) in General.—The Public Health Ser-
vice Act (42 U.S.C. 201 et seq.), is amended
by adding at the end the following:

"(a) in General.—In this title:

(1) ENTITY.—The term 'Entity' means the
Health IT Standards Entity established
under section 2791(b)(3); or

(2) HEALTH CARE PROVIDER.—The term
'health care provider' means a hospital,

skilled nursing facility, home health entity,
nursing facility, licensed assisted-living fac-

SEC. 3006. OFFICE OF THE NATIONAL COORDI-
NATOR FOR HEALTH INFORMATION
TECHNOLOGY.

(a) ESTABLISHMENT.—There is established
within the office of the Secretary, the Office
of the National Coordinator for Health Infor-
mation Technology. The National
Coordinator shall be appointed by the Secretary
in consultation with the President, and shall
report directly to the Secretary.

(b) PURPOSE.—The Office of the National
Coordinator shall be responsible for—

(1) ensuring that key health information

(2) reviewing Federal health information
technology investments to ensure that Fed-

eral health information technology programs
are meeting the objectives of the strategic

efforts and of helping to ensure that each
agency undertakes activities primarily within
the areas of its greatest expertise and
technical capability;

PROVIDE PHARMACY PATIENTS WITH
ACCESS TO THE UNEMPLOYED, AND
STATE AND FEDERAL PROJECTIONS TO
THE UNEMPLOYED, AND
the bill H.R. 1, making supplemental
appropriations for job preservation and
the health care in the prevention and manage-
ment technology to improve the quality of
health care and the affordability of health
services.

The term 'health insurance plan' means—

(i) a health insurance issuer (as defined in
section 2791(b)(2));

(ii) a group health plan (as defined in sec-

(iii) a health maintenance organization (as
defined in section 2791(b)(3)); or

(iv) a safety net health plan.

(9) STATE.—The term 'State' means each
of the several States, the District of Colum-
bia, Puerto Rico, the Virgin Islands, Guam,
American Samoa, and the Northern Mariana
Islands.

(10) FEDERAL COMMISSIONS AND ADVISORY
COMMITTEES.—Any reference in this section to the
Health Care Quality Act;

"(C) publishes the recommendations of the
Policy Committee established under section
3004.

(9) QUALIFIED HEALTH INFORMATION TECH-
NOLOGY.—The term "qualified health infor-
mation system" means a computerized system
(including hardware and software) that—

(A) protects the privacy and security of
health information;

(B) maintains and provides permitted ac-

ness to health information in an electronic
format;

(C) with respect to individually identifi-
able health information maintained in a des-

ignated record set, preserves an audit trail of
each individual that has gained access to such
record set;

(D) incorporates decision support to re-

duce medical errors and enhance health care
cquality;

(E) complies with the standards and im-
plementation specifications and certification
criteria adopted by the Federal Government
under section 3003;

(F) has the ability to transmit and ex-
change information to other health informa-
tion technology systems and, to the extent
feasible, public health information tech-

SEC. 3001. DEFINITIONS; REFERENCE.

(a) IN GENERAL.—In this title:

(1) ENTITY.—The term 'Entity' means the
Health IT Standards Entity established
under section 2791(f)(1) of the Social

SEC. 13011. IMPROVING HEALTH CARE QUALITY,
SAFETY, AND EFFICIENCY.

(a) IN GENERAL.—The Public Health Serv-

(2) ensures that health information tech-

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(E) identifies sources of funds that will be made available to facilitate the purchase of, or enhance the utilization of, qualified health information technology systems, either through grants or technical assistance; and

(F) publishes a plan for a transition of any functions of the Office of the National Coordinator shall be continued after September 30, 2014;

(3) prepare a report on the lessons learned from major public and private health care system implementations of health information technology systems, including an explanation of whether the systems and practices developed by such systems may be applied in whole or in part by other health care providers; and

(4) assess the impact of health information technology in communities with health disparities; harmonization, and recognition practices to the adoption of such technology by health care providers in such communities.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the duplication of Federal efforts with respect to the establishment of the Office of the National Coordinator for Health Information Technology, regardless of whether such efforts are carried out before or after the date of enactment of this title.

(f) OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2009 and 2010.

(g) SUNSET.—The provisions of this section shall not apply after September 30, 2014.

SEC. 3001. HEALTH INFORMATION TECHNOLOGY STANDARDS ENTITY.

(a) ESTABLISHMENT.—The Secretary, through a grant, contract, or cooperative agreement, shall provide for the establishment of a private entity to be known as the ‘Health IT Standards Entity’ (referred to in this title as the ‘Entity’) to—

(1) set priorities and support the development and recognition of standards, implementation specifications, and certification criteria for the electronic exchange of health information (including for the reporting of quality data under section 3010); and

(2) serve as a forum for the participation of a broad range of stakeholders with specific technical expertise in the development of standards, implementation specifications, and certification criteria to provide input on the effective implementation of health information technologies.

(b) STRUCTURE.—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure the following:

(1) DIVERSITY COMPOSITION.—The Entity is initially composed of members representing the Federal Government, consumers and patient organizations, organizations with expertise in privacy, organizations with expertise in security, health care providers, health plans, health information technology vendors, purchasers and employers, health informatics and entities engaged in research and academia, health information exchanges, organizations with expertise in infrastructure and technical standards, organizations with expertise in quality improvement, and other appropriate health entities.

(2) BROAD PARTICIPATION.—There is broad participation in the Entity by a variety of public and private stakeholders, either through membership in the Entity or through other means.

(3) PUBLISHED BUSINESS PLAN: GOVERNANCE RULES.—The Entity has a business plan and a published set of governance rules that provide a mechanism that enable it to be self-sustaining and to fulfill the purposes stated in this section, and the Entity publishes such plan and such rules on an Internet site that it develops and maintains.

(4) CHAIRPERSON; VICE CHAIRPERSON.—The Entity, in consultation with the Secretary, determines who shall serve as the chairperson and one member to serve as the vice chairperson of the Entity.

(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the Entity, and the National Coordinator shall act as a liaison among the Entity, the Community, and the Federal Government.

(E) STANDARD TESTING PILOT PROJECT.—In developing the procedures for conducting the activities of the Entity, the Entity shall act to ensure a balance among various sectors of the health care industry.

(6) BROAD VENEERED SECTORS.—In developing the procedures for conducting the activities of the Entity, the Entity shall act to ensure a balance among various sectors of the health care industry.

(f) AGREEMENTS.—The Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, harmonizing, or recognizing standards or implementation specifications, and certification criteria that claim to be in compliance with applicable standards and implementation specifications.

(3) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the Entity. The Secretary shall ensure the following:

(1) the Entity, in consultation with the Secretary, develops, harmonizes, or recognizes standards and implementation specifications consistent with the purposes stated in this section, and the Secretary reviews, and if appropriate, adopts such criteria; and

(2) the Entity shall develop and maintains an Internet website on which it publishes, prior to each meeting, a meeting agenda, and meeting materials.

(3) OPPORTUNITY FOR PUBLIC COMMENT.—The Entity shall develop a process that allows for public comment during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

(4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The Entity shall develop and maintains an Internet website on which it publishes, prior to each meeting, a meeting agenda, and meeting materials.

(5) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The Entity shall develop and maintains an Internet website on which it publishes, prior to each meeting, a meeting agenda, and meeting materials.

(6) REPORT.—Not later than 12 months after the date of enactment of this title, the Entity publishes a report on progress made in developing, harmonizing, and recognizing standards, implementation specifications, and certification criteria, and in achieving broad participation of stakeholders in its processes.

(7) CERTIFICATION.—In providing for the establishment of the Entity pursuant to subsection (a), the Secretary shall ensure that—

(1) the Entity, in consultation with the Secretary, may recognize a private entity or entities for the purpose of developing, harmonizing, or recognizing standards, implementation specifications, and certification criteria, and in achieving broad participation of stakeholders in its processes.

(8) PUBLICATION.—The Secretary shall publish in the Federal Register and on the Internet website of the Department of Health and Human Services.

(9) STANDARDS AND IMPLEMENTATION SPECIFICATIONS.—All standards and implementation specifications developed, harmonized, or recognized by the Entity pursuant to this section shall be published in the Federal Register and on the Internet website of the Office of the National Coordinator.

(10) FEDERAL ACTION.—Not later than 6 months after the issuance of a standard or implementation specification by the Entity under this subsection, the Secretary, the Secretary of Veterans Affairs, and the Secretary of Defense, in collaboration with representatives of other relevant Federal agencies as determined appropriate by the President, shall jointly recommend or implement specification. Such determination shall be published in the Federal Register and on the Internet website of the Office of the National Coordinator but not later than 6 months after the date on which such determination is made.
entities to conduct the certifications described under paragraph (1) using the criteria adopted under this subsection.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to activities described in this section that are ongoing on the date of enactment of this title, including the establishment of an entity to support the development, harmonization, or recognition of standards, implement health information, from interoperable specifications, and certification criteria, regardless of whether such efforts are carried out prior to or after such date of enactment.

(4) REQUIREMENT TO CONSIDER RECOMMENDATIONS.—In carrying out the activities described in this section, the Entity shall integrate the recommendations of the Policy Committee that are adopted by the Secretary under section 309(c).

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $2,000,000 for each of fiscal years 2009 and 2010 to be available until expended.

SEC. 3004. HEALTH INFORMATION TECHNOLOGY POLICY COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the Health Information Technology Policy Committee to provide advice to the Secretary and the Comptroller General of whom—

(A) 1 member shall be appointed by the Secretary, (B) 1 member shall be appointed by the Secretary of Veterans Affairs who shall represent the Department of Veterans Affairs, (C) 1 member shall be appointed by the Secretary of Defense who shall represent the Department of Defense, (D) 1 member shall be appointed by the majority leader of the Senate, (E) 1 member shall be appointed by the minority leader of the Senate, (F) 1 member shall be appointed by the Speaker of the House of Representatives, (G) 1 member shall be appointed by the minority leader of the House of Representatives, (H) 1 member shall be appointed by the Comptroller General of whom—(i) three members shall represent patients or consumers; (ii) one member shall represent health care providers; (iii) one member shall be from a labor organization representing health care workers; (iv) one member shall have expertise in privacy and security; (v) one member shall have expertise in improving the health of vulnerable populations; (vi) one member shall represent health plans or other third party payers; (vii) one member shall represent information technology vendors; (viii) one member shall represent purchasers or employers; and (ix) one member shall have expertise in health care quality measurement and reporting.

(b) CHAIRPERSON AND VICE CHAIRPERSON.—The Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

(c) NATIONAL COORDINATOR.—The National Coordinator shall be a member of the Policy Committee and act as a liaigator among the Policy Committee, the Entity, and the Federal Government.

(2) CHAIRPERSON AND VICE CHAIRPERSON.—The Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Policy Committee.

(3) NATIONAL COORDINATOR.—The National Coordinator shall be a member of the Policy Committee and act as a liaison among the Policy Committee, the Entity, and the Federal Government.

(4) PARTICIPATION.—The members of the Policy Committee shall, under paragraph (1) represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

(5) TERMS.—(A) IN GENERAL.—The terms of members of the Policy Committee shall be staggered and except that the Comptroller General shall designate staggered terms for the members first appointed.

(B) VACANCIES.—Any member appointed to fill a vacancy in the membership of the Policy Committee that occurs prior to the expiration of the term for which the member was appointed and not be appointed only for the remainder of that term. A member may serve after the expiration of the member’s term until a successor has been appointed. A vacancy in the Policy Committee shall be filled in the manner in which the original appointment was made.

(6) OUTSIDE INPUT.—The Policy Committee shall ensure an adequate opportunity for the participation of outside advisors, including individuals with expertise in—

(A) health information privacy and security, (B) improving the health of vulnerable populations, (C) health care quality and patient safety, including individuals with expertise in measurement and the use of health information technology to capture data to improve health care quality and patient safety, (D) long-term care and aging services, (E) medical and clinical research, and (F) data exchange and developing health information technology standards and new health information technology.

(7) QUORUM.—Ten members of the Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

(8) FAILURE OF INITIAL APPOINTMENT.—(A) FORFEITURE OF AUTHORITY TO APPOINT.—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (1) to appoint one or more members of the Policy Committee has not appointed the full number of members that such paragraph authorizes such official to appoint—

(i) the number of members that such official is authorized to appoint shall be reduced to the number of members that such official has appointed as of that date, and

(ii) the number prescribed in paragraph (7) as the quorum shall be reduced to the number that such official has appointed that is greater than one-half of the total number of members who have been appointed as of that date.

(B) TRANSITION RULE.—With respect to an official authorized under paragraph (1) to appoint one or more members of the Policy Committee and who has not appointed the full number of members that such paragraph authorizes such official to appoint within the 120-day period described in subparagraph (A), upon a change in such official (resulting from the convening of a new Congress or the swearing in of a new President), a new 120-day period shall begin to run under such subparagraph with respect to the remaining members to be appointed by such official.

(9) FEDERAL AGENCIES.—(1) STAFF OF OTHER FEDERAL AGENCIES.—Upon the request of the Policy Committee, the head of any Federal agency may detail, without reimbursement, any of the personnel of such agency to the Policy Committee to assist in carrying out the duties of the Policy Committee. Any such detail shall not in any manner impair the civil service status or privileges of the Federal employee involved.

(2) TECHNICAL ASSISTANCE.—Upon the request of the Policy Committee, the head of a Federal agency shall provide such technical assistance to the Policy Committee as the
Policy Committee determines to be necessary to carry out its duties.

“(3) OTHER RESOURCES.—The Policy Committee shall have reasonable access to materials, statistical data, and other information from the Library of Congress and agencies and elected representatives of the executive and legislative branches of the Federal government. The chairperson or the chairperson of the Policy Committee shall make requests for such access in writing when necessary.

“(d) ADMINISTRATIVE PROVISIONS.—

“(1) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Policy Committee, except that the term provided in section 1(a)(2) of such Act shall be not longer than 7 years.

“(2) CHARTER.—

“(A) IN GENERAL.—The Secretary shall file the Policy Committee charter prescribed by section 9(c) of the Federal Advisory Committee Act (5 U.S.C. App.) not later than 120 days after the date of enactment of this title.

“(B) FAILURE TO FILE.—If the charter described in subparagraph (A) has not been filed by the date specified in such subparagraph, such subparagraph shall be construed to restrict the requirement in subsection (a) of this section.

“(g) SUNSET.—The provisions of this section shall not apply after September 30, 2014.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $2,000,000 for each of fiscal years 2009 and 2010.

“SEC. 3005. FEDERAL PURCHASING AND DATA COLLECTION.

“(a) COORDINATION OF FEDERAL SPENDING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), not later than 2 years after the adoption by the President of a recommendation under section 3005(c)(8), a Federal agency shall not expend Federal funds for the purchase of any new health information technology or health information technology system for clinical care or for the electronic retrieval, storage, or exchange of health information if such technology or system is not consistent with applicable standards and implementation specifications adopted by the Federal Government under section 3001.

“(2) EXCEPTIONS.—The President may authorize an exception to the requirement in paragraph (1) if the Secretary determines that the exception is necessary to the efficient administration of the Federal agency involved or for economic reasons, including a case in which—

“(A) the purchasing cycles involved preclude modifying specifications without significant costs; and

“(B) a new technology or system must serve as a substitute for an older technology system whose replacement or modification would impose significant costs.

“(3) RULE OF CONSTRUCTION.—Nothing in paragraph (2) shall be construed to require the purchase of minor (as determined by the Secretary) hardware or software components in order to modify, correct a deficiency in, or extend the life of existing hardware or software.

“(b) VOLUNTARY ADOPTION.—Any standards and implementation specifications adopted by the Federal Government under section 3003(c)(8) shall be voluntary with respect to private entities.

“(c) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 3 years after the adoption by the Federal Government of a recommendation as provided for in section 3003(c)(8), agencies collecting health data in an electronic format for the purposes of quality reporting, surveillance, epidemiology, adverse event reporting, research, or for other purposes determined appropriate by the Secretary, shall comply with applicable standards and implementation specifications adopted under this section. The requirements of this subsection shall apply to the collection of health data pursuant to programs authorized or required by the Federal Government only as authorized or required by such Act.

“(d) ELECTRONIC SUBMISSION.—The Secretary shall implement procedures to enable the Data Bank and Health Information Services to accept the electronic submission of data for activities described in this title and the Federal Food, Drug, and Cosmetic Act.

“SEC. 3006. QUALITY REPORTING AGENCY REPORTS.

“(a) PURPOSE.—The purpose of this section is to provide for the development of reports based on Federal health care data and private data that is publicly available or is provided by the entity making the request for the report in order to—

“(1) improve the quality and efficiency of health care and advance health care research;

“(2) enhance the education and awareness of consumers for evaluating health care services; and

“(3) provide the public with reports on national, regional, and provider- and supplier-specific performance, which may be in a provider- or supplier-identifiable format.

“(b) PROCEDURES FOR THE DEVELOPMENT OF REPORTS.—

“(1) IN GENERAL.—Notwithstanding section 552(a)(6) or 552a(b)(6) of title 5, United States Code, subject to paragraph (2), not later than 12 months after the date of enactment of this section, the Secretary, in accordance with the purpose described in subsection (a), shall establish and implement procedures under which an entity may submit a request to a Quality Reporting Organization for the Organization to develop a report based on—

“(A) Federal health care data disclosed to the Organization under subsection (c);

“(B) private data that is publicly available or is provided to the Organization by the entity making the request for the report; and

“(C) clinical data, when available, used to improve the quality of care, monitor chronic diseases and medical procedures, and includes the following characteristics:

“(i) has multi-institutional data sources;

“(ii) is not national in scope and does not synchronize the quality of care for the Nation;

“(iii) has publicly available protocols that encompass common definitions, data collection, sampling size, methodology, and standardized reporting format;

“(iv) has an external audit process to ensure accuracy and quality of data;

“(v) is risk-adjusted to ensure appropriate data comparisons; and

“(2) DEFINITIONS.—In this section:

“(A) FEDERAL HEALTH CARE DATA.—

“(i) IN GENERAL.—Subject to clause (ii), the term ‘Federal health care data’ means—

“(I) identified enrollment data and deidentified claims data maintained by the Secretary or entities under programs, contracts, grants, memoranda of understanding administered by the Secretary; and

“(II) where feasible, other deidentified enrollment data and deidentified claims data maintained by the Federal Government or entities under contract with the Federal Government.

“(ii) EXCEPTION.—The term ‘Federal health care data’ means—

“(I) data maintained by the Secretary under section 3003;

“(II) data maintained by the Secretary under section 3005;

“(III) other data maintained by the Secretary under section 3006 for which the Secretary determines that such data is required for the Federal Government to implement the requirements of this title; and

“(IV) data that is to be disclosed to the Secretary under section 3007.

“(B) QUALITY REPORTING ORGANIZATION.—The term ‘Quality Reporting Organization’ means an entity with a contract under subsection (d).

“(C) ACCESS TO FEDERAL HEALTH CARE DATA.—

“(1) IN GENERAL.—The procedures established under subsection (b)(1) shall provide for the secure disclosure of Federal health care data to each Quality Reporting Organization.

“(2) UPDATE OF INFORMATION.—Not less than every 6 months, the Secretary shall update the information disclosed under paragraph (1) to Quality Reporting Organizations.

“(d) QUALITY REPORTING ORGANIZATIONS.—

“(1) IN GENERAL.—

“(A) CONTRACTS.—Subject to subparagraph (B), the Secretary shall enter into a contract with up to 3 private entities to serve as Quality Reporting Organizations under which an entity shall—

“(i) store the Federal health care data that is to be disclosed under subsection (c); and

“(ii) develop and release reports pursuant to subsection (e).

“(B) ADDITIONAL CONTRACTS.—If the Secretary determines that reports are not being developed and released within 6 months of the receipt of the request for the report, the Secretary shall enter into additional contracts with additional private entities in order to ensure that such reports are developed and released in a timely manner.

“(2) QUALIFICATIONS.—The Secretary shall enter into a contract with an entity under paragraph (1) only if the Secretary determines that the entity—

“(A) has the research capability to conduct and complete reports under this section;

“(B) has in place—

“(i) an information technology infrastructure to support the database of Federal health care data that is to be disclosed to the entity; and

“(ii) national standards to provide secure coverage for such database;

“(C) has experience with, and expertise on, the development of reports on health care quality and efficiency; and

“(D) has a significant business presence in the United States.

“(3) CONTRACT REQUIREMENTS.—Each contract with an entity under paragraph (1) shall contain the following requirements:

“(A) ENSURING BENEFICIARY PRIVACY.—

“(i) HIPAA.—The entity shall meet the requirements in 45 Code of Federal Regulations, parts C of title XI and all other applicable regulations promulgated thereunder, including regulations (relating to privacy, electronic transactions, and security) adopted pursuant to the authority of the Secretary under section 264(c) of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

“(ii) OTHER STATUTORY PROTECTIONS.—The entity shall be required to refrain from disclosing data that could be withheld by the Secretary under section 552 of title 5, United States Code, or whose disclosure by the Secretary would violate section 552a of such title.

“(B) PROPRIETARY INFORMATION.—The entity shall provide assurances that the entity will not disclose any negotiated price concessions, such as discounts, direct or indirect subsidies, rebates, and direct or indirect remunerations, obtained by health care providers or suppliers or health care plans, or any other proprietary cost information.

“(C) DISCLOSURE.—The entity shall disclose—

“(i) any financial, reporting, or contractual relationship between the entity and any health care provider or supplier or health care plan; and

“(ii) if applicable, the fact that the entity is managed, controlled, or operated by any...
health care provider or supplier or health care plan.

"(D) COMPONENT OF ANOTHER ORGANIZATION.—If the entity is a component of another organization—

"(i) the entity shall maintain Federal health care data and reports separately from the rest of the organization and establish appropriate security measures to maintain the confidentiality and privacy of the Federal health care data and reports; and

"(ii) the entity shall not make an unauthorized disclosure of the rest of the organization of Federal health care data or reports in breach of such confidentiality and privacy requirements.

"(E) TERMINATION OR NONRENEWAL.—If a contract under this section is terminated or not renewed, the following requirements shall apply:

"(i) CONFIDENTIALITY AND PRIVACY PROTECTIONS.—The entity shall continue to comply with the confidentiality and privacy requirements under this section with respect to all Federal health care data disclosed to the entity and each report developed by the entity.

"(ii) DISPOSITION OF DATA AND REPORTS.—The entity shall—

"(A) at the direction of the Secretary all Federal health care data disclosed to the entity and each report developed by the entity; or

"(B) if returning the Federal health care data and implementing the Quality Reporting Organization under this section in the event of a merger or acquisition of the Department; or

"(C) if returning the Federal health care data and reports; and

"(D) if returning the Federal health care data.

"(4) COMPETITIVE PROCEDURES.—Competitive procedures (as defined in section 5 of the Federal Procurement Policy Act) shall be used to enter into contracts under paragraph (1).

"(5) REVIEW OF CONTRACT IN THE EVENT OF A MERGER OR ACQUISITION.—The Secretary shall review the contract with a Quality Reporting Organization under this section in the event of a merger or acquisition of the Organization to ensure that the requirements under this section will continue to be met.

"(e) DEVELOPMENT AND RELEASE OF REPORTS BASED ON REQUESTS.—

"(1) REQUEST FOR A REPORT.—

"(A) REQUEST.—

"(i) IN GENERAL.—The procedures established under subclause (b)(1) shall include a process for an entity to submit a request to a Quality Reporting Organization for a report based on Federal health care data and privacy protected health information publicly available, destroy the reports and Federal health care data.

"(ii) RELEASE TO PUBLIC.—The procedures established under subclause (b)(1) shall include a process for an entity to submit a request for a report to a Quality Reporting Organization for a report based on Federal health care data and privacy protected health information publicly available, destroy the reports and Federal health care data.

"(B) RELEASE TO PUBLIC.—The procedures established under subclause (b)(1) shall provide for the following:

"(i) UPDATED DESCRIPTION.—At the time of the release of a report by a Quality Reporting Organization under clause (i), the entity shall make available to the public, through the Internet website of the Department of Health and Human Services and other appropriate means, an updated brief description of both the requested report and the methodology to be used to develop such report.

"(ii) ANNUAL REVIEW OF REPORTS AND TERMINATION OF CONTRACTS.—

"(A) ANNUAL REVIEW OF REPORTS.—The Comptroller General of the United States shall review reports released under subsection (e)(2)(C) to ensure that such reports comply with the purpose described in subsection (a) and annually submit a report to the Secretary on such review.

"(B) TERMINATION OF CONTRACTS.—The Secretary may terminate a contract with a Quality Reporting Organization if the Secretary determines that there is a pattern of reports being released by the Organization that do not comply with the purpose described in subsection (a).

"(f) FEES.—

"(1) FEES FOR SECRETARY.—The Secretary shall charge a Quality Reporting Organization a fee for—

"(A) disclosing the data under subsection (c)(2)(B); and

"(B) conducting the review under subsection (e)(2)(B).

"(2) FEES FOR QRO.—

"(A) IN GENERAL.—Subject to subparagraphs (A) and (B), a Quality Reporting Organization may charge an entity making a request for a report a reasonable fee for the development and release of the report.

"(B) DISCOUNT FOR SMALL ENTITIES.—In the case of an entity making a request for a report (including a not-for-profit that has annual revenue that does not exceed $10,000,000, the Quality Reporting Organization shall reduce the reasonable fee charged to such entity under subparagraph (A) by an amount equal to 10 percent of such fee.

"(C) INCREASE FOR SMALL ENTITIES THAT DO NOT AGREE TO RELEASE REPORTS WITHIN 6 MONTHS.—In the case of a Quality Reporting Organization that does not agree to release a report being released to the public under clause (ii)(II) of subsection (e)(2)(C) within 6 months of the date of the release of the report to the entity under clause (i) of such subsection, the Quality Reporting Organization shall increase the reasonable fee charged to such entity under subparagraph (A) by an amount equal to 10 percent of such fee.

"(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to effect a change in the payment that is the Department may publish under section 552(a) of such fee.

"(g) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Secretary shall prescribe regulations to carry out this section.

"SEC. 13201. FACILITATING THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY

"Title XXX of the Public Health Service Act, as added by section 13191, is amended by adding at the end the following:
SEC. 3008. FACILITATING THE WIDESPREAD ADOPTION OF INTEROPERABLE HEALTH INFORMATION TECHNOLOGY.

(a) COMPETITIVE GRANTS FOR ADOPTION OF TECHNOLOGY.—

(1) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of health care.

(2) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) an entity shall—

(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability standards and implementation specifications;

(C) adopt the standards and implementation specifications adopted by the Federal Government under section 3003;

(D) implement the measures adopted under section 3003 and report to the Secretary on such measures;

(E) agree to notify individuals if their individually identifiable health information is wrongfully disclosed; and

(F) take into account the input of employees and staff who are directly involved in patient care of such health care providers to facilitate the purchase and use of qualified health information technology systems;

(G) demonstrate significant financial need;

(H) provide matching funds in accordance with paragraph (4); and

(I) be—

(i) a public or not for profit hospital;

(ii) federal qualified health center (as defined in section 1861(aa)(4) of the Social Security Act);

(iii) individual or group practice (or a consortium thereof); or

(iv) another health care provider not described in clause (i) or (ii) that serves medically underserved communities.

(3) USE OF FUNDS.—Amounts received under a grant under this subsection shall be used to—

(A) facilitate the purchase of qualified health information technology systems;

(B) train personnel in the use of such systems;

(C) enhance the utilization of qualified health information technology systems (which may include activities to increase the awareness among consumers of health care privacy protections); or

(D) improve the prevention and management of chronic disease.

(4) MATCHING REQUIREMENT.—To be eligible for a grant under this subsection an entity shall contribute non-Federal contributions to the cost of carrying out the activities for which the grant is awarded in an amount equal to $3 for each $1 of Federal funds provided under the grant.

(5) TERMINATION OF AWARDING GRANTS.—In awarding grants under this subsection the Secretary shall give preference to—

(A) eligible entities that will improve the degree to which a minority entity will link the qualified health information system to local or regional health information plans or plans; and

(B) with respect to awards made for the purpose of providing care in an outpatient medical setting, entities that organize their practices as a patient-centered medical home.

(b) COMPETITIVE GRANTS FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.—

(1) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to health care providers to facilitate the purchase and enhance the utilization of qualified health information technology.

(2) ELIGIBILITY.—To be eligible to receive a competitive grant under this subsection, a State shall establish a qualified health information technology loan fund (referred to in this subsection as a ‘State loan fund’) and comply with the other requirements contained in this subsection.

Amounts received under a grant under this subsection shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any such State loan fund.

(3) ELIGIBILITY.—To be eligible to receive a grant under paragraph (1) a State shall—

(A) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

(B) submit to the Secretary a strategic plan in accordance with paragraph (4);

(C) establish a qualified health information technology loan fund in accordance with paragraph (2);

(D) require that health care providers receiving loans under the grant adopt the standards adopted by the Federal Government under section 3003;

(E) require that health care providers receiving loans under the grant implement the measures adopted under section 3003; and

(F) provide matching funds in accordance with paragraph (4).

(4) STRATEGIC PLAN.—

(A) IN GENERAL.—A State that receives a grant under this subsection shall annually prepare a strategic plan that identifies the intended uses of the funds available to the State loan fund of the State.

(B) CONTENTS.—A strategic plan under subparagraph (A) shall include—

(i) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

(ii) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

(iii) a description of the financial status of the fund, the short-term and long-term goals of the State loan fund; and

(iv) a description of the strategies by which the State may use the proceeds of reasonable uses of the funds to facilitate the adoption of health information technology due to limited broadband access.

(5) USE OF FUNDS.—

(A) IN GENERAL.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used—

(i) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

(ii) to conduct activities for which Federal funds are expended under this title, or that are prohibited under the Wired for Health Care Quality Act; or

(iii) for any purpose other than making loans to eligible entities under this section.

(B) TYPES OF ASSISTANCE.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this subsection may only be used for the following:

(i) To award loans that comply with the following:

(I) The interest rate for each loan shall be less than or equal to the market interest rate.

(ii) The principal and interest payments on such loan shall commence not later than 1 year after the date on which the loan was awarded, and each loan shall be fully amortized not later than 10 years after such date.

(iii) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

(B) To guarantee, or purchase insurance for, a local obligation (which may include activities to increase the awareness among consumers of health care privacy protections) in which finance a project eligible for assistance under this subsection if the guarantee or purchase would improve credit market access, or reduce the interest rate applicable to the obligation involved.

(C) As a source of revenue for or security for the payment of principal and interest on revolving fund obligations issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

(D) To earn interest on the amounts deposited into the State loan fund.

(7) ADMINISTRATION OF STATE LOAN FUNDS.—

(A) COMBINED FINANCIAL ADMINISTRATION.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this subsection with the financial administration of any other revolving fund established by the State if not otherwise prohibited by the law under which the State loan fund was established.

(B) COST OF ADMINISTERING FUND.—Each State may annually use not to exceed 4 percent of the amount of the funds provided under this section to pay the reasonable costs of the administration of the programs under this section, including the salaries and other reasonable expenses of the individuals necessary to establish a State loan fund which are incurred after the date of enactment of this title.
(C) GUIDANCE AND REGULATIONS.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this subsection, including—

(i) provisions to ensure that each State commits and expends funds allotted to the State under this subsection as efficiently as possible, in accordance with this title and applicable State laws; and

(ii) guidance to prevent waste, fraud, and abuse.

(D) PRIVATE SECTOR CONTRIBUTIONS.—

(i) IN GENERAL.—A State loan fund established under this subsection may accept contributions from private sector entities, except that such entities may not specify the recipients or conditions of any loan issued under this subsection.

(ii) AVAILABILITY OF INFORMATION.—A State shall make publicly available the identity of, and amount contributed by, any private sector entity under clause (i) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

(E) MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may not make a grant under paragraph (1) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program established under this section in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

(B) DETERMINATION OF AMOUNT OF NON-FEDERAL CONTRIBUTIONS.—In determining the amount of non-Federal contributions that a State has provided pursuant to subparagraph (A), the Secretary may not include any amounts provided to the State by the Federal Government.

(F) PREFERENCE IN AWARDING GRANTS.—

The Secretary may give a preference in awarding grants under this subsection to States that adopt value-based purchasing programs to improve health care quality.

(G) REPORTS.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this subsection.

(H) COMPETITIVE GRANTS FOR THE IMPLEMENTATION OF REGIONAL OR LOCAL HEALTH INFORMATION TECHNOLOGY PLANS.—

(1) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application in accordance with paragraph (2).

(2) REQUIREMENTS.—At a minimum, an application submitted under this paragraph shall include—

(i) a description of the financial costs and benefits of the project involved and of the entity to which such costs and benefits accrue;

(ii) an analysis of the impact of the project on health care quality and safety;

(iii) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

(iv) other information as required by the Secretary.

(I) REQUIREMENT TO ACHIEVE QUALITY IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this project and shall, in awarding grants, implement the lessons learned from such evaluations in a manner so that such awards made subsequent to each such evaluation are made in a manner that, in the judgment of the Secretary, will result in the greatest improvement in quality measure sub-section

(1) health care providers (including health care providers that provide services to low income and underserved populations);

(ii) pharmacists or pharmacies;

(iii) health plans;

(iv) health centers (as defined in section 330(b) and federally qualified health centers (as defined in section 1861(aa)(4) of the Social Security Act) and rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act), if such centers or clinics are present in the community served by the entity;

(v) patient or consumer organizations;

(vi) organizations dedicated to improving the health of vulnerable populations;

(vii) employers;

(viii) State or local health departments; and

(ix) any other health care providers or other entities, as determined appropriate by the Secretary.

(J) demonstrate the participation, to the extent practicable, of stakeholders in the electronic exchange of health information within the local or regional plan pursuant to subparagraph (C).

(K) adopt nondiscrimination and conflict of interest policies that demonstrate a commitment to open, fair, and nondiscriminatory participation in the health information technology plan by all stakeholders.

(L) adopt the standards and implementation specifications adopted by the Secretary under section 3003.

(M) require that health care providers receiving such grants—

(i) implement the measures adopted under section 3010 and report to the Secretary on such measures; and

(ii) take into account the input of employees and staff who are directly involved in patient care providers in the design, implementation, and use of health information technology systems;

(N) agree to notify individuals if their individually identifiable health information is wrongfully disclosed;

(O) facilitate the electronic exchange of health information within the local or regional area and among local and regional areas;

(P) prepare and submit to the Secretary an application in accordance with paragraph (2);

(Q) agree to provide matching funds in accordance with paragraph (5); and

(R) reduce barriers to the implementation of health information technology by providers.

(S) APPLICATION.—

(A) IN GENERAL.—To be eligible to receive a grant under paragraph (1), an entity shall submit to the Secretary an application at the date on which the first grant is awarded under section 319D, alone or as a part of a consortium, and if the State has received such a grant, how the entity will coordinate the activities funded under such section 319D with the system under this section;

(B) PROVIDE MATCHING REQUIREMENTS.—

(A) IN GENERAL.—The Secretary may not make a grant under this subsection to an entity unless the entity agrees to pay a minimum of $1 for each $2 of Federal funds provided under the grant.

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (A) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services as subsidies, shall not be included in determining the amount of such non-Federal contributions.

(C) REPORTS.—Not later than 1 year after the date on which the first grant is awarded under this section, and annually thereafter during the grant period, an entity that receives a grant under this section shall submit to the Secretary a report on the activities conducted under the grant.

(D) CERTIFICATION.—

(i) a description of the financial costs and benefits of the project involved and of the entity to which such costs and benefits accrue;

(ii) an analysis of the impact of the project on health care quality and safety;

(iii) a description of any reduction in duplicative or unnecessary care as a result of the project involved; and

(iv) other information as required by the Secretary.

(E) REQUIREMENT TO ACHIEVE QUALITY IMPROVEMENT.—The Secretary shall annually evaluate the activities conducted under this project and shall, in awarding grants, implement the lessons learned from such evaluations in a manner so that such awards made subsequent to each such evaluation are made in a manner that, in the judgment of the Secretary, will result in the greatest improvement in quality measure sub-section.
3010. The Secretary shall ensure that such evaluation take into account differences in patient health status, patient characteristics, and geographic location, as appropriate.

(1) ELIGIBLE ENTITIES.—An eligible entity may only receive a non-renewable grant under section (a) or a non-renewable grant under subsection (c).

(2) LOAN RECIPIENTS.—A health care provider or provider system to be funded under the grant in collaboration with 2 or more entities conducted under this title shall not award a grant under subsection (a) or a non-renewable grant under subsection (c).

(3) REQUIREMENTS.—The requirements described in this subsection are the following:

(A) a grant under subsection (a), an eligible entity or consortium shall not apply after September 30, 2012.

Subtitle C—Improving the Quality of Health Care

SEC. 13301. CONSENSUS PROCESS FOR THE ADOPTION OF QUALITY MEASURES FOR USE IN THE NATIONWIDE INTEROPERABLE HEALTH INFORMATION TECHNOLOGY INFRASTRUCTURE

Title XXX of the Public Health Service Act, as amended by section 13301, is further amended by the following:

(1) IN GENERAL.—Only for purposes of activities conducted under this title, and excluding all programs authorized under the Social Security Act, the Secretary shall provide for the endorsement and use of health care quality measures (referred to in this title as ‘‘quality measures’’) for the purpose of measuring the quality and efficiency of health care that may receive pursuant to programs authorized under this title.

(2) DESIGNATION OF, AND ARRANGEMENT WITH, ORGANIZATION;—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this title, the Secretary shall designate, and have in effect an arrangement with, a single organization that meets the requirements of subsection (c) under which such organization shall promote the development of quality measures by a variety of quality measurement development organizations, including the Physician Consortium for Performance Improvement, the National Committee for Quality Assurance, and any other programs of activities conducted under this title and provide the Secretary with advice and recommendations on the key elements and priorities of a national system for health care quality measurement for purposes of activities conducted under this title.

(B) RESPONSIBILITIES.—The responsibilities of the organization designated under paragraph (1) (in this title referred to as the ‘‘designated organization’’) shall include—

(A) establishing and managing an integrated strategy and process for setting priorities and goals in establishing quality measures only for purposes of activities conducted under this title;

(B) coordinating and harmonizing the development and testing of such measures;

(C) establishing standards for the development and testing of such measures;

(D) endorsing national consensus quality measures;

(E) recommending, in collaboration with multi-stakeholder groups, quality measures to the Secretary for adoption and use only for purposes of activities conducted under this title;

(F) promoting the development and use of electronic health records that contain the functionality for automated collection, aggregation, and transmission of performance measurement information; and

(G) providing recommendations and advice to the Secretary regarding the integration of quality measures into the standards, implementation specification, and certification criteria adoption process outlined under section 3003 and the Policy Committee regarding national policies outlined under section 3001.

(2) REQUIREMENTS.—The requirements described in this subsection are the following:

(A) health care providers or groups representing providers;

(B) health plans or groups representing health plans;

(C) patients or consumers enrolled in such plans or groups representing individuals enrolled in such plans;

(D) health care purchasers and employers or groups representing purchasers or employers;

(E) organizations that develop health information technology standards and new health information technology;

(F) OTHER REQUIREMENTS.—The membership of the board of directors of the entity shall be representative of individual and other plans for purposes with experience with—

(A) urban health care; or

(B) rural health care; or

(C) safety net health care; or

(D) quality and safety issues; or

(E) State or local health programs;

(F) individuals or entities skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

(G) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

(4) OPEN AND TRANSPARENT.—With respect to activities conducted under this title, and excluding all programs authorized under the Social Security Act, the Secretary shall comply with the following:

(1) REQUIREMENTS.—The quality measures developed under this title only for purposes of activities conducted under this title shall comply with the following:

(A) evidence-based, reliable, and valid;
"(B) include—

(1) measures of clinical processes and outcomes, patient experience, efficiency, and equity; and

(2) measures to assess effectiveness, timeliness, patient self-management, patient centeredness, and safety; and

(C) include measures of underuse and overuse.

(2) PRIORITIES.—In carrying out its responsibilities under this section, the designated organization shall ensure that priority is given to—

(A) measures with the greatest potential impact for improving the performance and efficiency of care;

(B) measures that may be rapidly implemented by group health plans, health insurance issuers, physicians, hospitals, nursing homes, long-term care providers, and other providers;

(C) measures which may inform health care decisions made by consumers and patients;

(D) measures that apply to multiple services furnished by different providers during an episode of care;

(E) measures that can be integrated into the standards, implementation specifications, and the certification criteria adoption process described in section 3003; and

(F) measures that may be integrated into the decision support function of qualified health information technology as defined by this title.

(3) RISK ADJUSTMENT.—The designated organization, in consultation with performance measure developers and other stakeholders, shall establish procedures to ensure that quality measures take into account differences in patient health status, patient characteristics, and geographic location, as appropriate.

(4) MAINTENANCE.—The designated organization, in consultation with owners and developers of quality measures, shall have in place protocols designed to ensure that such measures are current and reflect the most recent available evidence and clinical guidelines.

(e) GRANTS FOR PERFORMANCE MEASURE DEVELOPMENT.—The Secretary, acting through the Agency for Healthcare Research and Quality, may award grants, in amounts not to exceed $50,000 each, to organizations through the Agency for Healthcare Research and Quality, in consultation with owners and developers of quality measures, that are available and appropriate, the Secretary shall ensure that such measures are current and reflect the most recent available evidence and clinical guidelines.

(f) RIGHTS OF INDIVIDUALS TO ELECTRONIC ACCESS.—With respect to the right of access to and use, from quality measures recommended by the Secretary under paragraph (e), effective not later than 180 days after the date of enactment of this title or the issuance of guidance by the Secretary, each entity that maintains health information in an electronic format shall, to the extent readily producible, provide an individual access to that information in the form or format requested by the individual, including the information fraudulently entered, in a designated electronic record set and, to the extent that such an entity has a covered entity agreement with another individual, including the information fraudulently entered, in a designated electronic record set and, to the extent that such an entity has a covered entity agreement with another entity, including the information fraudulently entered, in a designated electronic record set.

(g) MEASURES RELATING TO EQUIPMENT.—In applying the standards, implementation specifications, and the certification criteria adoption process described in section 3003, the Secretary shall ensure that such measures are current and reflect the most recent available evidence and clinical guidelines.

(h) REPORTING.—The Secretary shall report to the Committee on the Judiciary of the House of Representatives, a report on compliance under this section.

(i) REPORTS ON ELECTRONIC ACCESS.—The Secretary shall disseminate a model summary notice of privacy rights required under the HIPAA Privacy Rule. Such summary notice shall be suitable for printing on one page and shall include separate statements on activities for which authorization is sought, shall describe the elements of the right to privacy and security in a clear and concise manner. Such summary notice shall be provided in a form separate from any other notice required under the HIPAA Privacy Rule.

SEC. 3014. REPORTING.

(3) the amount of civil money penalties imposed;
"(4) the number of compliance reviews conducted and the outcome of each such review; and
"(5) the number of subpoenas or closed cases; and
"(6) the Secretary's plan for improving compliance and enforcement in the coming year.

SEC. 1351. NOTIFICATION OF SECURITY BREACH.
"Not later than 1 year after the date of enactment of this title, and after notice and comment, the Secretary shall provide for the development of standards and protections and determine appropriate protocols regarding the notification trigger, methods, and contents of the notification by the entity responsible for the protected health information to the Secretary, before any protected health information has been lost, stolen, or otherwise disclosed for an unauthorized purpose. Such notification shall be made within 60 days of the discovery that such information has been lost, stolen, or otherwise disclosed.

The Secretary shall include exemptions to such standards and protection for law enforcement and national security purposes.

The Secretary shall determine penalties to be imposed on entities that fail to comply with this section in accordance with sections 176b and 177d of the Social Security Act.

SEC. 1351A. ACCOUNTABILITY.

"(a) CONSTRUCTING CONTRACTS.—The Secretary shall ensure that third party service providers capable of maintaining appropriate safeguards for the security, privacy, and integrity of protected health information are subject to the provisions of this title.

"(b) REQUIREMENT FOR CONTRACTS.—The Secretary shall require by contract that such service providers implement and maintain appropriate measures designed to meet the requirements of this title.

"(c) EFFECTIVE DATE.—This section shall take effect on the date that is 30 days after the date on which the Secretary transmits to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on Energy and Commerce of the House of Representatives a statement that the Secretary has complied with the requirements of this subsection.

Subtitle E—Miscellaneous Provisions

SEC. 13501. GAO STUDY.

Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate, the Committee on the Judiciary of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Energy and Commerce of the House of Representatives a report on the overall effectiveness and compliance of the efforts of the Committee on Health and Human Services to implement health privacy safeguards for entities that are not subject to this title, and any recommendations on how to improve effectiveness and compliance, if any.

SEC. 13502. HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.

Section 907 of the Public Health Service Act (42 U.S.C. 299b–3) is amended by adding at the end the following:

"(d) HEALTH INFORMATION TECHNOLOGY RESOURCE CENTER.—"(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Health Information Technology Resource Center (referred to in this subsection as the 'Center') to provide technical assistance and develop best practices to support and accelerate implementation, and effectively utilize interoperable health information technology in compliance with sections 3003 and 3010.

"(2) PURPOSES.—The purposes of the Center are to—

"(A) provide a forum for the exchange of knowledge and experience;

"(B) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

"(C) assess the occurrence of widely disseminated evidence and experience related to the adoption, implementation, and effective use of interoperable health information technology;

"(D) provide for the establishment of regional and local health information networks to facilitate the development of interoperability across health care settings and improve the quality of health care;

"(E) provide for the development of solutions to barriers to the exchange of electronic health information;

"(F) conduct other activities identified by the States, local, or regional health information networks, or health care stakeholders as a focus for developing and sharing best practices.

"(3) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure support, including development of the Center and facilitate information exchange across the public and private sectors.

"(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the duplication of Federal efforts with respect to the establishment of the Center, regardless of whether such efforts were carried out prior to or after the enactment of this subsection.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated, such sums as may be necessary for each of fiscal years 2009 and 2010 to carry out this section.

SEC. 13503. FACILITATING THE PROVISION OF TELEHEALTH SERVICES ACROSS STATE LINES.

Section 330L of the Public Health Service Act (42 U.S.C. 254z–18) is amended to read as follows:

"(a) FACILITATING THE PROVISION OF TELEHEALTH SERVICES ACROSS STATE LINES.—The Secretary may make grants to States that have adopted regional State reciprocity agreements for practitioner licensure, in order to expedite the provision of telehealth services across State lines.

"(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out subsection (a), there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 and 2010.

Beginning on page 648, strike line 1 and all that follows through line 9 on page 713.

SA 255. 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:

On page 654, between lines 19 and 11, insert the following:

"(D) EXEMPTION FOR CERTAIN EMPLOYERS.—

(i) IN GENERAL.—The provisions of this subsection shall not apply with respect to an otherwise assistance eligible individual if the employer that involuntarily terminated the individual (as described in paragraph (3)(C)) is an employer described in clause (ii).

(ii) EMPLOYER DESCRIBED.—An employer is described in this clause if—

(I) the employer's liability for payroll taxes (as defined in section 6422(b) of the Internal Revenue Code of 1986) for any quarter does not exceed the amount of the credit that the employer would be entitled to receive under section 3402 of such Code to compensate the employer for the costs of providing the subsidy under this subsection for such quarter; or

(ii) the cost of the employer's group health insurance premiums would increase by more than 5 percent (as certified under clause (iii)) as a result of the receipt by the unemployed employees of the employer of the subsidy under this subsection.

(iii) CERTIFICATION.—To qualify for the exemption described in clause (i)(II), the employer shall obtain a certification from an independent actuarial agency that the employer's historical group health insurance enrollment patterns and actuarial assumptions about the likely characteristics of new assistance eligible individuals would cause the employer's annual premium for all employees of the employer would increase by more than 5 percent above the growth rate in premiums that would have occurred except for the application of this subparagraph.

(iv) CRITERIA.—Not later than 30 days after the date of enactment of this Act, the Secretary shall publish appropriate criteria for the application of this subparagraph, including the appropriate standards for the conduct of the actuarial analyses described in clause (iii).

SA 256. Mr. ENZI submitted an amendment 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 431, between lines 8 and 9, insert the following:

"SEC. 160. NONAPPLICABILITY OF CERTAIN LABOR REQUIREMENTS TO SMALL BUSINESS GRANTS AND CONTRACTS.

(a) ROLE OF AGENCY ISSUING GRANT OR CONTRACT.—Notwithstanding any other provision of law, the head of any entity that awards a grant or contract described in subsection (c) shall ensure that the entity, and any construction manager acting on behalf of the entity with respect to such grant or contract, does not—

(I) require a bidder, offeror, recipient, contractor, or subcontractor for a grant or contract described in subsection (c) that is for less than $1,000,000 to comply with the provisions of this subchapter as if this title (40) United States Code (commonly referred to as the Davis-Bacon Act) or other Federal
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or State law that similarly requires the payment of a prevailing wage to various classes of employees with respect to such grant or contract or other related construction project; and
(2) require such bidder, offeror, recipient, contractor, subcontractor, or any other party to enter into, or agree to, any agreement with 1 or more labor organizations, with respect to such grant or contract or another related construction project.
(b) Nonapplicability of labor requirements.—Notwithstanding any other provision of law, a recipient of a grant or contract described in subsection (a) that is for less than $1,000,000 shall not be subject to—
(1) the provisions of subchapter IV of chapter 1 of title 41, United States Code (commonly referred to as the Davis-Bacon Act), or any other Federal or State law that similarly requires the payment of a prevailing wage to various classes of employees (not including any minimum wage requirements under applicable Federal or State law) with respect to such grant or contract or other related construction project.
(2) any requirement under Federal or State law that the recipient enter into or agree to, any agreement with 1 or more labor organizations, with respect to such grant or contract or other related construction project.
(c) Applicable grant or contract.—A grant or contract described in this subsection with respect to such grant or contract is funded from amounts appropriated under title I or this title; and
(d) Any Federal or State law that similarly requires the payment of a prevailing wage to various classes of employees (not including any minimum wage requirements under applicable Federal or State law) with respect to such grant or contract or other related construction project; and
(e) Any Federal or State law that similarly requires the payment of a prevailing wage to various classes of employees (not including any minimum wage requirements under applicable Federal or State law) with respect to such grant or contract or other related construction project.
SEC. 6001. Definitions.
As used in this title—
(1) the term ‘Secretary’ means the Secretary of the Treasury;
(2) the term ‘qualifying homeowner’ means any homeowner with an existing mortgage on their principal residence;
(3) the term ‘Office’ means the Office of Home Ownership Preservation and Foreclosure Prevention established under this title;
(4) the term ‘Program’ means the Home Ownership Preservation and Foreclosure Prevention Program established under this title.
SEC. 6002. Establishment of Office.
There is established in the Department of the Treasury the Office of Home Ownership Preservation and Foreclosure Prevention.
SEC. 6003. Functions.
(a) In General.—The Office shall be responsible for operating and supervising the Home Ownership Preservation and Foreclosure Prevention Program for the purpose of making loans, subject to sections 6004 and 6005, with respect to any qualifying homeowner.
(b) Financing.—The Secretary shall issue $100,000,000,000 in public debt for the purposes of funding the Program, including administrative costs associated with the Program.
(c) Loan Terms.—With respect to loans made under the Program—
(1) the interest rate applicable to such loans shall be fixed to the interest rate of the debt issued by the Secretary to finance the Program; and
(2) the duration of such loans shall be subject to a 30-year amortization schedule.
SEC. 6004. Limitations.
(a) In General.—Loans originated under the Program—
(1) may not be extended to homeowners who would have a monthly debt-to-income ratio of greater than 36 percent for all mortgage-related and non-mortgage-related lease is made; and
(2) shall be applied to the primary residence of the borrower only;
(3) may not exceed the lesser of 20 percent of the principal amount of the mortgage or $50,000;
(4) may only be applied to mortgages below the conforming loan limit used by the Federal Housing Administration; and
(5) may be used only for loans originated between January 1, 2003 and January 1, 2008.
(b) Prepayment Penalty.—There shall be no prepayment penalty for the early payment of a loan originated under this title.
SEC. 6005. Protections Against Taxpayer Liability.
(a) Full Recourse.—All loans made under the Program shall provide full recourse against the borrower for repayment on behalf of the half of the Department of the Treasury and the taxpayer.
(b) Priority of Obligation.—The Department of the Treasury shall have priority to receive a repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.
(c) No Ongoing Liability.—The United States shall have no additional obligations to the borrower or mortgage investor after a loan under the Program has been repaid.
SA 258. 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:

SEC. 6001. Definitions. As used in this title—
(1) the term ‘Secretary’ means the Secretary of the Treasury;
(2) the term ‘qualifying homeowner’ means any homeowner with an existing mortgage on their principal residence;
(3) the term ‘Office’ means the Office of Home Ownership Preservation and Foreclosure Prevention established under this title;
(4) the term ‘Program’ means the Office of Home Ownership Preservation and Foreclosure Prevention Program established under this title.

SEC. 6002. Establishment of Office. There is established in the Department of the Treasury the Office of Home Ownership Preservation and Foreclosure Prevention.

SEC. 6003. Functions. (a) In General.—The Office shall be responsible for operating and supervising the Home Ownership Preservation and Foreclosure Prevention Program for the purpose of making loans, subject to sections 6004 and 6005, with respect to any qualifying homeowner.
(b) Financing.—The Secretary shall issue $100,000,000,000 in public debt for the purposes of funding the Program, including administrative costs associated with the Program.
(c) Loan Terms.—With respect to loans made under the Program—
(1) the interest rate applicable to such loans shall be fixed to the interest rate of the debt issued by the Secretary to finance the Program; and
(2) the duration of such loans shall be subject to a 30-year amortization schedule.

SEC. 6004. Limitations. (a) In General.—Loans originated under the Program—
(1) may not be extended to homeowners who would have a monthly debt-to-income ratio of greater than 36 percent for all mortgage-related and non-mortgage-related lease is made; and
(2) shall be applied to the primary residence of the borrower only;
(3) may not exceed the lesser of 20 percent of the principal amount of the mortgage or $50,000;
(4) may only be applied to mortgages below the conforming loan limit used by the Federal Housing Administration; and
(5) may be used only for loans originated between January 1, 2003 and January 1, 2008.
(b) Prepayment Penalty.—There shall be no prepayment penalty for the early payment of a loan originated under this title.

SEC. 6005. Protections Against Taxpayer Liability.
(a) Full Recourse.—All loans made under the Program shall provide full recourse against the borrower for repayment on behalf of the half of the Department of the Treasury and the taxpayer.
(b) Priority of Obligation.—The Department of the Treasury shall have priority to receive a repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.
(c) No Ongoing Liability.—The United States shall have no additional obligations to the borrower or mortgage investor after a loan under the Program has been repaid.

SA 258. 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 7 and 8, insert the following:

(3) Quarterly Certification of No Taxpayer Liability.

(a) Full Recourse.—All loans made under the Program shall provide full recourse against the borrower for repayment on behalf of the half of the Department of the Treasury and the taxpayer.

(b) Priority of Obligation.—The Department of the Treasury shall have priority to receive a repayment over all liens or interests in the assets of the borrower during any bankruptcy or foreclosure proceeding.

(c) No Ongoing Liability.—The United States shall have no additional obligations to the borrower or mortgage investor after a loan under the Program has been repaid.

SA 259. 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 732, strike line 15 and all that follows through page 733, line 4, and insert the following:

SEC. 5004. Increased Resources to Combat Medicaid Fraud.

(a) Funding for the HHS Inspector General.—For purposes of ensuring the proper expenditure of Federal funds under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), there is appropriated to the Office of the Inspector General of the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated and withdrawn from it, $100,000,000 for each of fiscal years 2009 through 2013. Amounts appropriated under this section shall remain available for expenditure until expended and shall be in addition to any other amounts appropriated or made available to such Office for such purposes.

(b) State Medicaid Fraud Control Units.—(1) In General.—No State may elect to provide medical assistance under the State Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) (or under any waiver of such plan) to individuals described
in paragraph (2) unless the Secretary determines that the State has increased the amount of State expenditures attributable to the operation of the State Medicaid fraud control unit, as described in section 1908(c) of the such Act (42 U.S.C. 1396b(q)) by at least 50 percent more than the amount of such expenditures for the most recent fiscal year.

2) INDIVIDUALS who—

(a) are described in subparagraph (A) and meet the requirement of subparagraph (C)(ii).

(b) are the spouse, or dependent child under 19 years of age, of an individual described in clause (i); and

(c) meet the requirement of subparagraph (C)(iii).

3) catEgories DEScribed.—The categories of individuals described in this paragraph are each of the following:

(i) Individuals who are receiving unemployment compensation benefits, and

(ii) who were receiving, but have exhausted, unemployment compensation benefits on or after July 1, 2008.

(iii) Individuals who are involuntarily unemployed and who have been involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, whose family gross income does not exceed a percentage specified by the Secretary (not to exceed 200 percent) of the amount of the Federal poverty line as defined by the Office of Management and Budget, and revised annually in accordance with section 3101 of the Omnibus Budget Reconciliation Act of 1981 applicable to a family of the size involved, and who, but for such an election by the State, are not eligible for assistance under section 1905 of the Social Security Act or health assistance under a State plan for individuals described in paragraph (2) unless the Secretary determines that the State has increased the State Medicaid fraud control unit described in section 1903(q) of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) and including such expenditures that would be paid from a State allotment under title XXI of such Act) whose family income exceeds the State median income, as determined by the American Community Survey and as updated as necessary by the Secretary for the fiscal year.

The limitation under the preceding sentence shall not apply with respect to any expenditure allocated to amounts available for providing medical assistance under such a State plan for individuals described in section 1907(a)(3)(B) of such Act (42 U.S.C. 1396u-7(a)(3)(B)).

SA 262. Mr. INHOFE submitted an amendment intended to be proposed to the bill H.R. 1, making supplemental appropriations for the Departments of Commerce and Energy and science, assistance for ''Procurement'' for the Department of Defense, $5,232,000,000, with the amount of the reduction allocated to amounts available for supercomputing activities relating to climate change research.

4) DEPARTMENTAL MANAGEMENT FOR DEFENSE.—The amount appropriated by title II under the heading ''DEPARTMENTAL MANAGEMENT FOR DEFENSE'' is hereby reduced by $34,000,000.

5) FEDERAL BUILDINGS FUND FOR GSA.—The amount appropriated by title V under the heading ''FEDERAL BUILDINGS FUND FOR GSA'' is hereby reduced by $850,000,000.

6) ENERGY-EFFICIENT FEDERAL MOTOR VEHICLES.—The amount appropriated by title V under the heading ''ENERGY-EFFICIENT FEDERAL MOTOR VEHICLES'' is hereby reduced by $2,000,000,000, with the amount of the reduction allocated to amounts available for measures necessary to convert GSA facilities to High-Performance Green Buildings.

7) RESOURCE MANAGEMENT FOR US FISH AND WILDLIFE SERVICE.—The amount appropriated by title II under the heading ''RESOURCE MANAGEMENT FOR US FISH AND WILDLIFE SERVICE'' is hereby reduced by $65,000,000, with the amount of the reduction allocated as follows:

(A) $20,000,000 for trail improvements.

(B) $25,000,000 for habitat restoration.

(C) $20,000,000 for fish passage barrier removal.

8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading ''OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE'' is hereby reduced by $2,000,000,000, with the amount of the reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

9) REAL PROVISIONS.—The amount appropriated by title V under the heading ''REAL PROVISIONS'' is hereby reduced by $65,000,000, with the amount of the reduction allocated to amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

SA 263. Mr. STABENOW (for herself, Ms. CANTWELL, 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, 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 7 and 8, insert the following:

(2) INDIVIDUALS DESCRIBED.—The individuals described in this paragraph are—

(i) individuals who—

(I) are within one or more of the categories described in subparagraph (B); and

(II) meet the applicable requirements of subparagraph (C); and

(ii) individuals who—

(I) are the spouse, or dependent child under 19 years of age, of an individual described in clause (i); and

(II) meet the requirement of subparagraph (C)(ii).

(B) CATEGORIES DESCRIBED.—The categories of individuals described in this paragraph are each of the following:

(i) Individuals who are receiving unemployment compensation benefits; and

(ii) who were receiving, but have exhausted, unemployment compensation benefits on or after July 1, 2008.

(iii) Individuals who are involuntarily unemployed and who have been involuntarily separated from employment on or after September 1, 2008, and before January 1, 2011, whose family gross income does not exceed a percentage specified by the Secretary (not to exceed 200 percent) of the amount of the Federal poverty line as defined by the Office of Management and Budget, and revised annually in accordance with section 3101 of the Omnibus Budget Reconciliation Act of 1981 applicable to a family of the size involved, and who, but for such an election by the State, are not eligible for assistance under section 1905 of the Social Security Act or health assistance under a State plan for individuals described in paragraph (2) unless the Secretary determines that the State has increased the State Medicaid fraud control unit described in section 1903(q) of the Social Security Act (including under any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315) and including such expenditures that would be paid from a State allotment under title XXI of such Act) whose family income exceeds the State median income, as determined by the American Community Survey and as updated as necessary by the Secretary for the fiscal year.

The limitation under the preceding sentence shall not apply with respect to any expenditure allocated to amounts available for providing medical assistance under such a State plan for individuals described in section 1907(a)(3)(B) of such Act (42 U.S.C. 1396u-7(a)(3)(B)).

SA 262. Mr. INHOFE submitted an amendment intended to be proposed to the bill H.R. 1, making supplemental appropriations for the Departments of Commerce and Energy and science, assistance for ''Procurement'' for the Department of Defense, $5,232,000,000, with the amount of the reduction allocated among such accounts and a description of the items procured utilizing such funds, as follows:

SEC. 301. (a) ADDITIONAL AMOUNT FOR PROCUREMENT.—

(1) IN GENERAL.—For an additional amount for ''Procurement'' for the Department of Defense, $5,232,000,000, to remain available until expended, to manufacture or acquire vehicles, equipment, ammunition, and materials required for military units to an acceptable readiness rating and to re-stock prepositioned assets and war reserve material.

(2) AVAILABILITY.—The items for which the amount available under paragraph (1) shall be available shall include fixed and rotary wing aircraft, tracked and non-tracked combat vehicles, small arms, ammunition, communications equipment, maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expeditionary material handling equipment, and other expeditionary items.

(3) ALLOCATION AMONG PROCUREMENT ACCOUNTS.—The amount available under paragraph (1) shall be allocated among the accounts of the Department of Defense for procurement in such manner as the President considers appropriate. The President shall submit to the Committees on Appropriations a report setting forth the manner of the allocation of such amount among such accounts and a description of the items procured utilizing such funds.

(4) CONGRESSIONAL DEFENSE COMMITTEE DEFINED.—In this subsection, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.
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. 266. 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 48, strike line 21 and all that follows through line 26, line 25, and insert the following:

(C) provide wireless voice service to unserved or underserved areas;

(D) provide broadband education, awareness, training, access, equipment, and support to—

(i) schools, libraries, medical and healthcare providers, community colleges and other institutions of higher education, and other community support organizations and entities to facilitate greater use of broadband service by or through these organizations;

(ii) organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by low-income, unemployed, aged, and otherwise vulnerable populations;

(iii) job-creating strategic facilities located within a State-designated economic zone, Economic Development District designated by the Department of Commerce, Renewal Community or Empowerment Zone designated by the Department of Housing and Urban Development, or Enterprise Community designated by the Department of Agriculture.

(E) improve access to, and use of, broadband service by public safety agencies; and

(F) stimulate the demand for broadband, economic growth, and job creation.

(2) The Assistant Secretary may consult with the chief executive officer of any State with respect to—

(A) the identification of areas described in subsection (1)(A) or (B) located in that State; and

(B) the allocation of grant funds within that State for projects in or affecting the State.

(3) The Assistant Secretary shall—

(A) establish and implement the grant program as expeditiously as practicable;

(B) ensure that all awards are made before the end of fiscal year 2010;

(C) seek such assurances as may be necessary or appropriate from grantees under the program that they will substantially comply with the program in accordance with project timelines, not to exceed 2 years following an award; and

(D) report on the status of the program to the Committees on Appropriations of the House and the Senate, the Committee on Energy and Commerce of the House, and the Committee on Commerce, Science, and Transportation of the Senate, every 90 days.

(4) To be eligible for a grant under the program an applicant shall—

(A) be a State or political subdivision thereof, a nonprofit foundation, corporation, institution or association, Indian tribe, Native Hawaiian organization, or other nonprofit legal entity with a State or political subdivision thereof, Indian tribe, or Native Hawaiian organization if the Assistant Secretary determines the partnership consistent with the purposes this section;

(B) submit an application, at such time, in such form, and containing such information as the Assistant Secretary may require;

(C) provide a detailed explanation of how each amount received under the program will be used to carry out this section in an efficient and expeditious manner, including a demonstration that the project would not have been implemented during the grant period without Federal grant assistance;

(D) demonstrate, to the satisfaction of the Assistant Secretary, that it is capable of carrying out the project to which the application relates in a competent manner in compliance with all applicable Federal, State, and local laws;

(E) demonstrate, to the satisfaction of the Assistant Secretary, that it will appropriate (if the applicant is a State or local government) or otherwise unconditionally obligate, from non-Federal sources funds required to meet the requirements of paragraph (5);

(F) disclose to the Assistant Secretary the source and amount of any Federal or State funding sources from which the applicant receives, or has applied for, funding for activities or projects to which the application relates; and

(G) provide such assurances and procedures as the Assistant Secretary may require to ensure that such funds are used and accounted for in an appropriate manner.

(5) The Federal share of any project may not exceed 80 percent, except that the Assistant Secretary may increase the Federal share of any project above 80 percent if—

(A) the applicant petitions the Assistant Secretary for a waiver; and

(B) the Assistant Secretary determines that the petition demonstrates financial need.

(6) The Assistant Secretary may make competitive grants under the program to—

(A) acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure for broadband services;

(B) construct and deploy broadband service related infrastructure;

(C) construct and deploy broadband service infrastructure for the provision of wireless voice service;

(D) ensure access to broadband service by community anchor institutions; and

(E) facilitate access to broadband service by low-income, unemployed, aged, and otherwise vulnerable populations in order to provide educational and employment opportunities to members of such populations;

(F) construct and deploy broadband facilities that improve public safety broadband communications services; and

(G) undertake other projects and activities as the Assistant Secretary finds to be consistent with the purposes for which the program is established.

(7) The Assistant Secretary—

(A) shall require any entity receiving a grant pursuant to this section to report quarterly, in a format specified by the Assistant Secretary, on the status of the assistance and progress fulfilling the objectives for which such funds were granted, and
the Assistant Secretary shall make these reports available to the public; (B) may establish additional reporting and information requirements for any recipient of any assistance made available pursuant to this section; (C) shall establish appropriate mechanisms to ensure appropriate use and compliance with the terms of any use of funds made available pursuant to this section; (D) may, in addition to other authority under applicable law, deobligate grants to any entity that demonstrate an insufficient level of performance, or wasteful or fraudulent spending, as defined in advance by the Assistant Secretary, and award these funds competitively to new or existing applicants consistent with this section; and (E) shall create and maintain a fully searchable, accessible on the Internet at no cost to the public, that contains at least the name of each entity receiving funds made available pursuant to this section, the purpose for which such entity is receiving such funds, each quarterly report submitted by the entity pursuant to this section, and such other information sufficient to allow the public to understand and monitor grants awarded under the program. (8) Concurrent with the issuance of the Request for Proposal for grant applications pursuant to this section, the Assistant Secretary shall, in coordination with the Federal Communications Commission, publish the non-discrimination and neutrality interconnection obligations that shall be contractual conditions of grants awarded under this section. (9) Within 1 year after the date of enactment of this Act, the Commission shall complete a rulemaking to develop a national broadband plan. In developing the plan, the Commission shall—(A) consider the most effective and efficient national strategy for ensuring that all Americans have access to, and take advantage of, advanced broadband services; (B) have access to data provided to other Government agencies under the Broadband Data Improvement Act (4 U.S.C. 1301 note); (C) evaluate the status of deployments of broadband service, including the progress of projects supported by the grants made pursuant to this section; and (D) develop recommendations for achieving the goal of nationally available broadband service for the United States and for promoting broadband adoption nationwide. (10) The Assistant Secretary shall develop and maintain a comprehensive nationwide inventory map of existing broadband service capability and availability in the United States that entities and the public can use to understand the geographic extent to which broadband service capability is deployed and available from a commercial provider or public provider through enhanced Search. Said inventory map shall be maintained pursuant to this section accessible to the public. (11) For purposes of this section, the term "wireless voice service" means the provision of two-way, real-time voice communications using a mobile service.

SA 267. Mr. INHOFE submitted an amendment intended to be proposed to amendment SA 98 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 the Senate and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives, and the Senate and the Committee on Appropriations of the House of Representatives agreed to an amendment intended to be proposed to amendment SA 98 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 ADDITIONAL AMOUNTS FOR PROCUREMENT FOR RECONSTITUTION OF MILITARY UNITS AND RESTOCKING OF PREPOSITIONED ASSETS AND WAR RESERVE MATERIAL

SEC. 301. (a) ADDITIONAL AMOUNT FOR PROCUREMENT

(1) IN GENERAL.—For an additional amount for "Procurement" for the Department of Defense, $342,000,000, to remain available until expended, to manufacture or acquire equipment, vehicles, equipment, and materials required to reconstitute military units to an acceptable readiness rating and to re-stock prepositioned assets and reserve war material.

(2) AVAILABILITY.—The items for which the amount available under paragraph (1) shall be available shall include fixed and rotary wing aircraft, tracked and non-tracked combat bat vehicles, missiles, weapons, ammunition, communications equipment, maintenance equipment, naval coastal warfare boats, salvage equipment, riverine equipment, expedi-
tory material handling equipment, and other expeditionary items.

(b) APPLICABILITY.—The amount available under paragraph (1) shall be allocated among the accounts of the Department of Defense for procurement in such manner as the President considers appropriate. The President shall submit to the congressional defense committees a report setting forth the manner of the allocation of such amount among such accounts and a description of the items procured utilizing such amount.

(c) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(d) OFFSET.—

(1) PERIODIC CENSUSES AND PROGRAMS.—The amount appropriated by title II under the heading "BUREAU OF THE CENSUS" and under the heading "PERIODIC CENSUSES AND PROGRAMS" is hereby reduced by $1,000,000,000.

(2) DIGITAL-TO-ANALOG COMPUTER BOX PROGRAM.—The amount appropriated by title II under the heading "FEDERAL COMMUNICATIONS AND INFORMATION ADMINISTRATION" under the heading "DIGITAL-TO-ANALOG CONVERTER BOX PROGRAM" is hereby reduced by $500,000,000.

(3) PROCUREMENT, ACQUISITION, AND CONSTRUCTION FOR NOAA.—The amount appropriated by title II under the heading "NA"T"IONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION" under the heading "PROCUREMENT, ACQUISITION, AND CONSTRUCTION" is hereby reduced by $70,000,000, with the amount of the reduction allocated among the amounts available for supercomputing activities relating to climate change research.

(4) DEPARTMENTAL MANAGEMENT FOR DEPARTMENT OF COMMERCE.—The amount appropriated by title II under the heading "DEPARTMENT OF COMMERCE" under the heading "DEPARTMENTAL MANAGEMENT" is hereby reduced by $600,000,000.

(5) FEDERAL BUILDINGS FUND FOR GSA.—The amount appropriated by title V under the heading "GENERAL SERVICES ADMINISTRATION" under the heading "REAL PROPERTY ACTIVITIES" under the heading "FEDERAL BUILDINGS FUND" is hereby reduced by $2,000,000,000, with the amount of the reduction allocated among the amounts necessary to convert GSA facilities to High-Performance Green Buildings.

(6) ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT FOR GSA.—The amount appropriated by title V under the heading "GENERAL SERVICES ADMINISTRATION" under the heading "ENERGY-EFFICIENT FEDERAL MOTOR VEHICLE FLEET PROCUREMENT" is hereby reduced by $600,000,000.

(7) RESOURCE MANAGEMENT FOR U.S. FISH AND WILDLIFE SERVICE.—The amount appropriated by title VII under the heading "UNITED STATES FISH AND WILDLIFE SERVICE" under the heading "RESOURCE MANAGEMENT" is hereby reduced by $60,000,000, with the amount of the reduction allocated as follows:

(A) $20,000,000 for trail improvements.

(B) $25,000,000 for habitat restoration.

(C) $20,000,000 for fish passage barrier removal.

(8) OPERATING EXPENSES FOR CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.—The amount appropriated by title VIII under the heading "CORPORATION FOR NATIONAL AND COMMUNITY SERVICE" under the heading "OPERATING EXPENSES" is hereby reduced by $51,000,000, with the amount of the reduction allocated among the amounts available for research activities authorized under subtitle H of title I of the 1990 Act.

(9) SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—The amount appropriated by title XII under the heading "FEDERAL RAILROAD ADMINISTRATION" under the heading "SUPPLEMENTAL CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION" is hereby reduced by $950,000,000.

SA 268. Mr. CORNYN submitted an 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, strike lines 1 through 5. On page 58, between lines 9 and 10, insert the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other equipment and other purposes; which was ordered to lie on the table; as follows:

On page 58, strike lines 1 through 8. On page 59, between lines 3 and 4, insert "$5,400,000,000."
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:

FEDERAL AVIATION ADMINISTRATION
IN FURTHER 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 navigation, by incentivizing 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, $550,000,000, to remain available until September 30, 2010:

such purposes by $550,000,000.

reduced by a percentage that will reduce the appropriated by this division for administrative costs for additional agency administrative costs associated with the certification and oversight of the deployment of these systems, $550,000,000, to remain available until September 30, 2010:

(provided further that, with respect to any incentives for equipage, the Federal share of the costs shall be no more than 50 percent; and Provided further that such amount otherwise appropriated by this division for administrative costs or programmatic overhead shall be reduced by a percentage that will reduce the aggregate amount of Federal funding otherwise appropriated for such purposes by $550,000,000).

SA 270. Mr. Demint (for himself, Mr. Vitter, Mr. Wicker, and Mr. Chambliss) submitted an amendment intended to be proposed by him to the bill H.R. 1, making supplemental appropriations for job preservation and creation, transportation, 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:

TITLE —REGULATORY RELIEF FOR SMALL AND FAMILY-OWNED BUSINESS—CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008

SEC. 001. CERTAIN REQUIREMENTS INAPPLICABLE TO SECOND-HAND SELLERS.

Section 101(a) of the Consumer Product Safety Act (15 U.S.C. 1278a) is amended—

(1) by striking on the dates provided in paragraph (2), "in paragraph (1) and inserting "(b);"

(2) by striking "(15 U.S.C. 1261 et seq.)" in paragraph (1) and inserting "(15 U.S.C. 1261 et seq.) if it is manufactured after the date on which such limit takes effect;"

(3) by striking "3 years" in paragraph (6)(A) and inserting "900 days;"

(4) by striking "1 year" in paragraph (6)(B) and inserting "18 months;"

(5) by striking "3 years" in paragraph (2)(C) and inserting "3½ years;" and

(6) by striking "3 years" in paragraph (2)(D) and inserting "3½ years;"

(b) CONTENTS.—Section 14(a)(3)(A) of the Consumer Product Safety Act (15 U.S.C. 2063a(3)(A)) is amended by inserting "after August 9, 2009, and after "manufacturing." (c) APPLICATION.—The amendments made by subsections (a) and (b) shall be treated as having taken effect on August 15, 2008.

SEC. 003. LEAD CONTENT CERTIFICATION; WAIVER OF THIRD PARTY TESTING REQUIREMENT.

Section 14(g) of the Consumer Product Safety Act (15 U.S.C. 2063(g)) is amended by adding at the end thereof the following:

"(2) SUPPLEMENTAL GUIDANCE FOR THIRD PARTY TESTING AND CERTIFICATION.—Subsection (a) shall not require the manufacturer or private labeler of a product to test a product for, or certify it with respect to, "lead content if—

(A) each component of the product has been tested for lead content by the manufacturer or private labeler of the component; and

(B) the manufacturer or private labeler of each such component certifies that the component (including paint, electroplating, and other coatings) does not contain more lead than the limit established by section 101(a)(2) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(2)(A));"

SEC. 004. SUSPENSION OF ENFORCEMENT PENDING FINAL REGULATIONS.

Notwithstanding any provision of law to the contrary, neither the Consumer Product Safety Commission nor the Attorney General of any State may initiate an enforcement proceeding under the Consumer Product Safety Act or the Federal Hazardous Substances Act for failure to comply with the requirement of section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(2)(A)):

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(C) of that Act.

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(C) of that Act.

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(C) of that Act.

(2) Section 101(a) of that Act with respect to certain electronic devices described in section 101(b)(4) of that Act, until the date on which the Commission promulgates a final rule providing the guidance required by section 101(b)(2)(C) of that Act.

(a) The Commission has established and final notice of the requirements for accreditation of third party conformity assessment bodies under section 14(d)(1)(A) or that Act for products to which children’s product safety rules established or revised before August 14, 2008, apply.

(b) The Commission has established by final regulation requirements for the periodic audit of third party conformity assessment bodies under section 14(d)(1) of that Act (15 U.S.C. 2063(d)(1)), or


SEC. 005. WAIVER OF CIVIL PENALTY FOR INITIAL GOOD FAITH VIOLATION.

Section 20(c) of the Consumer Product Safety Act (15 U.S.C. 2063(c)) is amended by adding at the end thereof the following: "The Commission shall waive any civil penalty under this section if the Commission determines that—

(1) the violation is the first violation of section 19(a) by that person; and

(2) the person was acting in good faith with respect to the act or omission that constitutes the violation.

SEC. 006. SMALL ENTERPRISE COMPLIANCE ASSISTANCE.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, or as soon thereafter as is practicable, the Consumer Product Safety Commission, in consultation with the Small Business Administration and State small business agencies, shall develop a compliance guide for small enterprises to assist them in complying with the require-


(b) CONTENTS.—The guide—

(1) shall be designed to assist small enter-

prizes to determine—

(A) whether the Consumer Product Safety Act (or any other Act enforced by the Com-

mission) applies to their business activities; and

(B) whether they are considered distribu-

tors, manufacturers, private labelers, or re-

tailers under the Act; and

(2) shall provide guidance on how to com-

ply with any such applicable rule, standard, regulation, or requirement, including—

(A) what actions they should take to en-

sure that they meet the requirements; and

(B) how to determine whether they have met the requirements; and

(3) may contain such additional informa-

tion as the Commission deems appropriate, including telephone, e-mail, and Internet contacts for compliance support and infor-

mation.

(c) PUBLICATION AND DISTRIBUTION.—The Commission shall—

(1) publish a sufficient number of copies of the guide to satisfy both individual requests for copies and mass requests to accommo-

date distribution by chambers of commerce, trade associations and other organizations the membership of which includes small enter-

prises whose business activities are aff-

ected by the requirements of the Consumer Product Safety Act and other Acts enforced by the Commission;

(2) make the guide available, without charge, by mail;

(3) provide easy access to the guide on the Commission’s public website.

February 4, 2009

CONGRESSIONAL RECORD — SENATE S1579
SA 271. 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 S. 1580, 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. 1007. COMMUNITY ASSISTANCE.

For an additional amount for the Office of Refugee Resettlement of the Department of Health and Human Services, $112,000,000, and for the Bureau of Population Refugees and Migration of the Department of State, $48,000,000, to assist communities resettling individuals who have been granted status pursuant to section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163), or section 1244 of the National Security Authorization Act for Fiscal Year 2008 (Public Law 110-181), or who have been provided status as refugees under Federal law.

SA 272. Mr. ROCKEFELLER (for 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 S. 1580, 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 11 and 12, insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

For an additional amount for Industrial Technology Services, $48,000,000, to be available for the necessary expenses of the Technology Innovation Program, to remain available until September 30, 2010.

SA 273. Mr. CASEY (for himself, Ms. SNOWE, and Mr. Voinovich) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE for himself and Mr. BAUCUS to the bill S. 1580, 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 10, line 26, before the period at the end insert ‘‘; including all Federally provided commodities’’.

SA 274. Ms. CANTWELL (for herself, Mr. HATCH, Ms. STABENOW, 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 S. 1580, 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 10, line 26, before the period at the end insert ‘‘; including all Federally provided commodities’’.

SEC. 1124. RECOVERY PERIOD FOR DEPRECIATION OF SMART MACHINES AND SMART GRID SYSTEMS.

(a) 5-YEAR RECOVERY PERIOD.

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ‘‘and’’ at the end of clause (i), by striking the comma at the end of clause (ii) and inserting ‘‘and’’, and by adding at the end the following new clauses:

‘‘(iii) any qualified smart electric meter, and

(iv) any qualified smart electric grid system.’’.

(b) CONFORMING AMENDMENTS.—Subparagraph (D) of section 168(e)(3) is amended by inserting ‘‘and’’ at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

SEC. 1125. MODIFICATION OF CREDIT FOR QUALIFIED PLUGIN ELECTRIC VEHICLE.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30(d)(2)(B) is amended by inserting ‘‘250,000’’ and inserting ‘‘500,000’’.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM ELECTRIC VEHICLE CREDIT.—Section 30(d)(1) is amended to read as follows:

‘‘(1) MOTOR VEHICLE.—The term ‘motor vehicle’ means a motor vehicle as defined in section 30 which is treated as a motor vehicle for purposes of title II of the Clean Air Act.’’.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30(b) is amended by inserting after subsection (d) the following new subsection:

‘‘(e) CREDIT FOR CERTAIN OTHER VEHICLES.—

(1) QUALIFIED PLUGIN ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘qualified plug-in electric drive motor vehicle’ means a motor vehicle that is electrically driven and that is a plug-in hybrid electric vehicle that—

(A) draws propulsion energy from an electric grid;

(B) is capable of running on electricity and gasoline or other fuels;

(C) has a fuel economy of at least 62 miles per gallon of gasoline equivalent;

(D) includes a low-speed motor vehicle;

(E) has a range of at least 30 miles at a speed of at least 40 miles per hour when running on electricity; and

(F) is certified by the Secretary of Transportation for use on public roads under the Federal motor vehicle safety standards.’’.

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUGIN ELECTRIC VEHICLES.

(a) 5-YEAR RECOVERY PERIOD.—

(1) IN GENERAL.—Subparagraph (B) of section 168(e)(3) is amended by striking ‘‘and’’ at the end of clause (i), by striking the comma at the end of clause (ii) and inserting a period, and by striking clauses (iii) and (iv).

(b) TECHNICAL AMENDMENTS.—Paragraphs (19)(A)(i) and (19)(A)(ii) of section 168(a)(1) are each amended by striking ‘‘16 years’’ and inserting ‘‘10 years’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30(b)(1) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by redesignating subsections (i) and (j) as subsections (k) and (l), respectively.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM CREDIT.—Section 30(b)(2) is amended by striking the term ‘‘plug-in hybrid electric drive motor vehicle’’ and inserting ‘‘qualified plug-in electric drive motor vehicle’’.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SEC. 1161. MODIFICATION OF CREDIT FOR QUALIFIED PLUGIN ELECTRIC VEHICLES.

(a) INCREASE IN VEHICLES ELIGIBLE FOR CREDIT.—Section 30(d)(2)(B) is amended by striking ‘‘250,000’’ and inserting ‘‘500,000’’.

(b) EXCLUSION OF NEIGHBORHOOD ELECTRIC VEHICLES FROM ELECTRIC VEHICLE CREDIT.—Section 30(d)(1) is amended to read as follows:

‘‘(1) MOTOR VEHICLE.—The term ‘motor vehicle’ means a motor vehicle as defined in section 30 which is treated as a motor vehicle for purposes of title II of the Clean Air Act.’’.

(c) CREDIT FOR CERTAIN OTHER VEHICLES.—Section 30(b) is amended by inserting after subsection (d) the following new subsection:

‘‘(e) CREDIT FOR CERTAIN OTHER VEHICLES.—

(1) QUALIFIED PLUGIN ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘qualified plug-in electric drive motor vehicle’ means a motor vehicle that is electrically driven and that is a plug-in hybrid electric vehicle that—

(A) draws propulsion energy from an electric grid;

(B) is capable of running on electricity and gasoline or other fuels;

(C) has a fuel economy of at least 62 miles per gallon of gasoline equivalent;

(D) includes a low-speed motor vehicle;

(E) has a range of at least 30 miles at a speed of at least 40 miles per hour when running on electricity; and

(F) is certified by the Secretary of Transportation for use on public roads under the Federal motor vehicle safety standards.’’.

SEC. 1162. CONVERSION KITS.

(a) IN GENERAL.—Section 30(b)(1) is amended by redesignating subsections (i) and (j) as subsections (j) and (k), respectively, and by inserting after subsection (b) the following new subsection:

‘‘(l) PLUG-IN CONVERSION CREDIT.—

(1) IN GENERAL.—For purposes of subsection (d), a plug-in conversion credit determined under this subsection with respect to any motor vehicle which is converted to a qualified plug-in electric drive motor vehicle is the lesser of—

(A) two percent of the cost of the specified vehicle as does not exceed $10,000;

(B) the applicable amount determined under subsection (a)(2), the applicable amount shall be ten percent of so much of the cost of the specified vehicle as does not exceed $40,000.

(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

(A) QUALIFIED PLUGIN ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘qualified plug-in electric drive motor vehicle’ means a motor vehicle that—

(B) draws propulsion energy from an electric grid;

(C) is capable of running on electricity and gasoline or other fuels;

(D) has a fuel economy of at least 62 miles per gallon of gasoline equivalent;
electric drive motor vehicle’ means any new qualified plug-in electric drive motor vehicle (as defined in section 30D(c), determined without regard to paragraphs (4) and (6) thereof).

(b) Plug-in Tracti on Battery Module.—The term ‘plug-in traction battery module’ means an electro-chemical energy storage device used for plug-in electric drive motor vehicles.

(c) Certain Traction Batteries.—(1) The term ‘certain traction batteries’ means traction batteries that are mass produced, for use in plug-in electric drive motor vehicles, and recharged when plugged into an external source of electric power.

(d) Definition of Certain Traction Batteries.—The term ‘certain traction batteries’ means storage batteries that are mass produced, for use in plug-in electric drive motor vehicles, and recharged when plugged into an external source of electric power.

(2) Nothing in this subsection shall be construed to prevent the use of traction batteries other than the traction batteries described in paragraph (1).

(e) In General.—Section 179E is amended by adding at the end the following new paragraph:

(2) For purposes of paragraph (1), the applicable percentage is—(i) 100 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after January 1, 2012, and (ii) 50 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

(f) Election.—(1) In General.—An election under this section for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

(2) Election Irrevocable.—Any election made under this section may not be revoked except with the consent of the Secretary.

(g) Qualified Plug-in Electric Drive Motor Vehicle Manufacturing Facility Property.—For purposes of this section—

(1) In General.—The term ‘qualified plug-in electric drive motor vehicle manufacturing facility property’ means any qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

(2) Applicable Percentage.—For purposes of subparagraph (A), the applicable percentage is—(i) 35 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service before January 1, 2012, and (ii) 17.5 percent, in the case of qualified plug-in electric drive motor vehicle manufacturing facility property which is placed in service after December 31, 2011, and before January 1, 2015.

(h) Special Rule for Dual Use Property.—In the case of any qualified plug-in electric drive motor vehicle manufacturing facility property which is used to produce both qualified property and other property which is not qualified property, the amount of costs taken into account under subparagraph (A) shall be reduced by an amount equal to—(i) the total amount of such costs (determined before the application of this subparagraph), multiplied by (ii) the percentage of property expected to be produced which is not qualified property.

(i) Allocation of Qualified Plug-in Electric Drive Motor Vehicle Manufacturing Facility Amount.—The taxpayer shall, at such time and in such manner as the Secretary may prescribe, specify the portion (if any) of the qualified plug-in electric drive motor vehicle manufacturing facility amount for the taxable year which is to be allocated to each of the limitations described in paragraph (2) for such taxable year.

(j) Election.—(1) In General.—An election under this subsection for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulations prescribe.

(2) Election Irrevocable.—Any election made under this subsection may not be revoked except with the consent of the Secretary.

(k) Credit Refundable.—For purposes of section 64(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this subsection shall be treated as allowed under subpart C of such part (and not any other subpart).

(l) Technical Amendment.—Section 1324(b)(2) of title 31, United States Code, is amended by inserting ‘‘179F(f),’’ after ‘‘188(k)(4)(F),’’.

(m) Technical Amendment.—The table of sections for part VI of subchapter B of chapter 1 is amended by adding at the end the following new item:

‘‘Sec. 179F. Election to expense manufacturing facilities producing qualified plug-in electric drive motor vehicle components.’’
SA 275. Ms. STABENOW (for herself, Mr. ROCKEFELLER, Mr. KERRY, Mr. MENENDEZ, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 277 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 267, line 1, insert before the semi-colon the following: "...including the use of electronic technology to collect and report patient demographic data, including, at a minimum, race, ethnicity, and gender data".

On page 283, between lines 3 and 4, insert the following:

"(vi) The use of electronic systems to ensure the comprehensive collection of patient demographic data, including, at a minimum, race, ethnicity, and gender data..."

On page 283, between lines 21 and 22, insert the following:

"(4) Consistency with evaluation conducted under paragraph (a)(1); (A) Requirement for consistency.—The HIT Policy Committee shall ensure that recommendations made under paragraph (2)(B)(vi) are consistent with the evaluation conducted under section 1809(a) of the Social Security Act.

(B) Scope.—Nothing in subparagraph (A) shall be construed to limit the recommendations under paragraph (2)(B)(vi) to the elements described in section 1809(a)(3)(B) of the Social Security Act.

(C) Timing.—The requirement under subparagraph (A) shall be applicable to the extent that evaluations have been conducted under section 1809(a) of the Social Security Act.

(d) Enforcement.—Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(1) SEQUESTRER.—Section 275 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 first fiscal 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.

"(d) Deficit Reduction through a Sequester.—

(1) Sequester.—Section 275 shall be implemented in accordance with this subsection.

(2) Maximum Deficit Amount.—

(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 such 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.

(D) 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 222 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 Act.

SA 278. Mr. McCAIN 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; which was ordered to lie on the table; as follows:

On page 441, after line 8, insert the following:

SEC. 276. Ms. CANTWELL (for herself, Mr. KERRY, Mr. SNOWE, Mr. SCHUMER, Ms. STABENOW, Mr. BINGAMAN, Mr. ENSIGN, Mr. CARPER, Mr. HATCH, Mr. WYDEN, Mr. CARDIN, Mr. NELSON of Florida, Mr. REED, and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 277 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 subsection (d) of title 1 of division B, add the following:


(a) In general.—(1) Section 60.1(c)(1) is amended by adding at the end the following new subparagraph:

"(D) REDUCED RATE FOR 2009 AND 2010.—In the case of any taxable year beginning in 2009 or 2010—

"(i) IN GENERAL.—Subparagraph (A)(1) shall be applied by substituting '5 percent' for '10 percent'..."

"(ii) RULES FOR APPLYING CERTAIN OTHER PROVISIONS.—

"(I) Subsection (g)(7)(B)(i)(II) shall be applied by substituting '5 percent' for '10 percent'..."

(b) Effective date.—(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2009.

(2) Withholding provisions.—Subclause (II) of section 601(c)(1)(D)(ii) of the Internal Revenue Code of 1986, as added by subsection (a), shall be applied to amounts paid after the 60th day after the date of the enactment of this Act.
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:

On page 429, strike line 6 and all that follows through page 430, line 12, and insert the following:

SEC. 1604. (a) INAPPLICABILITY OF BUY AMERICAN REQUIREMENTS.—Notwithstanding any other provision of this Act, the utilization of funds appropriated or otherwise made available by this Act shall not be subject to any Buy American requirement in a provision of this Act.

(b) BUY AMERICAN REQUIREMENT DEFINED.—In this section, the term “Buy American requirement” means a requirement in a provision of this Act that an item may be procured only if the item is grown, processed, reused, or produced in the United States.

SA 280. Mr. BAYH (for himself, Ms. Bingaman, Ms. Stabenow, Mr. Rockfeller, and 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 72, line 22, before the period, insert the following:

That $200,000,000 for each of fiscal years 2009 and 2010 for each project in 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: $200,000,000 shall be available for each of fiscal years 2009 and 2010 for each project in 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. PROGRAM OF STATE GRANTS TO ATTRACT AND RETAIN JOBS IN INFORMATION TECHNOLOGY AND MANUFACTURING SECTORS.

(a) Definition of a grant:—

(1) ELIGIBLE ENTITY.—The term “eligible entity” means an entity that—

(A) employs not fewer than 20 full-time equivalent employees on the date that a State receives an amount under subsection (c);

(B) such jobs are located—

(i) in a foreign country; or

(ii) in the United States but would be relocated or retained by the entity that the entity will relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this section to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this section to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this section to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this section to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this section to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(2) CREDIT.—An application submitted under paragraph (1) shall include a certification made by the Governor of the State at such time, in such manner, and containing such information as the Secretary may require.

(b) ESTABLISHMENT OF PROGRAM.—

(1) APPLICATION.—

(A) An eligible entity seeking a grant from a State under the Program shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(B) Certification.—An application submitted under paragraph (1) shall include a certification made by the appropriate official of an eligible entity that the entity will use any amount provided to the entity under the Program in accordance with the requirements of subsection (e).

(c) STATE MATCHING REQUIREMENT.—

(1) IN GENERAL.—Subject to subsection (g), no later than 1 year after the date that a State receives an amount under subsection (c), the State shall use such amount to award grants to eligible entities in that State to enable such entities to relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2). A State may not award a grant to any entity under this Program for the purpose of relocating a job from one State to another State.

(2) GRANTS TO ELIGIBLE ENTITIES.—

(A) In general.—An eligible entity seeking a grant from a State under the program shall submit an application to the Governor of the State at such time, in such manner, and containing such information as the Governor may require.

(B) Certification.—An application submitted under paragraph (A) by an eligible entity shall include a certification made by the Governor of the State that the entity will relocate or retain eligible jobs as described in subparagraph (A) or (B) of subsection (b)(2).

(d) AMOUNTS.—A grant awarded by a State under this section shall be used by an eligible entity under the Program for the purpose of relocating a job from one State to another State.
(A) INITIAL INSTALLMENT.—The initial installment of the grant shall be disbursed to the entity as soon as practicable after the grant is awarded in an amount equal to $5,000 per eligible job that the entity—
(i) relocates from a foreign country to a labor surplus area; or
(ii) retains in a labor surplus area that the entity relocates or otherwise relocates to a foreign country without the assistance of such grant.

(B) SECOND INSTALLMENT.—Subject to paragraph (A), the second installment of the grant shall be disbursed to the entity as soon as practicable after the 366th day after the grant is awarded in an amount equal to $4,000 per eligible job that the entity—
(i) relocates as described in subparagraph (A)(i); or
(ii) retains as described in subparagraph (A)(ii).

(4) CERTIFICATION OF INCREASE IN EMPLOYMENT.—
(A) IN GENERAL.—To be eligible for the second installment of a grant under paragraph (3)(B), an eligible entity awarded a grant under the Program shall certify to the satisfaction of the Governor of the State that awarded the grant that the entity increased during the first year of the grant the number of full-time equivalent employees employed by the entity in an eligible job in a labor surplus area.

(B) FAILURE TO CERTIFY.—If an eligible entity awarded a grant under the Program fails to make the certification required by subparagraph (A) the entity shall not receive the second installment of the grant under paragraph (3)(B); and

(C) The number of eligible jobs to be relocated or retained, as described in clause (i) of subsection (e)(3)(A), by the grant recipients.

(5) PUBLICATION OF GRANT AWARDS.—
(A) IN GENERAL.—Not later than 30 days after the date on which a State awards a grant under the Program, the State shall publish such information on the Internet web site of the Department of Commerce.

(B) The name of the grant recipient.

(C) The labor surplus area concerned.

(6) COASTAL IMPACT ASSISTANCE PROGRAM AMENDMENTS.—
(1) IN GENERAL.—Section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1336a) in subsection (a) is amended by striking ‘‘(1) STREAMLINING.—’’ and

(2) DREDGED MATERIALS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Interior (acting through the Director of the Minerals Management Service) shall develop a plan that addresses streamlining the process by which payments are made under this section, including recommendations for—
(i) decreasing the time required to approve plans submitted under subsection (c)(1); and

(ii) ensuring that allocations to producing States under subsection (b) are adequately funded; and

(iii) any modifications to the authorized uses for payments under subsection (d).

(3) CLEAN WATER ACT.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Environmental Protection Agency shall jointly develop procedures for streamlining the permit process required under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and State laws for restoration projects that are included in an approved plan under subsection (c).

(4) ENVIRONMENTAL REQUIREMENTS.—In the case of any project covered by this subsection that is not carried out as a project as defined in section 1201 of the Food Security Act of 1985 (16 U.S.C. 3801), there shall be no requirement for a review, statement, or analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) DREDGED MATERIALS.—Not later than 180 days after the date of enactment of this subsection, the Secretary of the Army shall develop and implement guidelines requiring the use of dredged material, at full Federal expense, for ecological restoration, or port or harbor project, or coastal infrastructure, in producing States.

(6) COST-SHARING REQUIREMENTS.—Any cost-sharing required for the grant projects that are included in an approved plan under subsection (c) must be met by the producing States, including grants programs

(7) SUBJECT TO LEASING OF THE OIL AND GAS RESOURCES OF THE OUTER CONTINENTAL SHELF.—(A) In subsection (b), the Secretary of the Army shall coordinate with the Secretary of the Treasury to determine the appropriate level of cost-sharing required for the other Federal grant programs, including grant programs

(8) SUBJECT LAND WITHIN THE SEAWARD BOUNDARIES OF STATES.—Submerged land within the seaward boundaries of States shall be—
(i) subject to Federal oil and gas mineral rights to the extent provided by law;
(ii) considered to be part of the Federal outer Continental Shelf for purposes of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.); and
(iii) subject to leasing under the authority of that Act and to laws applicable to the leasing of the oil and gas resources of the Federal outer Continental Shelf.

(9) EXISTING LEASES.—The amendments made by this subsection shall not affect any Federal oil and gas lease in effect on the date of enactment of this Act.

(D) TAXATION.—A State may exercise all of the powers of the State within the entire extent of the seaward boundaries of the State (as extended by the amendments made by this subsection).

(E) TRANSITIONAL PROVISIONS.—The amendments made by this subsection shall apply to grants made under this subpart beginning after December 31, 2008.
that support coastal protection and restoration.

(4) EXPEDITED FUNDING.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall develop a procedure to provide expedited funding to projects under this section based on estimated revenues to ensure that the projects may—

(A) secure additional funds from other sources; and

(B) use the amounts made available under this section on receipt.

(2) APPLICATION.—The amendments made by paragraph (1) apply to an application for payments under section 31 of the Outer Continental Shelf Lands Act (43 U.S.C. 1356a) that is pending on, or filed on or after, the date of enactment of this Act.

SA 285. Mr. BAUCUS (for himself, Mr. LEAHY, and 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, assist-

ance 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—TAXPAYER PROTECTION PROSECUTION TASK FORCE

SEC. 6001. CREATION OF A TAXPAYER PROTEC-
TION PROSECUTION TASK FORCE.

The Attorney General of the United States shall immediately establish a Taxpayer Pro-
tection Prosecution Task Force (referred to in this title as the "Task Force").

SEC. 6002. DUTIES OF THE TASK FORCE.

The Task Force shall—

(1) investigate and prosecute financial fraud cases or any other violation of law that contributed to the collapse of our financial markets; and

(2) seek to claw back any ill-gotten gains, particularly those who received billions of dollars in compensation creating the real estate and financial bubble.

SEC. 6003. MEMBERSHIP.

The membership of the Task Force shall include—

(1) Department of Justice attorneys acting as a team of Federal prosecutors;

(2) special agents from the Federal Bureau of Investigation, the Internal Revenue Service, and United States Postal Service; and

(3) additional assistance from the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, and other Federal banking regulators or investiga-

tors.

SEC. 6004. STAFFING.

The Task Force shall be staffed by Depart-
ment of Justice career attorneys, enforce-
ment attorneys, and other private and public sector legal professionals and experts in the violations of law under investigation.

SEC. 6005. DIRECTOR.

The Director of the Task Force shall be ap-
pointed by the President, subject to the ad-
vise and consent of the Senate.

SEC. 6006. OUTSIDE EMPLOYMENT.

The Director of the Task Force and all pro-
fessional members of the staff shall not engage in activities, as such term is defined in subsection (e), and may contain smart card functionality; and

SEC. 6007. REPORTS TO CONGRESS.

The Task Force shall file—

(1) a public report directly with Congress every 6 months on its activities; and

(2) if necessary, a classified annex to pro-
tect the confidentiality of ongoing investiga-
tions or attorney-client privilege or other non-public information.

SEC. 6008. STATUTE OF LIMITATIONS RE-
COMMENDATION.

The Task Force shall make recommenda-
tions to Congress not later than 60 days after the date of the establishment of the Task Force regarding extension of the statute of limitation for complex financial fraud and other similar cases.

SA 288. 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, assistant-

ance 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 478, between lines 15 and 16, insert the following:

TITLE VI—TAXPAYER PROTECTION PROSECUTION TASK FORCE

SEC. 6001. CREATION OF A TAXPAYER PROTEC-
TION PROSECUTION TASK FORCE.

The Attorney General of the United States shall immediately establish a Taxpayer Pro-
tection Prosecution Task Force (referred to in this title as the "Task Force").

SEC. 6002. DUTIES OF THE TASK FORCE.

The Task Force shall—

(1) investigate and prosecute financial fraud cases or any other violation of law that contributed to the collapse of our financial markets; and

(2) seek to claw back any ill-gotten gains, particularly those who received billions of dollars in compensation creating the real estate and financial bubble.

SEC. 6003. MEMBERSHIP.

The membership of the Task Force shall include—

(1) Department of Justice attorneys acting as a team of Federal prosecutors;

(2) special agents from the Federal Bureau of Investigation, the Internal Revenue Service, and United States Postal Service; and

(3) additional assistance from the Board of Governors of the Federal Reserve System, the Securities and Exchange Commission, and other Federal banking regulators or investiga-

tors.

SEC. 6004. STAFFING.

The Task Force shall be staffed by Depart-
ment of Justice career attorneys, enforce-
ment attorneys, and other private and public sector legal professionals and experts in the violations of law under investigation.

SEC. 6005. DIRECTOR.

The Director of the Task Force shall be ap-
pointed by the President, subject to the ad-
vise and consent of the Senate.

SEC. 6006. OUTSIDE EMPLOYMENT.

The Director of the Task Force and all pro-
fessional members of the staff shall not engage in activities, as such term is defined in subsection (e), and may contain smart card functionality; and

SEC. 6007. REPORTS TO CONGRESS.

The Task Force shall file—

(1) a public report directly with Congress every 6 months on its activities; and

(2) if necessary, a classified annex to pro-
tect the confidentiality of ongoing investiga-
tions or attorney-client privilege or other non-public information.

SEC. 6008. STATUTE OF LIMITATIONS RE-
COMMENDATION.

The Task Force shall make recommenda-
tions to Congress not later than 60 days after the date of the establishment of the Task Force regarding extension of the statute of limitation for complex financial fraud and other similar cases.

Mr. BROWNBACK (for himself, 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, assistant-

ance 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, between lines 6 and 7, insert the following:

(1) an endowment exempt from taxation un-
ter subtitle A of the Internal Reven-
ue Code of 1986 that is more than $1,000,000,000; or

(2) has paid more than $1,000,000 for lob-
bying activities, as such term is defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602), in the preceding fiscal year.

SA 290. Mr. BROWNBACK (for himself, 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, assist-

ance 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 320, between lines 3 and 4, insert the following:

"(10) establishing and supporting health record banking models to further consumer-

based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and

SEC. 291. Mr. BROWNBACK (for himself, 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, assistant-

ance 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:
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 320, between lines 3 and 4, insert the following:

"(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and"

SA 292. Mr. BROWNBACK (for himself 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:

On page 320, between lines 3 and 4, insert the following:

"(10) establishing and supporting health record banking models to further consumer-based consent models that promote lifetime access to qualified health records, if such activities are included in the plan described in subsection (e), and may contain smart card functionality; and"

SA 293. 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:

On page 320, between lines 3 and 4, insert the following:

"(1) STANDARDS.—The National Coordinator shall:

(1) review and determine whether to endorse each standard, implementation specification, and certification criterion for the electronic exchange and use of health information that is recommended by the HIT Standards Committee under section 3003 for purposes of adoption under section 3004;

(2) make such determinations under paragraph (1) in a manner that ensures that no single sector unduly influences such determinations, not later than 45 days after the date the recommendation is received by the Coordinator;

(3) review Federal health information technology investments to ensure that Federal health information technology programs are managed or administered by the strategic plan published under paragraph (3); and

(4) provide comments and advice regarding specific Federal health information technology programs and the request of Office of Management and Budget."

Beginning on page 273, strike line 21, and all that follows through line 8 on page 274, and insert the following:

"(5) HARMONIZATION.—The Secretary may recognize an entity or entities for the purpose of harmonizing or updating standards and implementation specifications in order to achieve uniform and consistent implementation of the standards and implementation specifications."

(6) CERTIFICATION.—

(A) In general.—The National Coordinator, in consultation with the Director of the National Institute of Standards and Technology, shall recognize a program or programs for the voluntary certification of health information technology as being in compliance with applicable certification criteria adopted under this subtitle. Such program shall include, as appropriate, testing of the technologies with section 14201(b) of the Health Information Technology for Economic and Clinical Health Act.

On page 277, strike lines 8 through 11, and insert the following:

"(8) GOVERNANCE FOR NATIONALWIDE HEALTH INFORMATION NETWORK.—The National Coordinator shall implement the recommendations made by the HIT Policy Committee regarding the governance of the nationwide health information network."

On page 283, between lines 12 and 13, insert the following:

"(ix) Methods to facilitate secure access by an individual to each individual's protected health information.

(x) Methods, guidelines, and safeguards to facilitate secure access to patient information by family caregivers and guardian acting on behalf of a patient due to age-related and other disability, cognitive impairment, or dementia that prevents a patient from accessing the individual identifiably health information."

On page 284, strike lines 1 through 13, and insert the following:

"(2) MEMBERSHIP.—The HIT Policy Committee shall be composed of members to be appointed as follows:

(A) One member shall be appointed by the Secretary.

(B) One member shall be appointed by the Secretary of Veterans Affairs who shall represent the veterans affairs.

(C) One member shall be appointed by the Secretary of Defense who shall represent the Department of Defense.

(D) One member shall be appointed by the Majority Leader of the Senate.

(E) One member shall be appointed by the Minority Leader of the Senate.

(F) One member shall be appointed by the Speaker of the House of Representatives.

(G) One member shall be appointed by the Majority Leader of the House of Representatives.

(H) Eleven members shall be appointed by the Comptroller General of the United States, of whom—

(i) three members shall represent patients or consumers;

(ii) one member shall represent health care providers;

(iii) one member shall be from a labor organization representing health care workers;

(iv) one member shall have expertise in privacy and security;

(v) one member shall have expertise in improving the health of vulnerable populations;

(vi) one member shall represent health plans or purchasers;

(vii) one member shall represent information technology vendors;

(viii) one member shall represent purchasers or employers;

(ix) one member shall have expertise in health care quality measurement and reporting.

(C) CHAIRPERSON AND VICE CHAIRPERSON.—The HIT Policy Committee shall designate one member to serve as the chairperson and one member to serve as the vice chairperson of the Committee.

(D) NATIONAL COORDINATOR.—The National Coordinator shall serve as a member of the HIT Policy Committee and act as a liaison among the HIT Policy Committee, the HIT Standards Committee, and the Federal Government.

(2) MEMBERSHIP.—The members of the HIT Policy Committee appointed under paragraph (2) shall represent a balance among various sectors of the health care system so that no single sector unduly influences the recommendations of the Policy Committee.

(7) OUTSIDE INVOLVEMENT.—The HIT Policy Committee shall ensure an adequate opportunity for the participation of outside advocates, including individuals with expertise in—

(A) health information privacy and security;

(B) improving the health of vulnerable populations;

(C) health care quality and patient safety, including individuals with expertise in the measurement and use of health information technology to capture data to improve health care quality and patient safety;

(D) long-term care and aging services;

(E) medical and clinical research; and

(F) data exchange and developing health information technology standards and new health information technology.

(8) QUORUM.—Ten members of the HIT Policy Committee shall constitute a quorum for purposes of voting, but a lesser number of members may meet and hold hearings.

(9) FAILURE OF INITIAL APPOINTMENT.—If, on the date that is 120 days after the date of enactment of this title, an official authorized under paragraph (2) to appoint one or more members of the HIT Policy Committee has not been appointed the full number of members that such paragraph authorizes such official to appoint—

(A) the number of members that such official is authorized to appoint shall be reduced to the number that such official has authority to appoint as of that date;

(B) the number prescribed in paragraph (8) as the quorum shall be reduced to the smallest whole number that is greater than or equal to the number that such official is authorized to appoint as of that date.

(10) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of policies.

On page 287, between lines 16 and 17, insert the following:

(5) CONSIDERATION.—The National Coordinator shall ensure that the relevant recommendations and comments from the National Committee on Vital and Health Statistics are considered in the development of standards.

On page 288, strike lines 4 through 19 and insert the following:
(3) BROAD PARTICIPATION.—There is broad participation in the HIT Standards Committee by a variety of public and private stakeholders, either through membership in the HIT Standards Committee or through another means.

(4) CHAIRPERSON; VICE CHAIRPERSON.—The HIT Standards Committee may designate one member to serve as the chairperson and one member to serve as the vice chairperson of the HIT Standards Committee.

(5) DEPARTMENT MEMBERSHIP.—The Secretary shall be a member of the HIT Standards Committee. The National Coordinator shall designate one liaison among the HIT Standards Committee, the HIT Policy Committee, and the Federal Government.

(6) BALANCE AMONG SECTORS.—In developing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall act to ensure a balance among various sectors of the health care system so that no single sector unduly influences the actions of the HIT Standards Committee.

(7) ASSISTANCE.—For the purposes of carrying out this section, the Secretary may provide or ensure that financial assistance is provided by the HIT Standards Committee to defray in whole or in part any membership fees charged by the HIT Standards Committee, or any membership fees charged by those consumer advocacy groups and not for profit entities that work in the public interest in promoting HIT.

(d) OPEN AND PUBLIC PROCESS.—In providing for the establishment of the HIT Standards Committee pursuant to subsection (a), the Secretary shall ensure that:

1. (1) CONSENSUS APPROACH; OPEN PROCESS.—The HIT Standards Committee shall use a consensus approach and a fair and open process to support the development, harmonization, and recognition of standards described in subsection (a)(1).

2. (2) PARTICIPATION OF OUTSIDER ADVISERS.—The HIT Standards Committee shall provide an adequate opportunity for the participation of outsiders, including individuals with expertise in—

(A) health information privacy;

(B) health information security;

(C) health care quality and patient safety, including individuals with expertise in utilizing health information technology to improve healthcare quality and patient safety;

(D) long-term care and aging services; and

(E) data exchange and developing health information technology standards and new health information technology.

3. (3) OPEN MEETINGS.—Plenary and other regularly scheduled formal meetings of the HIT Standards Committee (or established subgroups thereof) shall be open to the public.

4. (4) PUBLICATION OF MEETING NOTICES AND MATERIALS PRIOR TO MEETINGS.—The HIT Standards Committee shall develop and maintain an Internet website on which it publishes, prior to each meeting, a meeting notice, a meeting agenda, and meeting materials.

5. (5) OPPORTUNITY FOR PUBLIC COMMENT.—The HIT Standards Committee shall develop a process for public comments during the process by which the Entity develops, harmonizes, or recognizes standards and implementation specifications.

6. (6) VOLUNTARY CONSENSUS STANDARD BODY.—The provisions of section 12(d) of the National Technology Transfer and Advancement Act (20 U.S.C. 272 note) and the Office of Management and Budget circular 119 shall apply to the HIT Standards Committee.

Section 290. (a) ONCE ANNUALLY, the Secretary shall adopt additional standards, implementation specifications, and certification criteria as necessary and consistent with the schedule published under section 3003(b)(2).

(b) On page 293, strike line 7 and all that follows through line 2 on page 295, and insert the following:

SEC. 3008. TRANSITIONS.

(a) ONCE ANNUALLY, beginning in section 3001 shall be construed as requiring the creation of a new entity to the extent that the Office of the National Coordinator for Health Information Technology established pursuant to Executive Order 13335 is consistent with the provisions of section 3001.

(b) NATIONAL EHEALTH COLLABORATIVE.—Nothing in section 1001 of this subpart shall be construed as prohibiting the National eHealth Collaborative from modifying its charter, duties, membership, and any other structure or function required to be consistent with the requirements of a voluntary consensus standards body so as to allow the Secretary to recognize the National eHealth Collaborative as the HIT Standards Committee.

(c) CONSISTENCY OF RECOMMENDATIONS.—In carrying out section 3003(b)(1)(A), until recommendations made by such AHIC Successor, Inc.,

on page 294, strike lines 10 through 16, 305, line 5, strike “shall coordinate” and insert “may review.”

SA 294. Mr. GRASSLEY 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:

Beginning on page 720, strike line 18 and add all that follows through page 723, line 11, and insert the following:

(f) STATE INELIGIBILITY.

1. (1) MAINTENANCE OF EFFORT REQUIREMENTS.—No State shall be eligible for an increased DRA 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:

(A) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(B) PROVIDER PAYMENTS.—Any reduction in paragraph (4)(B) of section 1115 of such Act (42 U.S.C. 1315) and any fiscal year quarter during such period, any of the following:

(4) 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.

2. (2) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under paragraph (1) 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 reductions described in paragraph (1) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 295. Mr. GRASSLEY 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 750, after line 8, insert the following:

SEC.—STUDY OF TAX-EXEMPT AND NON-TAX-EXEMPT HOSPITALS.

(a) STUDY.—The Secretary shall undertake a study of the differences in operation between hospitals that are described in section 501(c)(3) of the Internal Revenue Code of 1986 exempt from tax under section 501(a) of such Code, and hospitals that are not so exempt. The study conducted under this section shall include, in addition to any other information deemed relevant by the Secretary of the Treasury, a comprehensive review of the amount of uncompensated care, non-patient services and other benefits, and executive compensation provided by each type of hospital.

(b) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary of the Treasury 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 results of the study conducted under this section.

SA 296. 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 294, line 24, strike “9.” and insert “9. In implementing the procedures for conducting the activities of the HIT Standards Committee, the HIT Standards Committee shall be consistent with the provisions of section 3001.

On page 294, strike lines 10 through 16, 305, line 5, strike “shall coordinate” and insert “may review.”

On page 570, after line 8, insert the following:

(1) MAINTENANCE OF EFFORT REQUIREMENTS.—No State shall be eligible for an increased DRA 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:

(A) ELIGIBILITY.—Any reduction in eligibility standards, methodologies, or procedures under such State plan or waiver.

(B) 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.

(2) EXCEPTION FOR REDUCTION MADE FOR PURPOSES OF PREVENTING FRAUD.—A State shall not be ineligible under paragraph (1) 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 section 1115 of such Act (42 U.S.C. 1315) and any fiscal year quarter during such period, any of the reductions described in paragraph (1) that are made by the State for any such quarter are for purposes of preventing fraud under the State plan or waiver.

SA 297. 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:
In the case of a State that requires expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), the State is not eligible for an increase in its FMAP under section (a) or (b), or an increase in a cap amount under subsection (c), if it requires that such political subdivisions pay for quarters during the recession adjustment period a portion of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1903, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(g) STAT E SELECTION OF RECESSION ADJUSTMENT PERIOD RELIEF PERIOD.—If in a State’s FMAP under subsection (a) or (b), or an increase in its cap amount under subsection (c), shall only apply to the State for 9 consecutive calendar quarters during the recession adjustment period. Each State shall notify the Secretary of the 9-calendar quarter period for which the State elects to receive such increase.

(h) DEFINITIONS.—In this section, except as otherwise provided:

(1) FMAP.—The term “FMAP” means the Federal medical assistance percentage, as defined in section 1902(b) of the Social Security Act (42 U.S.C. 1396d(b)), as determined with regard to this section except as otherwise specified.

(2) POVERTY LINE.—The term “poverty line” has the meaning given such term in section 672(b) of the Social Security Act (42 U.S.C. 1397a(b)), including any revision required by such section.

(3) RECESSION ADJUSTMENT PERIOD.—The term “recession adjustment period” means the period beginning on October 1, 2008, and ending on June 30, 2011.

(4) SECRETARY.—(i) SUNSET.—This section shall not apply to items and services furnished after the end of the recession adjustment period.

SA 298. Mr. GRASSLEY submitted an amendment intended to be proposed to title II of S. 383. 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 7 and 8, insert the following:

(3) QUARTERLY CERTIFICATION OF NO NEW TAXES.—

(A) IN GENERAL.—For each fiscal year quarter during the recession adjustment period, a State eligible for an increased FMAP under this section shall certify to the Secretary, as a condition of receiving the additional Federal medical assistance that is attributable to expenditures under the State Medicaid plan required under section 1902(a)(2) of the Social Security Act (42 U.S.C. 1396a(a)(2)), that the State is not eligible for an increase in its FMAP under section (a) or (b), or an increase in a cap amount under subsection (c), or that it requires that such political subdivisions pay for quarters during the recession adjustment period a portion of the non-Federal share of such expenditures, or a greater percentage of the non-Federal share of payments under section 1903, than the respective percentage that would have been required by the State under such plan on September 30, 2008, prior to application of this section.

(B) STATE SELECTION OF RECESSION ADJUST-
the quarter shall pay the Secretary an amount equal to the additional Federal funds paid to the State under this section during the period of noncompliance and shall cease to be eligible for an increased FMAP under this section for the remainder of the recession adjustment period.

(B) Nonapplication to state action taken prior to date of enactment.—In the case of a State that enacted a law or took other action before the date of enactment of this Act that will result in an increase in State income, and taxes taking during the quarter of the recession adjustment period, the State shall not be ineligible for an increased FMAP under this section for any such quarter if the State certifies that it will not enact any new such law or take any new such action after the date of enactment of this Act and for the remainder of the recession adjustment period and the State submits the quarterly certifications required under subparagraph (A).

SA 299. Mr. REID (for himself and Mr. ENSEN) submitted an 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:

SEC. 1503. TEMPORARY MODIFICATION OF ALTERNATIVE MINIMUM TAX LIMITATIONS ON TAX-EXEMPT BONDS.

(a) Interest on Private Activity Bonds Issued During 2009 and 2010 Not Treated as Tax Preference Item.—Subparagraph (C) of section 55(a)(5) is amended by adding at the end a new clause:

"(v) EXCEPTION FOR BONDS ISSUED IN 2009 AND 2010.—For purposes of clause (i), the term ‘private activity bond’ shall not include—

"(I) any bond issued after December 31, 2009, and before January 1, 2011;

"(II) any interim financing refunding bond issued after December 31, 2008, and before January 1, 2011;

"(b) Use for Lodging Not to Disqualify Certain Buildings for Rehabilitation Credit.—Paragraph (2) of section 46(b) is amended—

(1) by striking “and” at the end of subparagraph (C),

(2) by redesignating subparagraph (D) as subparagraph (E), and

(3) by inserting after subparagraph (C) the following new subparagraph:

"(D) a building other than a certified historic structure which is—

"(I) located within a qualified census tract (within the meaning of section 42(d)(5)(B)(i)) or a difficult development area (within the meaning of section 42(d)(5)(B)(iii)); and

"(II) placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

"(E) SPECIAL RULE FOR CERTAIN FORECLOSURE TRANSACTIONS.—Paragraph (1) of section 46(b) is amended—

(1) by striking “and” at the end of clause (i),

(2) by redesignating subparagraph (ii) as subparagraph (iii), and

(3) by inserting after subparagraph (i) the following new subparagraph:

"(E) that will result in a foreclosure or deemed sale of any investment credit property that arises from a foreclosure or instrument in lieu of foreclosure or any similar transaction if—

"(A) such property is placed in service during the 24-month period beginning on the date of the enactment of the American Recovery and Reinvestment Tax Act of 2009, and

"(B) the transferee in such transfer or deemed sale is not a related person (within the meaning of section 267(b) of the tax code).
SUBSIDIARY PARAGRAPHS (B) and (C) shall be applied by substituting ‘not less than 50 years before the year in which qualified rehabilitation expenditures are first taken into account under subsection (e) before 1939’ for ‘within 10 years before the year in which the amount of rehabilitation expenditures are first taken into account under subsection (e) before 1939’.

(d) 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. 304. Mr. WYDEN (for himself, Mr. REED, and Mr. MERKLEY) submitted an amendment intended to be proposed by 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 590, between lines 8 and 9, insert the following:

SEC. 2105. EXTENSION OF TEMPORARY FEDERAL MATCHING FOR FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.

(a) IN GENERAL.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–149) is amended by striking “December 8, 2009” and inserting “September 30, 2010”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2008 (Public Law 110–149).

SEC. 305. Mr. COBURN (for himself, Mr. BURR, Mr. DEMINT, Mr. CHAMBLISS, and Mr. BOND) 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:

On page 431, after line 8, insert the following:

SEC. 703. SENATE COMMITTEE OVERSIGHT OF WASTE, FRAUD, AND ABUSE.

Rule XXVI of the Standing Rules of the Senate is amended by adding at the end the following:

“14. (a)(1) Each standing committee, or a subcommittee thereof, shall hold at least one hearing during each 120-day period following the beginning of a Congress on the topic of waste, fraud, abuse, or mismanagement in Government programs which that committee may authorize.

“(2) A hearing described in clause (1) shall include a focus on the most egregious instances of waste, fraud, abuse, or mismanagement as documented by any report the committee has received from a Federal Office of the Inspector General or the Comptroller General of the United States.

“(b) Each committee, or a subcommittee thereof, shall hold at least one hearing in any session in which the committee has received disclaimers of agency financial statements from auditors of any Federal agency that the committee may authorize to hear testimony on such disclaimers from representatives thereof of the United States.

“(c) Each standing committee, or a subcommittee thereof, shall hold at least one hearing on issues raised by reports issued by the Comptroller General of the United States indicating that Federal programs or operations that the committee may authorize are at high risk for waste, fraud, and mismanagement, known as the ‘high-risk list’ or the ‘high-risk series’.”

SA 306. Mr. SANDERS (for himself and Mr. GRASSLEY) 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. 2105. EXTENSION OF TEMPORARY FEDERAL MATCHING FOR FIRST WEEK OF EXTENDED BENEFITS FOR STATES WITH NO WAITING WEEK.


(b) 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 1-year period beginning on the date of the enactment of this Act.

SA 307. 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 431, between lines 8 and 9, insert the following:

SEC. 704. NUTRITION ENHANCEMENT FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

Not later than 18 months after the date of enactment of this Act, the Secretary of Agriculture shall use not more than $5,000,000 to develop, after notice and opportunity for public comment, guidelines to ensure, to the extent practicable, that Federal expenditures under the program are used to purchase food that is nutritious consistent with the most recent Dietary Guidelines for Americans published under section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5311), by establishing an approved list of Universal Product Codes for products that can be purchased under the program.

SA 309. Mr. COBURN 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. 8. 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.

SA 310. Mr. CORNYN submitted an 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 1 through 5. On page 36, between lines 3 and 4, insert the following:

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces, $2,000,000,000, to remain available for obligation until September 30, 2010: Provided, That the Secretary of the Reserve and National Guard components shall, not later than 30 days after the date of the enactment of this Act, individually submit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives the priority assessment for their respective Reserve and National Guard components.
On page 93, line 7, strike ‘‘$9,048,000,000’’ and insert ‘‘$9,048,000,000’’.

SA 311. 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 96, on lines 10 and 11, strike ‘‘funds provided under the heading ‘Small Business Administration’ in this Act.’’ and insert the following: ‘‘the $84,000,000 amount appropriated under this heading, and for an additional amount, to remain available until expended, $19,500,000, of which $12,000,000 is for the Administrator of the Small Business Administration to make grants under the Small Business Development Center program established by section 21 of the Small Business Act (15 U.S.C. 648), $1,000,000 is for the Administrator of the Small Business Administration to make grants under the Women’s Business Center program established by section 29 of the Small Business Act (15 U.S.C. 656), $2,000,000 is for the Administrator of the Small Business Administration to make grants under the Service Corps of Retired Executives program established by section 8(b)(1)(B) of the Small Business Act, $1,000,000 is for technical and management assistance under section 7(c) of the Small Business Act (15 U.S.C. 636), and $500,000 is for Veteran Business Outreach Centers under section 32 of the Small Business Act (15 U.S.C. 657b): Provided, That the $19,500,000 amount appropriated under this heading is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 294(a) of S. Con. Res. 21 (110th Congress) and section 701 of S. Con. Res. 79 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: Provided further, That, notwithstanding section 21(a)(2) of the Small Business Act (15 U.S.C. 648(a)(4) and 656(c)), no non-Federal contribution shall be required as a condition of participation in the Small Business Development Center program or the Women’s Business Center program using funds provided under this heading: Provided further, That the $19,500,000 amount appropriated under this heading shall be used only for programs of the Small Business Administration in existence on the date of enactment of this Act: Provided further, That, to the extent practicable, not later than 30 days after the Administrator receives the $19,500,000 amount appropriated under this heading, the Administrator shall expend all such funds, and if such funds are not expended within 30 days, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Small Business and Entrepreneurship Committee of the House of Representatives a report on the proposed use of such funds.’’.

SA 312. Mr. UDALL of Colorado (for himself, Mr. BENNET of Colorado, and Mr. MERKLEY) submitted an 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 121, line 4, before the period, insert the following: ‘‘: Provided further, That to be made available: Provided further, That funding shall be distributed to areas demonstrating highest priority needs, as determined by the Chief of the Forest Service’’.

SA 313. Mr. LEAHY (for himself, 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:

At the appropriate place, insert the following:

SEC. 3. WAIVER OF MATCHING REQUIREMENT UNDER COPS PROGRAM.

Section 1701 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3766(d)(g)) shall not apply with respect to funds appropriated in this Act for Community Oriented Policing Services authorized under part Q of such Act of 1968.

SA 314. 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 22, line 2, strike ‘‘70’’ and insert ‘‘56’’.

On page 24, line 20, strike ‘‘may’’ and insert ‘‘shall’’.

On page 27, line 3, strike ‘‘70’’ and insert ‘‘56’’.

On page 29, line 22, strike ‘‘may’’ and insert ‘‘shall’’.

SA 315. Mr. LEAHY (for himself Mr. CARPER, Mr. SANDERS, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an 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 563, beginning on line 12, strike through line 16 and insert the following:

(c) CREDIT ALLOWED FOR ENERGY STOR-
On page 54, between lines 14 and 15, insert the following:

"(D) shall, when making grants under the program, consider whether the entity seeking such grant is a socially and economically disadvantaged small business concern as defined under section 8(a) of the Small Business Act (15 U.S.C. 637);"

On page 54, line 15, strike "(D)" and insert "(E)".

SA 323. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCCUS) 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. MINORITY OWNED ENTERPRISES.

(a) In General.—In awarding contracts or subcontracts for construction projects funded using amounts made available under this Act (or an amendment made by this Act), additional consideration shall be given to entities that voluntarily include in their bids for such contracts or subcontracts minority business enterprise participation that exceeds the minimum participation required under the Federal guidelines utilized for purposes of section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) Monitoring by DOL.—The Secretary of Labor shall monitor the construction projects carried out with amounts made available under this Act (or an amendment made by this Act) to ensure that the contracting practices with respect to such projects are carried out without entry barriers that may deter and disadvantage business enterprise participation targets are achieved with integrity and accountability.

SA 324. Mr. KOHL (for himself, Ms. STABENOW, and Mr. LEVIN) submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INOUYE (for himself and Mr. BAUCCUS) 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 196, strike lines 4 through 7, and insert the following:

"(3) State Higher Education Agency.—The term ‘State higher education agency’—

(A) has the meaning given such term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003) and includes, in the case of any entity designated by a State to carry out the State high-er education agency’s functions under this section, the term ‘State higher education agency’ as defined in subsection (a) of section 103(a) to carry out the State higher education agency’s functions under this section;"
SA 325. 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 570, after line 8, insert the following:

SEC. 3. RESTORATION OF DEDUCTION FOR TRAVEL AND BUSINESS EXPENSES OF SPOUSE OF BUSINESS TRAVEL.

(a) In General.—Subsection (m) of section 274 is amended by striking paragraph (3).

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

SA 326. Mr. BARRASSO (for himself, Mr. CRAPO, Mr. ROBERTS, Mr. VITTER, Mr. ENZI, Mr. RISCH, 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 431, between lines 8 and 9, insert the following:

Sec. 16. (a)(1) Notwithstanding any other provision of law, all reviews carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any actions taken under this Act or for which funds are made available under this Act shall be completed by the date that is 270 days after the date of enactment of this Act.

(2) If a review described in paragraph (1) has not been completed for an action subject to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) by the date specified in paragraph (1),

(A) the action shall be considered to have no significant impact to the human environment for the purpose of that Act; and

(B) that classification shall be considered to be a final agency action.

(b) The lead agency for a review of an action carried out pursuant to this section shall be the Federal agency to which funds are made available for the action.

(c)(1) There shall be a single administrative appeal for all reviews carried out pursuant to this section.

(2) Upon resolution of the administrative appeal, judicial review of the final agency decision after exhaustion of administrative remedies is provided by the United States Court of Appeals for the District of Columbia Circuit.

(3) An appeal to the court described in paragraph (2) shall be based only on the administrative record.

(4) After an agency has made a final decision with respect to a review carried out under this section, that decision shall be effective during the course of any subsequent appeal to a court described in paragraph (2).

(5) All decisions relating to the contentious decision made under this section shall be considered to arise under the laws of the United States.

SA 327. Mr. CORNYN submitted an 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 380, before line 22, insert the following:

"Section 180 days after the cause or claim is filed; and

practicable and in any event not more than 180 days after the cause or claim is filed; and

shall be the Federal agency to which funds are made available for the action.

"(A) the leasing of Federal land (including submerged land) for the exploration, development, production, processing, or transmission of oil, natural gas, or any other source or form of energy, including actions and decisions regarding the selection or offering of Federal land for such leasing; or

(B) any action under such a lease.

EXCLUSIVE JURISDICTION OVER CAUSES AND CLAIMS RELATING TO COVERED ENERGY PROJECTS.—Notwithstanding any other provision of law, the United States District Court for the District of Columbia shall have exclusive jurisdiction to hear all causes and claims under this subsection or any other Act that arise from any covered energy project.

(3) Time for Filing Complaint.—(A) In General.—Each case or claim described in paragraph (2) shall be filed not later than the end of the 60-day period beginning on the date of the action or decision by a Federal official that constitutes the covered energy project concerned.

(B) Prohibition.—Any cause or claim described in paragraph (2) that is not filed within the time period described in subparagraph (A) shall be barred.

(4) District Court for the District of Columbia Deadline.—(A) In General.—Each proceeding that is subject to paragraph (3) shall be resolved as expeditiously as practicable and in any event not more than 180 days after the cause or claim is filed; and

shall take precedence over all other pending matters before the district court.

(B) Failure to Comply with Deadline.—If an interlocutory or final judgment, decree, or order has not been issued by the district court by the deadline required under this subsection, the cause or claim shall be dismissed with prejudice and all rights relating to the cause or claim shall be terminated.

(5) Ability to Seek Appellate Review.—An interlocutory or final judgment, decree, or order of the district court under this subsection may be reviewed by no other court except the Supreme Court.

(6) Deadline for Appeal to the Supreme Court.—If a writ of certiorari has been granted by the Supreme Court pursuant to paragraph (5),

(A) the interlocutory or final judgment, decree, or order of the district court shall be resolved as expeditiously as practicable and in any event not more than 180 days after the interlocutory or final judgment, decree, order of the district court is issued; and

shall take precedence over all other matters then before the Supreme Court.

SA 329. Mr. REED (for himself, Mr. BROWN, Mr. LEAHY, Mr. KERRY, Mr. WHITEHOUSE, Mr. MENENDEZ, Mr. MERKLEY, Mr. ROCKEFELLER, Mr. SANDERS, Ms. STABENOW, Mr. WYDEN, Mr. KENNEDY, and 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 70, lines 14 through 16, strike "$4,198,000,000, for necessary expenses, to re-

serve $22,599,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$22,599,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$20,398,000,000, for nec-

essary expenses, to remain available until September 30, 2010; Pro-

vided," and insert "$30,100,000,000, for the Weatherization Assistance Program for Low-Income Persons established under part
A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.); Pro\ri\ded further, That $3,400,000,000 shall be for the State Energy Program authorized under part B of title I, of the Energy Policy and Conservation Act (42 U.S.C. 6221 et seq.); Pro\ri\ded further.,".

On page 133, between lines 18 and 19, insert the following:

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for making payments under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 670f-3), $75,000,000, which shall become available on the date of enactment of this Act, and shall be distributed to States not later than September 30, 2009.

SA 330. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INO\U\, for himself and Mr. BA\U\CS) 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 194, line 22, strike "$75,000,000" and all that follows through "program"; and insert: "$362,875,000", to remain available for obligation until September 30, 2013, of which $41,000,000 shall be for child development centers; $418,000,000 shall be for war\ri\or transition comp\ri\any; $300,000,000 shall be for health care and dental clinics (including acquisition, construction, installation, and equipment); and $120,000,000 shall be for the Secretary of the Army to carry out at least three pilot projects to use the private sector for the acquisition or construction of military unaccompanied housing for all ranks and locations in the United States. Provided, That the amount made available under this heading for a pilot program to use the private sector for the acquisition or construction of military unaccompanied housing is designated as an emergency requirement and necessary to meet emergency needs pursuant to section 2604(a) of S. Con. Res. 21 (110th Congress), the concurrent resolutions on the budget for fiscal years 2008 and 2009: Provided further.

SA 331. Mr. LEAHY submitted an amendment intended to be proposed to amendment SA 98 proposed by Mr. INO\U\, for himself and Mr. BA\U\CS) 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 A, add the following:

TITLE XVII—IMMIGRATION MATTERS

SEC. 1701. EXTENSION OF EB-5 REGIONAL CENTER PILOT PROGRAM.

Section 611(a) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1993 (Public Law 102-385; 8 U.S.C. 1153 note) is amended by striking “annually for 15 years,” and inserting “for each fiscal year through fiscal year 2016.”

SEC. 1702. DEFINITIONS.

In this section:

(1) COMMISSIONER.—The term "Commissi\ri\er" means the Commissioner of Social Security Administration.

(2) C\ri\TROLLER GENERAL.—The term "Comptroller General" means the Comptroller General of the United States.


(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.


(6) SEC. 1703. EXTENSION OF PILOT PROGRAMS.

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(A) the Committee on Appropriations, the Committee on Finance, and the Committee on the Judiciary of the Senate; and

(B) the Committee on Appropriations, the Committee on the Judiciary, and the Committee on Ways and Means of the House of Representatives.

(2) REQUIREMENT FOR AGREEMENT.—For each fiscal year after fiscal year 2008, the Commissioner and the Secretary shall enter into an agreement that—

(B) responding to individuals who contest tentative nonconfirmations provided by the confirmation system established pursuant to the pilot program;

(C) the causes of erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program;

(D) the processes by which such erroneous tentative nonconfirmations are remedied;

(E) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program.

(4) MATTERS TO BE STUDIED.—The study required by subsection (b) shall include an analysis—

(A) the causes of erroneous tentative nonconfirmations sent to individuals under the pilot program;

(B) the processes by which such erroneous tentative nonconfirmations are remedied;

(C) the effect of such erroneous tentative nonconfirmations on individuals, employers, and agencies and departments of the United States.

(5) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study required by subsection (b).

SEC. 1706. STUDY AND REPORT OF ERRONEOUS RESPONSES SENT UNDER THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION.

(1) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(A) the Committee on Finance and the Committee on the Judiciary of the Senate;

(B) the Committee on Appropriations, the Committee on the Judiciary and the Committee on Ways and Means of the House of Representatives.

(2) STUDY.—As soon as practicable after the date of the enactment of this Act, the Comptroller General shall conduct a study of the erroneous tentative nonconfirmations sent to individuals seeking confirmation of employment eligibility under the pilot program.

(3) REPORT.—Not later than 2 years after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the results of the study required by subsection (b).

SEC. 1708. STUDY AND REPORT OF THE EFFECTS OF THE PILOT PROGRAM FOR EMPLOYMENT ELIGIBILITY CONFIRMATION ON SMALL ENTITIES.

(1) DEFINITIONS.—In this section:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(B) IN GENERAL.—Subject to subparagraph (B), if the agreement required under subsection (b) for a fiscal year is not reached as of the first day of such fiscal year, the most recent previous agreement between the Commissioner and the Secretary to provide funds to the Commissioner for carrying out the responsibilities of the Commissioner under the pilot program shall be deemed to remain in effect until such date determined required under subsection (b) for such fiscal year becomes effective.

(B) ANNUAL ADJUSTMENT.—If the most recent previous agreement is deemed to remain in effect for a fiscal year under subparagraph (A), the Director of the Office of Management and Budget is authorized to modify the amount provided under such agreement for such fiscal year to account for—

(i) inflation; and

(ii) any increase or decrease in the estimated number of individuals who will require services from the Commissioner under the program (division C).
CONGRESSIONAL RECORD — SENATE

February 4, 2009

Section 4. TENNESSEE VALLEY AUTHORITY BORROWING AUTHORITY.

(a) BORROWING AUTHORITY.—For the purposes of providing funds to assist in financing the construction, acquisition, and replacement of the transmission system of the Tennessee Valley Authority, any additional $3,250,000,000 in borrowing authority is made available under section 15d of the Tennessee Valley Authority Act (42 U.S.C. 831n-4), to remain outstanding at any time.

(b) OFFSET.—The aggregate amount appropriated or otherwise made available to carry out this heading, out of any appropriation for the Tennessee Valley Authority under the Pittman-Robertson Wildlife Restoration Act (as added by section 13101) is reduced by $3,250,000,000.

SEC. 334. Mr. SCHUMER (for himself, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SPECTER, Mr. HARKIN, Mr. WYDEN, Ms. STABENOW, and Mr. NELSON of Florida) submitted an 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:


Notwithstanding any provision of law, including the final rule published on August 8, 2008, 73 Federal Register 46494 et seq., relating to Medicare Program; Hospice Wage Index for Fiscal Year 2009, the Secretary of Health and Human Services shall not phase out or eliminate the budget neutrality adjustment factor in the Medicare hospice wage index before October 1, 2009, and the Secretary shall compute and apply the final Medicare hospice wage index for fiscal year 2009 as if there had been no reduction in the budget neutrality adjustment factor.

SEC. 335. Mr. SCHUMER (for himself, Mrs. LINCOLN, Ms. STABENOW, Mr. KERRY, Mr. BINGAMAN, 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:

On page 735, after line 7, add the following: SEC. 5006. SENSE OF THE SENATE REGARDING RESCISSION OF CERTAIN MEDICAID REGULATIONS.

It is the sense of the Senate that the following regulations relating to Medicaid should be rescinded:

(1) COST LIMITS FOR PUBLIC PROVIDERS.—The final regulation published on May 29, 2007 (72 Federal Register 29748) and determined by the United States District Court for the District of Columbia to have been "improperly promulgated", Alameda County props., et al. v. Sebelius, et al. (Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008).

(2) PAYMENTS FOR GRADUATE MEDICAL EDUCATION.—The final regulation published on May 23, 2007 (72 Federal Register 28930) and determined by the United States District Court for the District of Columbia to have been "improperly promulgated", Alameda County props., et al. v. Sebelius, et al. (Civil Action No. 08-0422, Mem. at 4 (D.D.C. May 23, 2008).

(3) MEDICAID ALLOWABLE PROVIDER TAXES.—The final regulation published on February 22, 2007 (73 Federal Register 9865).
SA 336. Mr. CARDIN (for himself, and Mr. VOINIOVICH) submitted an 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 13, strike ‘‘104(k)(3)’’ and insert ‘‘104(k)’’.

SA 337. 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 76, line 14, strike ‘‘Provided’’ and all that follows through ‘‘project:’’ on line 25.

SA 338. Mr. HARKIN (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 431, between lines 8 and 9, insert the following:

SEC. 107. AUTOMOBILE TRADE-IN PROGRAM.

(a) DEFINITIONS.—In this section:

(1) AUTOMOBILE, FUEL, MANUFACTURER, MODEL YEAR.—The terms ‘‘automobile’’, ‘‘fuel’’, ‘‘manufacturer’’, and ‘‘model year’’ have the meaning given such terms in section 32901 of title 49, United States Code.

(2) ELIGIBLE INDIVIDUAL.—The term ‘‘eligible individual’’ means an individual—

(A) 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;

(B) who filed a return of Federal income tax for a taxable year beginning in 2007 or in 2008, and in the case of such return, the tax was not paid by the due date prescribed by law for such return; and

(C) who is registered in any jurisdiction by any person not less than 10 years before the date on which such trade is initiated;

(D) was registered under such eligible individual’s name before January 16, 2009;

(E) whose adjusted gross income reported in the most recent return described in subparagraph (D) is less than $100,000 (or $200,000 if filing jointly) as determined under section 6621 of the Internal Revenue Code of 1986); and

(F) who has not acquired an automobile under the Program;

(3) ELIGIBLE OLD AUTOMOBILE.—The term ‘‘eligible old automobile’’ means an automobile that—

(A) has never been registered in any jurisdiction;

(B) was assembled in the United States;

(C) has a fuel economy that—

(i) is not less than 25 miles per gallon (20 miles per gallon in the case of a pick up truck), as determined by the Administrator of the Environmental Protection Agency using the 5-cycle fuel economy methodology of such Agency; and

(ii) has a fuel economy that is more than 4.9 miles per gallon greater than the fuel economy of such eligible old automobile, as determined by the Administrator using the 2-cycle fuel economy methodology of such Agency for both automobiles;

(D) is registered under such eligible individual’s name;

(E) is not a replacement automobile; and

(F) is not a replacement automobile for an automobile to be traded in under the Program;

(4) ELIGIBLE NEW AUTOMOBILE.—The term ‘‘eligible new automobile’’, with respect to a trade for an eligible new automobile by an eligible individual under the Program, means an automobile that—

(A) is operable;

(B) was first registered in any jurisdiction by any person not less than 10 years before the date on which such trade is initiated;

(C) is registered under such eligible individual’s name on the date on which such trade is initiated;

(D) was registered under such eligible individual’s name before January 16, 2009;

(E) is registered under such eligible individual’s name after January 16, 2009;

(F) is registered under such eligible individual’s name after January 16, 2009;

(G) has the meaning given such term in section 32901 of title 49, United States Code.

(b) PROGRAM ESTABLISHED.—The Secretary shall establish the Automobile Trade-In Program to provide subsidies to purchase eligible new automobiles in exchange for eligible old automobiles.

(c) DURATION OF PROGRAM.—The Program shall commence on the date on which the Secretary prescribes regulations under subsection (h) and shall terminate on the earlier of—

(1) September 30, 2010; and

(2) the date on which all of the funds appropriated or otherwise made available under subsection (j) have been expended.

(d) TRADES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, if an eligible individual transfers an eligible old automobile to an eligible new automobile, the Secretary shall provide to the seller under subsection (d); and

(2) DISPOSAL AND SALVAGE.—The Secretary shall establish the Automobile Trade-In Program to provide subsidies to purchase eligible new automobiles in exchange for eligible old automobiles.

(e) INITIATION OF TRADE.—An eligible individual shall file a trade for an eligible new automobile under the Program if—

(1) the eligible individual, or the eligible individual’s designee, drives such old automobile to the location of such seller;

(2) the eligible individual provides to the seller—

(A) such old automobile; and

(B) an amount (if any) equal to the difference between—

(i) the purchase price of such new automobile; and

(ii) the amount the Secretary is required to provide to the seller under subsection (d); and

(3) the eligible individual and the seller notify the Secretary of such trade at such time and in such manner as the Secretary considers appropriate.

(f) LIMITATION ON RESALE.—

(1) IN GENERAL.—Except as provided in paragraph (2), an individual who purchases an automobile under the Program may not sell or lease the automobile before the date that is 1 year after the date on which the individual purchased the automobile under the Program.

(2) EXCEPTION FOR HARDSHIP.—The limitation in paragraph (1) shall not apply to an individual if compliance with such limitation would constitute a hardship, as determined by the Secretary.

(g) DISPOSAL OF ELIGIBLE OLD AUTOMOBILES.—

(1) IN GENERAL.—A seller who receives an eligible old automobile in exchange for an eligible new automobile under the Program shall either sell such old automobile at an appropriate location for proper destruction and disposal as determined by the Secretary in accordance with paragraph (2); or

(2) DISPOSAL AND SALVAGE.—The Secretary may permit a seller under paragraph (1) to salvage portions of an automobile to be destroyed and disposed of under such paragraph, except that the Secretary shall require the destruction of the engine block and the frame of the automobile.

(h) COMPENSATION.—The Secretary shall compensate a seller described in paragraph (1) for costs incurred by such seller under such paragraph in such amounts or at such rates as the Secretary considers appropriate.

(i) REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act,
the Secretary shall prescribe rules to carry out the Program.  

(2) EXPEDITED PROCEDURES FOR RULE-MAKING.—The provisions of chapter 5 of title 5, United States Code, shall not apply to regulations prescribed under paragraph (1).  

(1) MONITORING.—The Secretary shall establish a mechanism to monitor the expenditure of funds appropriated under subsection (j).  

(3) DIRECT SPENDING AUTHORITY.—  

(1) In general.—There is authorized to be appropriated and is appropriated to the Secretary $16,000,000,000, including administrative expenses, to carry out the Program.  

(2) The amount appropriated under paragraph (1) shall be available for the purpose described in such paragraph until September 30, 2010.  

(3) EMERGENCY DESIGNATION.—Amounts appropriated pursuant to paragraph (1) are designated as an emergency requirement and necessary to meet emergency needs pursuant to section 254(a) of 8, 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 339. 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 years 2009 and 2010; and for other purposes; which was ordered to lie on the table; as follows:  

On page 629, between lines 3 and 4, insert the following:  

SEC. 201. 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 9006 of that Act (7 U.S.C. 8105), $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), $90,000,000 for the period of fiscal years 2009 and 2010;  

(8) to carry out section 9010 of that Act (7 U.S.C. 8110), $40,000,000 for the period of fiscal years 2009 and 2010; and  

(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) Receipent and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to provide those loans the funds transferred pursuant to subsection (a), without further appropriation.  

(d) Availability of funds.—Funds made available under subsection (a) shall remain available until September 30, 2010.  

(e) Offset.—Notwithstanding any other provision of this Act, each amount provided to the Secretary under this 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 340. Mr. ROCKEFELLER (for himself and Mrs. HAGAN) submitted an 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 629, between lines 6 and 7, insert the following:  

SEC. 3102. CHIP ALLOTMENT ADJUSTMENTS.  

Effective as if included in the enactment of the Children’s Health Insurance Program Reauthorization Act of 2009, section 2104(m) of the Social Security Act, as added by section 102 of the Children’s Health Insurance Program Reauthorization Act of 2009, is amended—  

(1) by redesignating paragraph (7) as paragraph (8); and  

(2) by inserting after paragraph (6), the following:  

“(7) ADJUSTMENT OF FISCAL YEARS 2009 AND 2010 ALLOTMENTS TO ACCOUNT FOR CHANGES IN PROJECTED SPENDING FOR CERTAIN PREVIOUSLY APPROVED EXPANSION PROGRAMS.—In the case of one of the 50 States or the District of Columbia that has an approved State plan amendment effective January 1, 2006, to provide child health assistance through the provision of benefits under the State plan under title XIX for children from birth through age 5 whose family income does not exceed 200 percent of the poverty line, the Secretary shall increase the allotments otherwise determined for the State for fiscal years 2009 and 2010 under paragraphs (1) and (2)(A) in order to take into account changes in the projected total Federal payments to the State under this title for such fiscal years that are attributed to such assistance to such children.”.  

SA 341. Mr. ROCKEFELLER (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 277, between lines 11 and 12, insert the following:  

“(9) CHILD-SPECIFIC PROVISIONS.—  

“(A) CHILD-SPECIFIC ELECTRONIC HEALTH RECORDS.—Not later than 9 months after the date on which standards are initially adopted by the National Coordinator, the HIT Policy Coordinator shall coordinate the development of, and make available for use, a child-specific electronic health record. Such child-specific electronic health record shall be interoperable with any qualified electronic health record system for adult records.  

“(B) PEDIATRIC CARE AND BEST PRACTICES.—The National Coordinator, the HIT Policy Committee, and the HT Standard Committee shall each consider pediatric care and best practice for children’s health in making recommendations under this title.”.  

SA 342. 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 736, after line 7, add the following:  

SEC. 5006. AUTOMATIC INCREASE IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DURING PERIODS OF NATIONAL ECONOMIC DOWNTURN.  

(a) NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—  

(1) IN GENERAL.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—  

(A) in subsection (b), in the first sentence—  

(i) by striking “and (4)” and inserting “(4)” and;  

(ii) by inserting “and (5) with respect to each fiscal year quarter other than the first quarter of a national economic downturn assistance period described in subsection (y)(1), the Federal medical assistance percentage for any State described in subsection (y)(2) shall be equal to the Federal medical assistance rate under which the Federal medical assistance percentage under this title is determined for the State for the quarter under subsection (y)(1) during the period described in subsection (y)(1)”; and  

(B) by adding at the end the following:  

“(y) NATIONAL ECONOMIC DOWNTURN ASSISTANCE PERIOD.—A national economic downturn assistance period described in this paragraph—  

(1) begins with the first fiscal year quarter for which the Secretary determines that for at least 23 States, the rolling average unemployment rate for that quarter has increased by at least 0.1 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available (in this subsection referred to as the ‘trigger quarter’); and  

(2) ends with the first succeeding fiscal year quarter for which the Secretary determines that less than 23 States have a rolling average unemployment rate for that quarter with an increase of at least 10 percent over the corresponding quarter for the most recent preceding 12-month period for which data are available.  

(2) ELIGIBILITY STATE.—A State described in this paragraph is a State for which the Secretary determines that the rolling average unemployment rate for any quarter occurring during a national economic downturn assistance period described...
in paragraph (1) has increased over the corresponding quarter for the most recent preceding 12-month period for which data are available.

(2) DETERMINATION OF NATIONAL ECONOMIC DOWNTURN ASSISTANCE FMAP.—

"(a) IN GENERAL.—The national economic downturn assistance FMAP for a fiscal year under this paragraph is equal to the Federal medical assistance percentage for the State for that quarter increased by the number of percentage points determined by—

(i) dividing—

(I) the Medicaid additional unemployed increase determined under subparagraph (B) for the quarter; by

(II) the State's total Medicaid quarterly spending amount determined under subparagraph (B) for the quarter;

(ii) multiplying the quotient determined under clause (i) by 100.

(b) MEDICAID ADDITIONAL UNEMPLOYED INCREASE COST AMOUNT.—For purposes of subparagraph (A)(1)(I), the Medicaid additional unemployed increase cost amount determined under this subparagraph with respect to a State and a quarter is the product of the following:

(i) STATE INCREASE IN ROLLING AVERAGE NUMBER OF UNEMPLOYED INDIVIDUALS FROM THE ROLLING AVERAGE UNEMPLOYMENT RATE.—

"(I) In General.—The amount determined by subtracting the rolling average number of unemployed individuals in the State for the base quarter described in paragraph (1) determined under subparagraph (B) from the rolling average number of unemployed individuals in the State for the quarter.

(ii) Base Unemployment Quarter Defined.—

(aa) In General.—For purposes of subparagraph (A)(1)(I), the rolling average unemployment rate for the base quarter for a State is the average of the 12 most recent months of seasonally adjusted unemployment data for each State referred to in paragraph (5), the most recently available.

(bb) Data reported to the Secretary by a State shall use, in addition to the most recent available data from the Bureau of Labor Statistics Local Area Unemployment Statistics, the most recently available data from the Bureau of Labor Statistics for each State referred to in paragraph (5), the most recently available.

(cc) In determining the rolling average unemployment rate for the base quarter for a State, the Secretary shall use, in addition to the most recent available data from the Bureau of Labor Statistics, the most recently available data from other Federal, State, and local sources that the Comptroller General determines appropriate.

(iii) State Nondisabled, Nonelderly Adults and Children Medicaid Spending Index.—

"(I) In General.—With respect to a State, the quarterly national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(ii) State's total Medicaid quarterly spending amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

(I) the total amount of expenditures by the State for providing medical assistance under the State plan to nondisabled, nonelderly adults and children who reside in a State and who are determined to be unemployed increased cost amount determined under this subparagraph with respect to a State and a quarter is the amount equal to—

(ii) the sum of the total amounts determined under subclause (I)(aa) for all States; divided by

(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A);

(bb) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(c) NATIONAL EXPENDITURE PER PERSON IN POVERTY AMOUNT.—For purposes of subclause (I)(bb), the National expenditure per person in poverty amount is the quotient of—

(aa) the sum of the total amounts determined under subclause (II)(aa) for all States; divided by

(bb) the total number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A);

(bb) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(d) MEDICAID ADDITIONAL UNEMPLOYMENT AMOUNT.—

"(I) In General.—The Medicaid additional unemployment amount, for purposes of subparagraph (A)(1)(I), is equal to the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(ii) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(e) MEDICAID ADDITIONAL UNEMPLOYMENT PERCENTAGE.—

"(I) In General.—The Medicaid additional unemployment percentage, for purposes of subparagraph (A)(1)(I), is equal to—

(I) the nationally adjusted unemployment rate; divided by

(bb) the number of nonelderly adults and children in poverty who reside in the State, as determined under paragraph (4)(A);

(bb) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(f) MEDICAID ADDITIONAL UNEMPLOYMENT AMOUNT AND MEDICAID ADDITIONAL UNEMPLOYMENT PERCENTAGE.—

"(I) In General.—The Medicaid additional unemployment amount and Medicaid additional unemployment percentage, for purposes of subparagraph (A)(1)(I), are determined as the sum of the Medicaid additional unemployment amount determined under subparagraph (A)(1)(I)(aa) and the Medicaid additional unemployment percentage determined under subparagraph (A)(1)(I)(bb).

(g) MEDICAID ADDITIONAL UNEMPLOYMENT FMAP.—

"(I) In General.—The national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(bb) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(h) MEDICAID ADDITIONAL UNEMPLOYMENT PERCENTAGE.—

"(I) In General.—The national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(ii) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(i) MEDICAID ADDITIONAL UNEMPLOYMENT AMOUNT AND MEDICAID ADDITIONAL UNEMPLOYMENT PERCENTAGE.—

"(I) In General.—The national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(ii) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.

(j) MEDICAID ADDITIONAL UNEMPLOYMENT AMOUNT AND MEDICAID ADDITIONAL UNEMPLOYMENT PERCENTAGE.—

"(I) In General.—The national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter; and

(ii) the national economic downturn assistance FMAP determined for all States described in paragraph (2) for the quarter.
PART —HOUSING PROVISIONS

SEC. 1. SPECIAL RULES FOR MODIFICATION OR DISPOSITION OF QUALIFIED MORTGAGES OR FORECLOSURE PROPERTY BY REAL ESTATE MORTGAGE INVESTMENT CONDUITS.

(a) IN GENERAL.—If a REMIC (as defined in section 860G(a)(1) of the Internal Revenue Code of 1986) modifies or disposes of a troubled asset under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary of the Treasury under section 101(a) of such Act:

(1) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860(a)(2)) of such Code, and

(2) for purposes of part IV of chapter M of such Code—

(A) an interest in the REMIC shall not fail to be treated as a regular interest (as defined in section 860(a)(1) of such Code) solely because of such modification or disposition, and

(B) any proceeds resulting from such modification or disposition shall be treated as an amount of qualified mortgages;

(b) TERMINATION OR REMIC.—For purposes of the Internal Revenue Code of 1986, an entity which is a REMIC (as defined in section 860(a) of the Internal Revenue Code of 1986) shall cease to be a REMIC if the instruments governing the conduct of servicers or trustees with respect to qualified mortgages or foreclosure property in sections 860G(a)(2) and (b) of such Code are not consistent with the Secretary of the Treasury's standard home mortgage loan relief program established under the Troubled Asset Relief Program established by the Secretary of the Treasury under section 101(a) of the Emergency Economic Stabilization Act of 2008 or under rules established by the Secretary of the Treasury under section 101(a) of such Act.

SEC. 2. ESTABLISHMENT OF A HOME MORTGAGE LOAN RELIEF PROGRAM UNDER THE TROUBLED ASSET RELIEF PROGRAM AND RELATED AUTHORITY.

(a) ESTABLISHMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall establish and implement a program under the Troubled Asset Relief Program and related authorities established under section 101(a) of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5211(a))—

(1) to achieve appropriate broad-scale modifications or dispositions of troubled home mortgage loans; and

(2) to achieve appropriate broad-scale dispositions of troubled home mortgage loans.

(b) RULES.—The Secretary of the Treasury shall promulgate rules governing the—

(1) reasonable modification of any home mortgage loan pursuant to the requirements of this Act; and

(2) disposition of any such home mortgage loan or foreclosed property pursuant to the requirements of this Act.

(c) CONSIDERATIONS.—In developing the rules required under subsection (b), the Secretary shall take into consideration—

(1) the debt-to-income ratio, loan-to-value ratio, or payment history of the mortgagor of such home mortgage loan; and

(2) any other factors consistent with the intent to streamline modifications of troubled home mortgage loans into sustainable home mortgage loans.

(d) USE OF BROAD AUTHORITY.—The Secretary of the Treasury shall use all available authorities to implement the home mortgage loan relief program established under this section, including, as appropriate—

(1) home mortgage loan purchases; (2) home mortgage loan guarantees; (3) making and funding commitments to purchase home mortgage loans or mortgage-backed securities; (4) modifying or disposing of any such home mortgage loan; (5) principal forbearance; and

(6) developing standard home mortgage loan modification and disposition protocols, which shall include ratifying that servicer action taken in anticipation of any necessary changes to the instruments governing the conduct of servicers and trustees with respect to qualified mortgages or foreclosure property in sections 860G(a)(2) and (b) of such Code are consistent with the Secretary of the Treasury's standard home mortgage loan modification and disposition protocols.

(e) PAYMENTS AUTHORIZED.—The Secretary of the Treasury is authorized to pay servicers for home mortgage loan modification and disposition protocols consistent with any rules established under subsection (b).

(f) RULE OF CONSTRUCTION.—Any standard home mortgage loan modification and disposition protocols developed by the Secretary of the Treasury under this section shall be construed to constitute standard industry practice.

SA 345. 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 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 338, strike line 19 and all that follows through line 9 on page 339, and insert the following:

\(B\) preference should be given to projects that employ or subcontract with—

(i) veterans, or members of the reserve components of the Armed Forces;

(ii) low income people;

(iii) at risk youth;

(iv) individuals that are participating in reentry or career training programs; and

(v) individuals for whom construction work constitutes nontraditional employment.

(b) To the extent possible State and Local agencies should maximize the utilization of individuals registered in apprenticeship programs, and expand participation in these programs, by infrastructure investment, the populations described in paragraph (1)(B); (3) to the extent possible State and Local agencies should maximize the utilization of contractors that provide health care and retirement benefits to their employees and maintain strong worker safety;

(c) To the extent possible the local or State agencies implementing funding should coordinate with local community organizations, hiring centers, faith based organizations, labor organizations, and non-profits; and

(d) local and State agencies should make available on their State run websites information on how funds received under this Act are being implemented and disbursed to encourage participation and transparency.

SA 346. 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 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. 2. FUNDING PRIORITIES.

It is the sense of the Senate that—

(A) local and State agencies or authorities responsible for selecting projects to be funded under this Act or disseminating funds under this Act should, to the extent possible, select projects that utilize local populations; and

(B) preference should be given to projects that employ or subcontract with—

(i) veterans, or members of the reserve components of the Armed Forces;

(ii) low income people;

(iii) at risk youth;

(iv) individuals that are participating in reentry or career training programs; and

(v) individuals for whom construction work constitutes nontraditional employment.

(c) To the extent possible State and Local agencies should maximize the utilization of contractors that provide health care and retirement benefits to their employees and maintain strong worker safety;

(d) To the extent possible the local or State agencies implementing funding should coordinate with local community organizations, hiring centers, faith based organizations, labor organizations, and non-profits; and

(e) local and State agencies should make available on their State run websites information on how funds received under this Act are being implemented and disbursed to encourage participation and transparency.
other purposes; which was ordered to lie on the table; as follows:

On page 70, line 16, insert ‘‘Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 2005 (25 U.S.C. 3502(b)) and for’’ after ‘‘available for’’.

On page 70, line 22, strike ‘‘That the remaining $2,100,000,000 and insert ‘‘That, of the remaining $100,000,000 shall be available for the Indian energy education planning and management assistance program established under section 2602(b) of the Energy Policy Act of 2005 (25 U.S.C. 3502(b)) with eligibility for grants under the program determined in accordance with section 2601 of that Act (25 U.S.C. 3501) and $2,000,000,000’’.

SA 347. 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 73, line 18, insert ‘‘transmission plans, including’’ after ‘‘of’’.

On page 72, line 10, insert ‘‘transmission plans, including’’ after ‘‘of’’.

SA 348. 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 232, line 14, insert ‘‘Provided further, That of the funds provided under this heading, $25,000,000 shall be available to reimburse expenditures for the relocation and digitization of omni directional range navigation devices (DVOR) to enable or facilitate the construction of wind power development projects’’ before the period at the end.

SA 349. Ms. SNOWE (for herself, Mrs. FEINSTEIN, Mr. BINGAMAN, 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:

Beginning on page 457, line 18, strike all through page 458, line 16, and insert the following:

SEC. 1211. EXTENSION AND MODIFICATION OF CREDIT FOR NONBUSINESS ENERGY PROPERTY.

(a) In this section 25C is amended by striking subsections (a) and (b) and inserting the following new subsections:

‘‘(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the cost of property which achieves an annual fuel utilization efficiency rate of not less than 90 percent.’’

‘‘(b) MODIFICATIONS OF STANDARDS FOR ENERGY-EFFICIENT BUILDING PROPERTY.—

(1) ELECTRIC HEAT PUMPS.—Subparagraph (B) of section 25C(d)(3) is amended to read as follows:

‘‘(B) an electric heat pump which achieves the highest efficiency tier established by the Consortium for Energy Efficiency, as in effect on January 1, 2009.’’.

(2) CENTRAL AIR CONDITIONERS.—Section 25C(d)(3)(D) is amended by striking ‘‘2006’’ and inserting ‘‘2009’’.

(3) WATER HEATERS.—Subparagraph (E) of section 25C(d) is amended to read as follows:

‘‘(E) a natural gas, oil, or water heater which has either an energy factor of at least 0.82 or a thermal efficiency of at least 90 percent.’’

(4) MODIFICATIONS OF STANDARDS FOR OIL FURNACES AND HOT WATER BOILERS.—

(1) IN GENERAL.—Paragraph (4) of section 25C(d) is amended to read as follows:

‘‘(4) QUALIFIED NATURAL GAS FURNACE.—The term ‘qualified natural gas furnace’ means any natural gas furnace which achieves an annual fuel utilization efficiency rate of not less than 95.’’

‘‘(B) QUALIFIED NATURAL GAS HOT WATER BOILER.—The term ‘qualified propane furnace’ means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.’’

‘‘(C) QUALIFIED PROPANE FURNACE.—The term ‘qualified propane furnace’ means any propane furnace which achieves an annual fuel utilization efficiency rate of not less than 95.’’

‘‘(D) QUALIFIED PROPANE HOT WATER BOILER.—The term ‘qualified propane hot water boiler’ means any propane hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.’’

‘‘(E) QUALIFIED OIL FURNACES.—The term ‘qualified oil furnace’ means any oil furnace which achieves an annual fuel utilization efficiency rate of not less than 90.’’

‘‘(F) QUALIFIED OIL HOT WATER BOILER.—The term ‘qualified oil hot water boiler’ means any oil hot water boiler which achieves an annual fuel utilization efficiency rate of not less than 90.’’

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2009.

SA 350. Ms. SNOWE (for herself, Mrs. FEINSTEIN, 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 461, between lines 10 and 11, insert the following:

SEC. 1112. EXTENSION OF AND INCREASE IN NEW ENERGY EFFICIENT HOME CREDIT.

(a) EXTENSION.—Subsection (g) of section 45L (relating to termination) is amended by striking ‘‘December 31, 2009’’ and inserting ‘‘December 31, 2011’’.

(b) INCREASE.—Paragraph (2) of section 45L(a) (relating to allowance of credit) is amended—

(1) by striking ‘‘$2,000’’ in subparagraph (A) and inserting ‘‘$5,000’’; and

(2) by striking ‘‘$1,000’’ in subparagraph (B) and inserting ‘‘$2,500’’.

(c) MODIFICATION OF ENERGY SAVINGS REQUIREMENTS.—So much of subparagraph (A) of section 45L(c)(1) as precedes cause (i) is amended to read as follows:

‘‘(i) a taxpayer who has made a contribution to a comparable dwelling unit—’’.

‘‘(A) to have a level of annual total energy consumption which is at least 50 percent below the annual level of total energy consumption of a comparable dwelling unit;’’

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to homes constructed and acquired after December 31, 2009.

SEC. 1113. MODIFICATION OF DEDUCTION FOR ENERGY EFFICIENT COMMERCIAL BUILDINGS.

(a) INCREASE IN MAXIMUM AMOUNT OF DEDUCTION.—

(1) IN GENERAL.—Subparagraph (A) of section 179d(b)(1) is amended by striking ‘‘$1,800’’ and inserting ‘‘$3,000’’.

(2) PARTIAL ALLOWANCE.—Subparagraph (B) of section 179d(b) is amended—

(A) by striking ‘‘$600’’ and inserting ‘‘$1,000’’; and

(B) by striking ‘‘$1,800’’ and inserting ‘‘$3,000’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service in taxable years beginning after the date of the enactment of this Act.
SEC. 25E. ENERGY RATINGS OF NON-BUSINESS PROPERTY.

(a) In General.—Subpart A of part IV of subchapter A of chapter 1 is amended by inserting after section 25D the following new section:

"(c) Qualified Home Energy Rating.—For purposes of this section, the term ‘qualified home energy rating’ means a home energy rating conducted with respect to any residence of the taxpayer by a home performance auditor certified by a provider accredited by the Building Performance Institute (BPI), the Residential Energy Services Network (RESNET), or equivalent rating system.

"(d) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

"Sec. 25E. Energy ratings of non-business property.

"(a) In General.—Subpart A of part IV of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"(1) Qualified training and certification costs' means costs paid or incurred for training which is required by the taxpayer to be certified as a home performance auditor for purposes of providing qualified home energy ratings under section 25E.

"(2) Limitation.—The qualified training and certification costs taken into account under subsection (a) with respect to any individual shall not exceed $500 reduced by the amount of the credit allowed under subsection (a)(1) to the taxpayer for the qualified training and certification costs paid or incurred by such individual for all prior taxable years.

"(3) Year Costs Taken into Account.—Qualified training and certifications costs with respect to an individual shall not be taken into account under subsection (a)(1) before the taxable year in which the individual with respect to whom such costs are paid or incurred (or performed) certified as a qualified home energy rating under section 25E.

"(c) Special Rules.—

"(1) Reductions.—For purposes of this section, a subsection treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.

"(2) Denial of Double Benefit.—

"(A) In General.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is taken into account under subsection (a) for such taxable year.

"(B) Amount Previously Deducted.—No credit shall be allowed under subsection (a) with respect to any amount for which a deduction has been allowed in any preceding taxable year.

"(C) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2011.

"(b) Clerical Amendment.—The table of sections for subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new item:

"(c) Credit for Home Performance Auditor Certifications.

"(a) In General.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"Sec. 45R. Home performance auditor certification credit.

"(1) Qualified training and certification costs' means costs paid or incurred by any taxpayer for any taxable year shall not exceed $200.

"(2) Limitation.—The amount allowed as a credit under subsection (a) with respect to any taxpayer for any taxable year shall not exceed $200.

"(3) Year Costs Taken into Account.—Qualified training and certification costs taken into account under subsection (a) for the taxable year with respect to any individual shall not exceed $500 reduced by the amount of the credit allowed under subsection (a)(1) to the taxpayer for the qualified training and certification costs performed by such individual for all prior taxable years.

"(b) Special Rules.—

"(1) Reductions.—For purposes of this section, a subsection treated as a single employer under subsections (a) and (b) of section 52 shall be treated as 1 person.
Sec. 1002. Termination.
Sec. 1003. Other limitations
Sec. 1004. Study on interest rates.
Sec. 1005. Reports to Congress.
Sec. 1006. Funding.
Sec. 1007. Reports to Congress.
Sec. 1008. Authorization of appropriations.
Sec. 1009. Sunset of authority.

Subtitle C—Credit for Certain Home Purchases
Sec. 1021. Credit for certain home purchases.

TITLE II—MIDDLE CLASS TAX RELIEF
Sec. 2001. 10 percent rate bracket for individuals reduced to 5 percent for 2009 and 2010.
Sec. 2002. 15 percent rate bracket for individuals reduced to 10 percent for 2009 and 2010.

TITLE III—BUSINESS TAX RELIEF
Subtitle A—Temporary Investment Incentives
Sec. 3001. Special allowance for certain property acquired during 2009.
Sec. 3002. Temporary increase in limitations on expensing of certain depreciable assets.

Subtitle B—5-Year Carryback of Operating Losses
Sec. 3101. 5-year carryback of operating losses.
Sec. 3102. Exception for TARP recipients.
Subtitle C—Incentives for New Jobs
Sec. 3201. Incentives to hire unemployed veterans.
Subtitle D—Cancellation of Indebtedness
Sec. 3301. Deferral and ratable inclusion of income arising from indebtedness discharged by the repurchase of a debt instrument.

Subtitle E—Qualified Small Business Stock
Sec. 3401. Modifications to exclusion for gain from certain small business stock.

Subtitle F—S Corporations
Sec. 3501. Temporary reduction in recognition period for built-in gains tax.

Subtitle G—Broadband Incentives
Sec. 3601. Broadband Internet access tax credit.

Subtitle H—Clarification of Regulations Related to Limitations on Certain Built-in Losses Following an Ownership Change
Sec. 3701. Clarification of regulations related to limitations on certain built-in losses following an ownership change.

TITLE I—FIX HOUSING FIRST
Subtitle A—Homeowner Security Program
Sec. 1011. HOMEOWNER SECURITY PROGRAM.
(a) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury (in this subtitle referred to as the “Secretary”) shall, not later than 1 month after the date of enactment of this Act, in consultation with the Board of Governors of the Federal Reserve System, develop and implement a comprehensive homeowner security program in accordance with this subtitle, but only after making a finding that implementing such a program shall not disrupt the ability of the Federal Government to fund regular operations of the Government or not adversely affect the credit rating of debt instruments issued by the Government.

(b) CRITERIA.—The homeowner security program developed under this subtitle (in this subtitle referred to as the “program”) shall—
(1) require the Federal Government to take action to restore mortgage interest rates for 30-year fixed mortgages to amounts that are comparable to the return on obligations of the Treasury of the United States of maturity, based on the average of the spreads of such rates over the 20-year period preceding the date of enactment of this Act;
(2) include specific measures to minimize costs and risk to the taxpayer and minimize market distortions;
(3) be limited to—
(A) providing funds to the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation from the fund established under section 1006 for the purpose of purchasing newly issued mortgages, bonds, or mortgage-backed securities under this subtitle; and
(B) the payment of applicable prepayment or other fees or penalties associated with underlyng mortgage loans;
(4) limit such action to conforming loans, as determined by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation, using conforming loan limits in effect for 2008;
(5) apply such action only—
(A) to creditworthy borrowers, as determined after an evaluation of debt to income ratio, credit rating, income, employment history, and other relevant information, who are current in payments on outstanding mortgage obligations; and
(B) subject to a new, independent appraisal of the property securing the obligation; and
(C) with respect to mortgage loans that are—
(i) secured by the single-family, primary residence of the borrower; and
(ii) held or backed by—
(I) the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation; or
(II) any other person, only if the loan-to-value ratio on the property securing the loan is not more than 95 percent;
(6) ensure availability of such mortgage loans for home purchases regardless of the type or size of financial institution that acts as a loan originator or a portfolio lender, taking into account the differences in the cost of funds and other factors when executing the program;
(7) allow new purchases and refinanced loans to qualify for such actions; and
(b) result in the purchase or refinance of the vast majority of residential mortgage backed securities that are currently held in the marketplace.
(c) AUTHORITY TO PAY CERTAIN FEES.—Funds made available to carry out this section may be used to pay loan origination fees, if the Secretary determines that such payments are necessary to maximize the economic benefit of the program.
(d) ADDITIONAL CONSIDERATIONS.—In developing the program under this subtitle, the Secretary shall consider whether refinancings under the program should be in the form of recourse or nonrecourse loans.
Sec. 1012. TERMINATION.
The program developed under section 1001, and the authority of the Secretary under this subtitle, shall terminate on December 31, 2013, or such earlier date as the Secretary determines that no further economic benefit can be achieved or can’t be achieved by the private market.

Sec. 1003. OTHER LIMITATIONS.
(a) REISSUANCE.—The Secretary, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation repackages and sells mortgages funded under the program developed under this subtitle, such mortgages shall be segregated from other mortgages not so funded, and shall be identified as such.
(b) INFORMATION AVAILABLE TO BORROWERS.—The rules of the Secretary under this subtitle shall assure the ability of the homeowner with respect to a mortgage loan refinanced under the homeowner security program to ascertain the identity of the owner or holder of the mortgage, including upon resale of the mortgage.
(c) AUTHORITY OF THE SECRETARY.—The Secretary is authorized to issue such rules to carry out this subtitle as the Secretary deems appropriate, including measures designed to address problems that have contributed to the mortgage crisis, and to prevent such future crises.

Sec. 1004. STUDY ON INTEREST RATES.
In carrying out this subtitle, the Secretary shall—
(1) conduct an economic study of reducing mortgage interest rates, estimating the impact on the mortgage delinquencies and foreclosures, housing prices, and credit markets; and
(2) develop clear metrics for the homeowner security program.

Sec. 1005. REPORTS TO CONGRESS.
The Secretary shall submit a report to Congress once every 3 months on the development and implementation of the program required by this subtitle, together with any necessary legislative recommendations.

Sec. 1006. FUNDING.
(a) ESTABLISHMENT OF TREASURY FUND.—The Secretary shall establish, within the Treasury of the United States, a fund comprised of the proceeds to the United States from the sale of Treasury bills having 30-year periods of maturity.
(b) APPROPRIATION.—There is appropriated to the Secretary from the fund created under subsection (a) to carry out this subtitle, $300,000,000,000, to remain available until expended.
(c) TERMINATION OF FUND.—The fund established under this subsection shall remain in effect for such period as any obligation under this subtitle remains outstanding, and shall be terminated when all such obligations are repaid.

Sec. 1007. OTHER MORTGAGE PURCHASES.
Nothing in this subtitle shall preclude the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation from using funds not appropriated under this subtitle for the purpose of purchasing mortgage loans.

Subtitle B—Foreclosure Mitigation
Sec. 1011. DEFINITIONS.
For purposes of this subtitle—
(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; and
(B) holds all of the mortgage loans which are the basis for any vehicle described in subparagraph (A); and
(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 of the 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 subtitle" means the period beginning on the effective date of this subtitle and ending on December 31, 2011;

(8) the term "incentive fee" means the monthly payment to eligible servicers, as determined under section 1012(a); and

(9) the term "Office" means the Office of Aggrieved Investor Claims established under section 1013(a); and

(10) the term "prepayment fee" means the payment to eligible servicers, as determined under section 1012(b).

SEC. 1012. PAYMENTS TO ELIGIBLE SERVICERS AUTHORIZED.

(a) Authority.—The Secretary is authorized during the effective term of the subtitle, 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 subtitle.

(b) ELIGIBLE SERVICERS.—

(1) In general.—During the effective term of the subtitle, eligible servicers may collect monthly fee payments, consistent with the limitations in paragraph (2).

(2) Conditions.—For every mortgage that was—

(A) not prepaid during a month, an eligible servicer may charge 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.

For purposes of subparagraph (A), total fees which may be collected for any mortgage may not exceed $1,000.

(c) Safe Harbor.—Notwithstanding any other provision of law, and notwithstanding any investment contract between a servicer and a securitization vehicle, a servicer—

(1) may in good faith, in accordance with a plan 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 eligible 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 privacy interests of the mortgagor 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; or

(B) who is obligated to make payments determined in reference to any loan or any interest therein.

(5) shall ensure that the servicer agrees to or implements a modification or workout plan that satisfies the conditions of paragraph (2); and

(6) shall, at the request of the Secretary, the securitization vehicle, or any person described in subsection (b)(2), provide such information as is necessary to determine whether the servicer has met the requirements of paragraphs (2) and (6).

(d) Aggrieved Investor Claims established under section 1012(a); and

(10) the term "Office" means the Office of Aggrieved Investor Claims established under section 1013(a); and

(11) the term "Office" means the Office of Aggrieved Investor Claims established under section 1013(a); and

(12) the term "Office" means the Office of Aggrieved Investor Claims established under section 1013(a); and

(13) the term "Office" means the Office of Aggrieved Investor Claims established under section 1013(a); and

SEC. 1013. COMPENSATION FOR AGGRIEVED INVESTORS.

(a) In General.—

(1) Compensation.—Each injured person shall be entitled to receive from the United States—

(A) compensation for injury suffered by the injured person as a result of a loan modification that was pursuant to this subtitle; and

(B) damages described in subsection (d)(4), as determined by the Secretary of the Treasury.

(b) Office of Aggrieved Investor Claims.—

(1) In General.—There is established within the Department of Treasury an Office of Aggrieved Investor Claims.

(2) Purpose.—The Office shall receive, process, and pay claims in accordance with this section.

(c) Funding.—The Office—

(i) shall be funded from funds made available to the Secretary under this section;

(ii) may reimburse other Federal agencies for costs incurred in processing and assisting claims;

(iii) may appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, for appointments in competitive service; and

(iv) upon the request of the Secretary, the head of any Federal department or agency may provide, on a reimbursable basis, any of the personnel of that department or agency to the Department of Treasury to assist it in carrying out its duties under this section.

(d) Option to Appoint Independent Claims Manager.—The Secretary may appoint an Independent Claims Manager—

(A) to head the Office; and

(B) to assume the duties of the Secretary under this section.

(e) Submission of Claims.—Not later than 2 years after the date on which regulations are first promulgated under subsection (f), an injured person may submit to the Secretary a written claim for one or more injuries described in section 1013, in accordance with such requirements as the Secretary determines to be appropriate.

(f) Determination of Amount.—

(1) In General.—The Secretary shall, on behalf of the United States, investigate, consider, ascertain, adjust, determine, grant, deny, or settle any claim for money damages asserted under subsection (b).

(2) Extent of Damages.—Any payment under this section—

(i) shall be limited to actual compensatory damages measured by injuries suffered; and

(ii) shall not include—

(A) interest before settlement or payment of a claim; or

(B) punitive damages.

(g) Payment of Claims.—

(1) Determination and Payment of Amount.—

(A) In General.—Not later than 180 days after the date on which a claim is submitted under this section, the Secretary shall determine and fix the amount, if any, to be paid for the claim.

(B) Parameters of Determination.—In determining the privacy interests of any person under this subsection, the Secretary shall determine only—

(i) whether the claimant is an injured person; or

(ii) whether the injury that is the subject of the claim resulted from a loan modification that was pursuant to this subtitle;
(iii) the amount, if any, to be allowed and paid under this section; and
(iv) the person or persons entitled to receive the amount.

(2) FINAL PAYMENT.—
(A) IN GENERAL.—At the request of a claimant, the Secretary may make one or more advance or partial payments before the final settlement, including final payment on any portion or aspect of a claim that is determined to be severable.

(B) JUDICIAL DECISION.—If a claimant receives a final payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—
(i) seek judicial review under subsection (l); and
(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
(I) was not eligible to receive the compensation; or
(II) fraudulently procured the compensation.

(3) ALLOWABLE DAMAGES FOR FINANCIAL LOSS.—A claim that is paid for injury under this section may include damages resulting from the loss of the use of a residence following a fire, an explosion, or other similar disaster, but shall not include any interest that is paid in connection with a claimant’s receipt of any payment under this section.

(4) shall include a certification by the Secretary incorporating the findings of the Secretary that are necessary to carry out this subtitle.

(b) Payment to a claimant of any payment under this section may include damages resulting from the loss of the use of a residence following a fire, an explosion, or other similar disaster, but shall not include any interest that is paid in connection with a claimant’s receipt of any payment under this section.

(c) JUDICIAL DECISION.—If a claimant receives a final payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—
(i) seek judicial review under subsection (l); and
(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(II) fraudulently procured the compensation.

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(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(II) fraudulently procured the compensation.

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(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(i) seek judicial review under subsection (l); and
(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
(I) was not eligible to receive the compensation; or
(II) fraudulently procured the compensation.

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(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
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(I) was not eligible to receive the compensation; or
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(c) JUDICIAL DECISION.—If a claimant receives a final payment on a claim under this section, but further payment on the claim is subsequently denied by the Secretary, the claimant may—
(i) seek judicial review under subsection (l); and
(ii) keep any partial payment that the claimant received, unless the Secretary determines that the claimant—
(I) was not eligible to receive the compensation; or
(II) fraudulently procured the compensation.
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 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 those 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) DIVORCE.—Paragraph (1) shall not apply in the case of a transfer of a residence between spouses or incident to a permanent change of station.

"(C) TRANSFERS BETWEEN SPOUSES OR INCIDENT TO DIVORCE.—In the case of a transfer of a residence to which section 1914(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 taxpayer 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 subsection.

"(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 (a)(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 part subpart A of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 25D the following new clause:

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

(c) SUNSET OF CURRENT FIRST-TIME HOMEBUYER CREDIT.—(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to property placed in service after December 31, 2008, in taxable years ending after such date.

"(2) TECHNICAL AMENDMENT.—The amendments made by subsection (a)(3) shall apply to taxable years ending after March 31, 2008.

SEC. 3002. TEMPORARY INCREASE IN LIMITATIONS ON EXPensing OF CERTAIN DE Preciable BUSINESS ASSETS.

"(a) IN GENERAL.—(Paraphrase (7) of section 179(b) is amended—

(1) by striking "2008" and inserting "2008, 2009, and 2010", and

(2) by striking "and 2009" and inserting "and 2009", and

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2008.

Subtitle B—5-Year Carryback of Operating Losses

SEC. 3101. 5-YEAR CARRYBACK OF OPERATING LOSSES.

"(a) IN GENERAL.—Subparagraph (H) of section 172(b)(1) is amended to read as follows:

"(H) CARRYBACK FOR 2008 AND 2009 NET OPERATING LOSS.—

"(1) IN GENERAL.—In the case of an applicable 2008 or 2009 net operating loss with respect to which the taxpayer has elected the application of this subparagraph—

(I) subparagraph (A)(i) shall be applied by substituting any whole number elected by the taxpayer which is more than 2 and less than 6 for '2',

(II) subparagraph (B)(i) shall be applied by substituting the whole number which is one less than the whole number substituted under subclause (II) for '2', and

(III) subparagraph (F) shall not apply.

"(b) EFFECTIVE DATES.—For purposes of this subparagraph, the term "applicable 2008 or 2009 net operating loss" means—

"(i) the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009, or

"(II) if the taxpayer elects to have this subsection apply in lieu of subsection (I), the taxpayer's net operating loss for any taxable year beginning in 2008 or 2009.

"(c) ELECTION.—Any election under this subsection shall be made in the same manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer's return for the taxable year of the net operating loss. Any such election, once made, shall be irrevocable.

"(d) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—In the case of a taxpayer who has elected to have clause (ii)(II) apply, section 56(d)(1)(A)(ii) shall be applied by substituting 'ending during 2001 or 2002, 2008, or 2009' for 'ending during 2001, 2002, 2008, or 2009'.

"(e) ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION.—Subclause (I) of section 56(d)(1)(A)(ii) is amended to read as follows:

"(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses from taxable years ending during 2001 or 2002, 2008, or 2009 and carryovers of net operating losses to such taxable years, or'

"(f) LOSS FROM OPERATIONS OF LIFE INSURANCE COMPANIES.—Subparagraph (b) of section 810 is amended by adding at the end the following new paragraph:

"(4) CARRYBACK FOR 2008 AND 2009 LOSSES.—

"(A) IN GENERAL.—(Paraphrase (b) of section 810, in the case of an applicable 2008 or 2009 loss from operations with respect to which the taxpayer has elected the application of this subsection (a)(3), shall apply to taxable years ending after December 31, 2008.

TITLe II—MIDDLE CLASS TAX RELIEF

SEC. 3001. 10 PERCENT RATE BRACKET FOR INDIVIDUALS REDUCED TO 5 PERCENT FOR 2009 AND 2010.

"(a) IN GENERAL.—Clause (i) of section 1(c)(1)(A)(1) is amended by inserting "(5 percent in the case of any taxable year beginning in 2009 or 2010)" after "10 percent".

"(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

TITLe III—BUSINESS TAX RELIEF

Subtitle A—Temporary Investment Incentives

SEC. 3003. TEMPORARY INCREASE FOR CERTAIN PROPERTY ACQUIRED DURING 2009.

"(a) EXTENSION OF SPECIAL ALLOWANCE.—

"(1) IN GENERAL.—Paragraph (2) of section 38(b)(1) is amended by striking "2008" and inserting "2008, 2009, and 2010", and

"(2) CONFORMING AMENDMENTS.—

"(A) the heading for subsection (k) of section 168 is amended by striking "FEBRUARY 13, 2008" and inserting "MAY 13, 2008", and

"(B) the heading for clause (ii) of section 168(k)(2)(B) is amended by striking "FEBRUARY 13, 2008" and inserting "MAY 13, 2008".

"(b) RETURN REQUIREMENT.—The table of rates prescribed in section 162(b)(1) is amended by striking "MAY 13, 2008", and inserting "MAY 13, 2008".

"(c) AMENDMENTS TO FEDERAL INSURANCE COST ACCOUNTING.—Subsection (i) of section 38(k)(1) is amended by striking "MAY 13, 2008", and inserting "MAY 13, 2008".

"(d) AMENDMENTS TO CODET TO DIVORCE.—In the case of a transfer of a residence to which section 1914(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 taxpayer 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 subsection.

"(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 (a)(1), a taxpayer may elect to treat such purchase as made on December 31, 2008, for purposes of this section.
the application of this paragraph, paragraph (1)(A) shall be applied, at the election of the taxpayer, by substituting ‘5’ or ‘4’ for ‘3’.

(B) APPLICABLE 2008 OR 2009 LOSS FROM OPERATIONS. In the case of any loss from the operations of such paragraph or to the taxpayer pursuant to such Act, the term ‘applicable 2008 or 2009 loss from operations’ means—

(i) the taxpayer’s loss from operations for any taxable year ending in 2008 or 2009, or

(ii) if the taxpayer elects to have this clause apply in lieu of clause (i), the taxpayer’s loss from operations for any taxable year ending in 2008 or 2009.

(C) ELECTION. Any election under this paragraph shall be made in such manner as may be prescribed by the Secretary, and shall be made by the due date (including extension of time) for filing the taxpayer’s return for the taxable year of the loss from operations. Any such election, once made, shall be irrevocable.

(D) COORDINATION WITH ALTERNATIVE TAX NET OPERATING LOSS DEDUCTION. In the case of a taxpayer who elects to have subparagraph (B)(i) apply, section 56(d)(1)(A)(i) shall be applied by substituting ‘ending during 2001 or 2002’ for ‘ending during 2001, 2002, 2003, and 2004’.

(d) CONFORMING AMENDMENT. Section 172 is amended by striking subparagraph (k) and by redesignating subparagraph (l) as subparagraph (k).

(e) EFFECTIVE DATE. This section shall take effect as if included in the Internal Revenue Code of 1986 as of the date of the enactment of this Act.

SEC. 3102. EXCEPTION FOR TARP RECIPIENTS.

(a) IN GENERAL.—Subsection (d) of section 51 is amended by adding at the end the following new paragraph:

(14) CREDIT ALLOWED FOR UNEMPLOYED VETERANS. In any taxable year ending in 2008 or 2009—

(A) in general.—Any unemployed veteran who begins work after May 31, 2008, shall be treated as a member of a targeted group for purposes of this subparagraph.

(B) UNEMPLOYED VETERAN.—For purposes of this paragraph, the term ‘unemployed veteran’ means any veteran (as defined in paragraph (5)(B), determined without regard to clause (ii) thereof) who is certified by the designated local agency as—

(i) having been discharged or released from active duty in the Armed Forces during 2008, 2009, or 2010,

(ii) in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the applicable date,

(B) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work after December 31, 2008.

(f) CANCELLATION OF INDEBTEDNESS. Section 108 is amended by adding a new subsection:

(1) IN GENERAL.—At the election of the taxpayer, income from the discharge of indebtedness shall be included in the income of the taxable year in which the discharge occurs.

(2) FAVORABLE TREATMENT OF LOAN redistributions or sales of substantially all the assets of the employer (or any other entity). Such term shall also include the complete forgiveness of the indebtedness by the holder of the debt instrument. For purposes of subparagraph (A), (B), the term ‘debt instrument’ includes any instrument which—

(1) is applicable to the repurchase of the debt instrument for corporate stock or partnership interest, as a contribution of the debt instrument to capital, and any significant modification of the debt instrument within the meaning of section 1031.

(2) DEBT INSTRUMENT.—For purposes of this section, the term ‘debt instrument’ means a bond, debenture, note, certificate, or any other instrument or contractual arrangement constituting indebtedness (within the meaning of section 102(j)) the holder of which—

(a) is related to another person shall be made in the same manner as under subsection (e)(4). For purposes of this paragraph, the term ‘acquisition’ shall include any acquisition for cash, the exchange of a debt instrument for a debt instrument, the exchange of a debt instrument for corporate stock or partnership interest, as a contribution of the debt instrument to capital, and any significant modification of the debt instrument within the meaning of section 1031.

(3) RELATED PERSON.—Unless otherwise provided in this Act, the term ‘related person’ shall include any person who is related to another person shall be made in the same manner as under subsection (e)(4). For purposes of this Act, the term ‘related person’ shall include any person who is related to another person shall be made in the same manner as under subsection (e)(4).

(b) ELECTION.—An issuer of a debt instrument shall make the election under this section with respect to any debt instrument by clearly identifying such debt instrument as a deduction ratably over the 5-taxable-year period beginning in—

(1) 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 taxable years ending after December 31, 2008.

Subtitle E—Qualified Small Business Stock

SEC. 3401. MODIFICATIONS TO EXCLUSION FOR GAIN FROM CERTAIN SMALL BUSINESSES

(a) Temporary Increase in Exclusion.—Section 1220(a) (relating to exclusion) is amended by adding at the end the following new paragraph:

“(3) TEMPORARY RULE FOR STOCK ACQUIRED BEFORE 2011.—In the case of qualified small business stock acquired after the date of the enactment of this paragraph and before January 1, 2011—

“(A) paragraph (1) shall be applied by substituting ‘100 percent’ for ‘50 percent’, and

“(B) paragraph (2) shall not apply.”.

(b) Sale-Lesseeback.—For purposes of subparagraph (A), if property—

“(i) which is sold and leased back by such person within 3 months after the date such property 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 is originally placed in service after December 31, 2008, by any person, 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 (i)

“(d) SPECIAL ALLOCATION RULES FOR 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 equipment expenditures shall be multiplied by a fraction—

“(i) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the unserved areas which the equipment is capable of serving with current generation broadband services and

“(ii) 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.

(3) DEFINITIONS.—For purposes of this section—

“(1) ANNUITY.—The term ‘annuity’ 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 692(5) of the Communications Act of 1934 (47 U.S.C. 252(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 or reception of voice, data, video, and other information services at a data rate of at least 1,000,000 bits per second to the subscriber and at least 1,000,000 bits per second from the subscriber (or its equivalent as so measured)

“(5) 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.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission or reception of voice, video, and other information services 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).

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means any person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) 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. 253).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person...
ices to subscribers through such qualified equipment means, with respect to any qualified equipment
(A) cable operator,
(B) multiple-subscriber wireless 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.

(12) Provision of Services.—A provider shall be treated as providing services to 1 or more subscribers if—

(A) a subscriber has been passed by the provider’s equipment and can be connected to such equipment for a standard connection fee,

(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making material investments in significant investment with respect to such subscriber,

(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

(D) such services have been purchased by 1 or more such subscribers, and

(E) there 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.

(13) 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, as applicable, to such a subscriber without making material investments in significant investment with respect to such subscriber.

(B) 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).

(C) leased equipment.—Such term shall include so much of the purchase price paid by the lessee of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee for which a credit would otherwise be described in subparagraph (A).

(15) Qualified subscriber.—The term ‘qualified subscriber’ means—

(A) with respect to the provision of current generation broadband services—

(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

(ii) any residential subscriber residing in a dwelling located in an underserved area, an underserved area, or an unserved area which is not a saturated market, and

(B) with respect to the provision of next generation broadband services—

(i) any nonresidential subscriber maintaining a permanent place of business in a rural area, an underserved area, or an unserved area, or

(ii) any residential subscriber.

(16) Residential subscriber.—The term ‘residential subscriber’ means any individual who purchases broadband services which are delivered to such individual’s dwelling.

(17) Rural area.—The term ‘rural area’ means any census tract which—

(A) has a density of more than 25,000 people, and

(B) is not within a county or county equivalent having a population density of more than 500 people per square mile of land.

(18) Rural subscriber.—The term ‘rural subscriber’ means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a satellite dish as part of its business located in a rural area.

(19) 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 of more than 5000 watts on a satellite to provide such point-to-multipoint distribution.

(20) saturated market.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

(B) such services can be utilized—

(i) at a majority of the time during periods of maximum demand by each such 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).

(21) Subscriber.—The term ‘subscriber’ means any person who purchases current generation broadband services or next generation broadband services.

(22) telecommunications carrier.—The term ‘telecommunications carrier’ has the meaning given such term by section 3(a)(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.

(23) total potential subscriber population.—The term ‘total potential subscriber population’ means, with respect to any area and based on the most recent census counts, the total number of residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

(24) underserved area.—The term ‘underserved area’ means any census tract which is located in—

(A) an empowerment zone or enterprise community designated under section 139, or

(B) the District of Columbia Enterprise Zone established under section 1400, or

(C) a community designated under section 1400e, or

(D) a low-income community designated under section 45D.

(25) underserved subscriber.—The term ‘underserved subscriber’ means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a satellite dish as part of its business located in an underserved area.

(26) 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.

(27) unserved subscriber.—The term ‘unserved subscriber’ means any residential subscriber residing in a dwelling located in
an unsecured area or nonresidential sub-
scriber maintaining a permanent place of
business located in an unsecured area.”

(b) CREDIT TO BE PART OF INCOME Tax
Credits. —Section 48C(c)(2)(B) of the Internal
Revenue Code of 1986 (as added by section 48C
of such Code) is amended by striking “and” at the end of clause (i), and by adding at the end the following:

(“(ii) the broadband Internet access credit.”

(c) SPECIAL RULE FOR MUTUAL OR COOPERA-
TIVE TELEPHONE COMPANIES.—Section 501(c)(22)(B) (relating to list of exempt organiza-
tions) is amended by striking “or” at the end of clause (i), by striking the period at the end of paragraph (2) and inserting “; and”, and by adding after clause (iv) the following new clause:

(“(v) the volume of the portion of any quali-
fied equipment attributable to qualified broad-
band expenditures under section 48C.”

(d) CONFORMING AMENDMENTS.—
(1) Section 49(a)(1)(C) is amended by striking “and” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “,” and”, and by adding after clause (iv) the following new clause:

(“(v) the portion of the basis of any quali-
fied equipment attributable to qualified broad-
band expenditures under section 48C.”

(2) The table of sections for subpart E of part IV of subchapter A of chapter 1 is amended to add after the item relating to section 48B the following:

“Sec. 48C. Broadband Internet access cred-
it.”

(e) DESIGNATION OF CENSUS TRACTS.–
(1) IN GENERAL.—The Secretary of the
Treasury shall, not later than 90 days after the date of the enactment of this Act, des-
ignate and publish those census tracts meet-
ning the criteria described in paragraphs (17), (23), (24), and (26) of section 48C(e) of the In-
ternal 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.

(2) EFFECTIVE DATE.—(A) The regulations to
determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 48C of the Internal Revenue Code of 1986 (as added by this section) to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate com-
pliance with the requirements of section 48C of such Code.

(f) EFFECTIVE DATE.—The amendments
made by this section shall apply to expendi-
tures incurred after December 31, 2008.

Subtitle H—Clariﬁcation of Regulations Re-
lated to Limitations on Certain Built-in Losses Follow-
ing TARP Compliance Change

SEC. 3701. CLARIFICATION OF REGULATIONS RE-
LATED TO LIMITATIONS ON CERTAIN BUILT-IN LOSSES FOLLOWING AN OWNERSHIP CHANGE.

(a) FINDINGS.—Congress finds as follows:

(1) The delegation of authority to the Sec-
retary of the Treasury under section 382(m) or 382(h) of the Code of 1986 does not authorize the Secretary to provide exemp-
tions or special rules that are restricted to particular industries or classes of taxpayers.

SA 354. Mr. DODD proposed an
amendment to amendment SA 98 pro-
posed by Mr. INOUYE (for himself and
Mr. BAUCUS) to the bill H.R. 1, making sup-
plemental appropriations for job
preservation and creation, infrastruc-
ture 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—EXECUTIVE COMPENSATION
OVERSIGHT

SEC. 6001. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) SENIOR EXECUTIVE OFFICER.—The term
“senior executive officer” means an indi-
vidual who is 1 of the top 5 most highly paid
executives of a public company, whose com-
pensation is required to be disclosed pursu-
ant to the Securities Exchange Act of 1934, and any regulations issued thereunder, and
nonpublicly traded entities, or

(2) GOLDEN PARACHUTE PAYMENT.—The term
“golden parachute payment” means

any payment to a senior executive officer for
departure from a company for any reason, except for payments for services performed or benefits accrued.

TARP.—The term “TARP” means the Troubled Asset Relief Program established under the Emergency Economic Stabiliza-

TARP recipient.—The term “TARP re-
cipient” means any entity that has received or will receive financial assistance under the Troubled Asset Relief Program provided under the TARP.

Secretary.—The term “Secretary” means the Secretary of the Treasury.

Treasury.—The term “Treasury” means the Securities and Exchange Commiss.

SEC. 6002. EXECUTIVE COMPENSATION AND COR-
PORATE GOVERNANCE.

(a) IN GENERAL.—During the period in which any obligation arising from financial assistance provided under the TARP remains outstanding, each TARP recipient shall be subject to:

(1) the standards established by the Sec-
retary under this title; and

(2) the provisions of section 162(m)(5) of the Internal Revenue Code of 1986, as applicable.

(b) STANDARDS REQUIRED.—The Secretary
shall require each TARP recipient to meet the standards established under paragraph (a).

(c) SPECIFIC REQUIREMENTS.—The standards
established under subsection (b) shall in-
clude:

(1) limits on compensation that exclude in-
centives for senior executive officers of the
TARP recipient to take unnecessary and ex-
cessive risks that threaten the value of the
TARP recipient during the period that any obliga-
tion arising from TARP assistance is out-
standing;

(2) a provision for the recovery by such
TARP recipient of any bonus, retention
award, or incentive compensation paid to a senior executive officer and any of the next 20 most highly-compensated employees of the TARP recipient based on statements of earnings, revenues, gains, or other criteria that are later found to be materially inac-
curate;

(3) a prohibition on such TARP recipient making any golden parachute payment to a senior executive officer or any of the next 5 most highly-compensated employees of the TARP recipient during the period that any obligation arising from TARP assistance is outstanding;

(4) a prohibition on such TARP recipient paying or accruing any bonus, retention award, or incentive compensation during the period that the obligation is outstanding to at least the 25 most highly-compensated em-
ployees, or such higher number as the Sec-
retary may determine is in the public inter-
est with respect to any TARP recipient;

(5) a requirement for the establishment of a
plan that would encourage manipulation of the reported earnings of such TARP recipient to enhance the compensation of any of its em-
ployees; and

(6) a requirement for the establishment of a
Board Compensation Committee that meets the requirements of section 6003.

(d) CERTIFICATION OF COMPLIANCE.—The chief executive officer and chief financial of-
cifer (or the equivalents thereof) of each TARP recipient shall provide a written cer-
tification of compliance by the TARP recipi-
ent with the requirements of this title—

(1) in the case of a TARP recipient, the se-
curities of which are publicly traded, to

the Securities and Exchange Commission, to-
gether with annual filings required under the securities laws; and
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 96, line 3, strike "a new subparagraph (E)" and insert "the following":

(6) $3,900,000,000 for fiscal year 2009.

SA 356. 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 96, line 3, strike "a new subparagraph (E)" and insert "the following":

(6) $3,900,000,000 for fiscal year 2009.

SA 357. 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 96, line 3, strike "a new subparagraph (E)" and insert "the following":

(6) $3,900,000,000 for fiscal year 2009.

SA 359. 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 96, line 3, strike "a new subparagraph (E)" and insert "the following":

(6) $3,900,000,000 for fiscal year 2009.

SA 360. Mr. ROCKEFELLER 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. 6004. LIMITATION ON LUXURY EXPENDITURES.

(a) Policy Required.—The board of directors of any TARP recipient shall have in place a company-wide policy regarding excessive or luxury expenditures, as identified by the Secretary, which may include excessive expenditures on:

(1) entertainment events;
(2) office and facility renovations;

(b) Meetings.—The Board Compensation Committee of each TARP recipient shall meet at least semiannually to discuss and evaluate employee compensation plans in light of an assessment of any risk posed to the TARP recipient from such plans.

SEC. 6005. SHAREHOLDER APPROVAL OF EXECUTIVE COMPENSATION.

(a) Annual Shareholder Approval of Executive Compensation.—Any proxy or consent or authorization for an annual or other meeting of the shareholders of any TARP recipient, entered into in which any obligation arising from financial assistance provided under the TARP remains outstanding, shall permit a separate shareholder vote to approve the compensation of executives; and such proxy or authorization shall contain a provision in the form of escrow of the business operations of the TARP recipient.

SEC. 6006. REVIEW OF PRIOR PAYMENTS TO EXECUTIVES.

(a) In General.—The Secretary shall review bonuses, retention awards, and other compensation paid to employees of each entity receiving TARP assistance before the date of enactment of this Act to determine whether any such payments were excessive, inconsistent with the purposes of this Act or the TARP, or otherwise contrary to the public interest.

(b) Notification for Reimbursement.—If the Secretary makes a determination described in subsection (a), the Secretary shall seek to recoup from the TARP recipient and the subject employee for appropriate reimbursements to the Federal Government with respect to compensation or bonuses.

SA 355. Ms. CANTWELL (for herself and Mrs. MURRAY) 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:

On page 119, line 17, strike "may" and insert "shall".
SA 361. Mr. ROCKEFELLER 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; as 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 safe and efficient NextGen Air Traffic Management (ATM) systems; (6) defined in section 44303(b) of such title as the governmental unit on behalf of which such qualified community health center project (as defined in section 47107(s)(3)) is to issue qualified community health center bonds.

SA 362. Mr. REID (for Mr. KENNEDY (for himself, and Mr. SANDERS)) submitted an amendment intended to be proposed to amendment SA 98 proposed by 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:

(4) SPECIAL RULES FOR QUALIFIED COMMUNITY HEALTH CENTER BONDS.—In the case of a qualified community health center bond, any guarantee made by a qualified community health facility financed by the qualified community health center bonds is located may be treated for purposes of paragraph (2) of section 1601(g) (relating to State and local government entities) as part of a qualified community health center bonds is issued.

(3) No FEDERAL GUARANTOR.—Subparagraph (A) of paragraph (1)(B) of section 1601(g) is amended by striking “or” at the end of clause (ii), 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).”

(b) LOANS AND 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—

(1) in subsection (a)(2)(D), by adding at the end the following:

(C) 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 330(b)(1)(C));
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 10 per centum of the expenses of the health center in each year, in the form of cash contributions (from cash reserves, grants or capital campaign proceeds), equity derived as a result of tax credits (which are surety or credit during the tax credit compliance period) or other forms of equity-like contributions.

(iii)(1) As measured at the fiscal year end of fiscal year 2009 and on a current year-to-date basis, the health center’s days cash on hand, including Federal grant funds available to be drawn down, must have been 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) The health center’s debt service coverage ratio on a projected basis will not be less than 1.10X in any year.

(iii) 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 fiscal year end of the new/improved facility) on a ratio less than 3.0X.

(ii) In this clause, ‘leverage ratio’ shall be calculated as total liabilities less new market rate credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

(vi) 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.

(vii) 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.

(viii) Subject to a determination under clauses (i) or (ii) of 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.

(ix) 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 (b)(1)(B).

(x) In this clause, ‘days cash on hand’ 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.

(xi) In this clause, ‘leverage ratio’ shall be calculated as total liabilities less new market rate credit (authorized under section 45D(f) of the Internal Revenue Code of 1986) or similar debt components, if any, divided by total net assets.

(xii) 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.

(xiii) Upon approval of a loan or tax exempt bond guarantee, the Secretary shall charge such health center a closing fee of 50 basis points, which will be put into an interest-bearing reserve account to cover direct administrative costs of the program and to fund a loan loss reserve to support the guarantee program.

(xiv) The Secretary shall charge such health centers with loans or tax exempt bonds guaranteed through the program an annual fee of 50 basis points, calculated on the outstanding principal amount of loans, on an annual fee of 50 basis points, calculated on the outstanding principal amount of loans, or tax exempt bonds guaranteed through the program.

(xv) If at any time the Secretary determines that a loan or a tax exempt bond is not in accordance with the terms of the guarantee agreement, the Secretary shall charge such health centers with loans or tax exempt bonds guaranteed through the program.

(xvi) The Secretary shall charge such health centers with loans or tax exempt bonds guaranteed through the program.

(xvii) Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, either come into compliance with NEPA or be replaced by other eligible activities.

CONGRESSIONAL RECORD — SENATE
February 4, 2009

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, February 5, 2009 at 11 a.m. in Room 628 of the Dirksen Senate Office Building to conduct a hearing on Advancing Indian Health.

The Senate finds that:

Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, either come into compliance with NEPA or be replaced by other eligible activities.

FINDINGS

The Senate finds that:

According to leading national and state organizations, more NEPA compliant, ready-to-go activities, than are funded in this bill, and if there is an action or funds made available for an action that triggers NEPA, that activity could cause harm to public health, and that harm has not been evaluated under NEPA, the project would not meet the requirements of NEPA and should not be funded.

SECTION

Any action or funds made available for an action that triggers NEPA, that have not complied with NEPA, and therefore pose a potential danger to our communities across the country, either come into compliance with NEPA or be replaced by other eligible activities.

PRIVILEGES OF THE FLOOR

Mr. BAUCUS. Madam President, I ask unanimous consent that the Finance Committee fellows and interns be allowed floor privileges during consideration of the American Recovery and Reinvestment Act: Lauren Bishop, Dan Gutschenritter, Marissa Reeves.

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

Congressional Record — Senate
February 4, 2009